

East Punjab Refugees (Registration of Claims) Act, 1948

PUNJAB

India

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Act 8 of 1948

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East Punjab Refugees (Registration of Claims) Act, 1948East Punjab Act No. 8 of 1948Statements of Objects and Reasons. - As a result of communal disturbances in March, 1947, and partition of the Punjab Province, refugees from West Punjab and the Provinces of N.W.E.P., Sind, Baluchistan and States adjoining thereto and acceding to the Dominion of Pakistan have suffered very considerable losses. It is necessary to collect complete information with regard to such losses." (East Punjab Government Gazette Extraordinary, dated the 5th March, 1948.)For Statement of Objects and Reasons; for proceedings in Assembly, East Punjab Legislative Assembly Debates, Volume II, 1948.Received the assent of his Excellency the Governor on the 1st April, 1948 and was first published in the East Punjab Government Gazette (Extraordinary) of April 3, 1948.

1. Short title and extent.

(1)This Act may be called the East Punjab Refugees (Registration of Claims) Act, 1948.(2)It extends to the whole of [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950].

2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"claim" means a statement of loss or damage suffered by a refugee since the first day of March, 1947, in respect of property within the territory now comprised in [-] [The words 'the Dominion of' omitted by the Adaptation of Laws (Third Amendment) Order, 1951.] Pakistan;(b)"prescribed" means prescribed by rules under this Act;(c)"property" includes any right or interest in movable or immovable property, in any shop or business establishment or any factory or workshop or undertaking or in any debt or actionable claim other than a mere right to sue;(d)"refugee" means a person domiciled or ordinarily resident in, or owning property in, or who carried on business within the territories now comprised

in[-] [FThe words 'the Dominion of' omitted by the Adaptation of Laws (Third Amendment) Order, 1961.] Pakistan and who has, since the first day of March, 1947, left or been made to leave his place of residence or has abandoned or been made to abandon his property or business in the said territories on account of civil disturbances or the fear of such disturbances or the partition of the country; and(e)"Registrar" means the officer appointed by the Government for the purpose of registering claims of refugees, and includes a Deputy Registrar of Refugee Claims, and an Assistant Registrar of Refugee Claims.

3. Appointment of Registrar and other Officers.

- The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, for the collection of information relating to the claims of refugees, appoint a Registrar of Refugee Claims for the [State] [Substituted for the words 'Province' by the Adaptation of Laws Order, 1950.] and, either by name or designation one or more Deputy Registrars of Refugee Claims and Assistant Registrars of Refugee Claims for such local areas as may be specified and may specify the authority to which they may be subject.

4. Registration of Refugee Claims.

(1)A refugee may submit to the Registrar on the prescribed form and supported by an affidavit an application for the registration of his claim in respect of his property in [-] [FThe words 'the Dominion of' omitted by the Adaptation of Laws (Third Amendment) Order, 1961.] Pakistan, lost or abandoned by him or of which he has been deprived :Provided that a refugee who has previously submitted a claim under this Act or under the East Punjab Refugees (Registration of Claims) Ordinance No. V of 1948 to any other authority in[-] [FThe words 'the Dominion of' omitted by the Adaptation of Laws (Third Amendment) Order, 1961.] India competent to register such claim shall not submit his claim to the Registrar unless he withdraws such previous claim.(2)The Registrar shall register the claim and maintain such records thereof as may be prescribed :Provided that the registration of a claim shall not confer on a refugee any right to demand compensation or relief from the Government nor shall any liability devolve on the Government to compensate him in respect of such loss.

5. Powers.

- The Registrar shall have all powers of a civil court for the purposes of receiving evidence, attesting affidavits, administering oaths, enforcing attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, Act V of 1898.

6. Records under this Act to be public documents.

- All records prepared or registers maintained under this Act or the rules made thereunder shall be deemed to be public documents within the meaning of the Indian Evidence Act (I of 1872) and shall

be presumed to be true until the contrary is proved.

7. Act not to be questioned.

- No suit or prosecution or other legal proceedings shall lie against the [State] Government or the Registrar or any person acting under his directions in respect of anything done or purporting to have been done in pursuance of the provisions of this Act.

8. Offences.

- Whoever intentionally makes to the Registrar a false statement in respect of his claims, shall be deemed to have committed an offence under this Act and shall be liable to rigorous imprisonment for a term which may extend to two years or with fine or with both.

9. Procedure.

- No prosecution for any offence punishable under this Act shall be instituted except on a complaint in writing made by the Registrar with the previous sanction of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

10. Jurisdiction.

- All offences under this Act shall be triable by a [Judicial Magistrate] [Substituted for the word 'Magistrate' by Punjab Act 25 of 1964.] of the First class, in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898).

11. Limitation.

(1)The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the official Gazette, fix a date being not less than thirty days from the date of the notification as the last date by which applications under section 4 shall be received by the Registrar.(2)The [State] Government may extend this date from time to time.

12. Power to make rules.

(1)The [State] Government may by notification make such [rules] [For rules, see Notification No. 23(A)-P and G/48-Reh-6402, dated 19.5.1948, published in East Punjab Gazette (Extraordinary), dated 24.5.1948, Pages 417-423.] as appear to it to be necessary or expedient for putting into effect the provisions of this Act.(2)Without prejudice to the generality of the powers conferred by subsection (1), the rules may provide for, or may empower any authority to make orders providing for, all or any of the following matters, namely :-(a)the terms and conditions of service of the Registrar and other officers appointed for the purposes of this Act;(b)the forms of applications and the mode of their presentation;(c)the forms of the notices to be issued, the orders to be made and the mode of

their service and publication;(d)the forms and the manner in which the registers and other records shall be maintained;(e)the distribution or allocation of the work to be performed by the Registrar, the Deputy Registrars and the Assistant Registrars; and(f)the supply of copies of the records maintained under this Act and the fees leviable therefor.

13. Repeal.

- The East Punjab Refugees (Registration of Land Claims) Ordinance No. V of 1948 is hereby repealed, and any rules made or notifications issued, anything done, any action taken in exercise of any powers conferred by or under the said Ordinance, shall be deemed to have been made, issued, done or taken in exercise of the powers conferred by or under this Act as if this Act had come into force on the 27th day of January, 1948.