

The East Punjab Refugees Rehabilitation (Buildings and Building sites) Act, 1948

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Act 42 of 1948

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The East Punjab Refugees Rehabilitation (Buildings and Building sites) Act, 1948East Punjab Act No. 42 of 1948Statement of Objects and Reasons. - "To rehabilitate refugees of the urban class the Government have decided to establish several model towns and townships in the sebers of the existing towns where building sites and built up houses will be sold to the refugees on instalments basis.2. To achieve this object the East Punjab Refugees Rehabilitation (Buildings and Building Sites) Ordinance No. XX of 1948 was promulgated on the 3rd September, 1948.This Bill is intended to replace the Ordinance which would otherwise expire after six weeks from the re-assembly of the Punjab Legislative Assembly." (vide East Punjab Government Gazette Extraordinary, dated the 27th September, 1948, page 558-J).Received the assent of His Excellency the Governor on the 14th November, 1948, and first published in the East Punjab Government Gazette (Extraordinary) of November 18, 1948.It is hereby enacted as follows :-

1. Short title and extent.

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

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"building" includes a residential house, shop, cattle-shed, garage, workshop, factory or a combination of any two or more of these, sold or leased under this Act;(b)"building site" or "site" means a site which is sold or leased under this Act for the purpose of a building being erected thereon;(c)["Deputy Commissioner" means the Deputy Commissioner of the District and shall include an Additional Deputy

Commissioner or any other officer authorised by the State Government to discharge the functions of the Deputy Commissioner under the Act;] [Added by Punjab Act 4, of 1951, section 2(2).](d)"Lease" means the grant [under this Act] [Substituted for the words 'by the Rehabilitation Authority, or any other person duly authorised by the Rehabilitation Authority in this behalf' by Punjab Act 16 of 1958, section 2.] of a temporary right of use and occupation of any building or site to any person on payment of rent or otherwise;(e)["prescribed" means prescribed by rules made under this Act;] [Clauses (c), (d), (e) and (f) renumbered (e), (f), (g) and (h) by Punjab Act 4 of 1951, section 2(2).](f)"purchaser" means an individual, firm, company or association or body of individuals, whether incorporated or not, to whom [a building, a building site or site] [Clauses (c), (d), (e) and (f) renumbered (e), (f), (g) and (h) by Punjab Act 4 of 1951, section 2(2).], is sold under this Act;(g)"refugee" means a person displaced from the territory now comprised in Western Pakistan on account of civil disturbances or fear of such disturbances, and who is for the time being resident in [India] [Clauses (c), (d), (e) and (f) renumbered (e), (f), (g) and (h) by Punjab Act 4 of 1951, section 2(2).]; and(h)"rehabilitation authority" includes the Financial Commissioner, Rehabilitation, the Commissioner of the Division, Director- General, Rehabilitation, Deputy Commissioner and Additional Deputy Commissioner of a district or any other person authorised by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to discharge the duties of a "Rehabilitation Authority".

3. Power to acquire land.

- The [State] Government may acquire land for the purpose of providing building sites, roads, parks, and other amenities for the [purchaser] [Substituted for the words 'rehabilitation of refugees' by Punjab Act 4 of 1951, section 3.].(2)The provisions of the Land Acquisition Act, 1894, shall so far as the same can be made applicable, apply to any acquisition made under this Act.

4. Power of State Government in respect of land.

- [1] [Section 4 renumbered as sub-section (1) and sub-section (2) added thereafter by Punjab Act, 16 of 1958, Section 3.] The [State] Government may sell, lease or otherwise dispose of the building sites, open spaces and the sites [-] [The words 'reserved for public purposes to refugees or to others for the benefit of refugees' omitted by Punjab Act 4 of 1951, section 4.] * * or build upon or otherwise manage such sites itself.(2)Any lease granted by the Rehabilitation Authority, or by any person duly authorized by the Rehabilitation Authority in this behalf, before the commencement of the East Punjab Refugees Rehabilitation (Buildings and Building Sites) (Amendment) Act, 1958, shall be deemed to have been granted by the State Government] [Section 4 renumbered as sub-section (1) and sub-section (2) added thereafter by Punjab Act, 16 of 1958, Section 3.].

5. Power of State Government to construct buildings.

- The [State] Government may erect such buildings or other structures or lay out gardens, as it may deem fit, on any land acquired by it either before or after the promulgation of this Act or otherwise owned by it and may sell, lease or otherwise dispose of such buildings to refugees or other persons [-] [The words 'for the benefit of refugees' omitted by Punjab Act, 4 of 1951, section 5.] on such

terms and conditions as it may deem fit or may keep control or management of such buildings, structures or gardens in its own hands.

6. Conditions applicable in case of sale of sites and buildings to refugees.

(1)Where the [State] Government sells any building site or sells a building under this Act, the said sale may be effected either by auction or by private treaty at a fixed valuation, as may be determined by it.(2)[The purchase price may be paid at the option of the purchaser either in a lump sum at the time of sale or in instalments as hereinafter provided.(3)Where the purchaser proposes to pay the purchase price in instalments :-(a)a sum not less than 5 per cent of the purchase price shall be paid at the time of sale;(b)the balance, together with interest thereon at such rate as may be fixed by the State Government in the terms and conditions of sale, shall be paid in 30 equated half-yearly instalments, in the prescribed manner;(c)the first instalment shall be payable on or before the expiry of a period of 6 months from the date of sale :Provided that the purchaser may at any time pay up the whole of the balance of the purchase price, together with the interest due thereon up to the date of such payment] [Substituted for sub-section (2) of section 6, by Punjab Act 29 of 1952, Section 2.].

7. First charge of Government.

- The building or the site sold under section 6 shall be subject to the first and paramount charge in favour of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in the sum of the unpaid portion of the purchase money, interest due or other expenses incurred by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

8. Limitation on the title of ownership and restrictions on the power of transfer.

- Notwithstanding any provision to the contrary in any other enactment for the time being in force, the purchaser shall not be entitled to sell, mortgage, or otherwise transfer (except by way of lease on monthly basis) any right, title or interest in the site or building so purchased by him till the full price has been paid to Government except with the permission in writing of the [Deputy Commissioner] [Substituted for the word 'Financial Commissioner, Rehabilitation' by Punjab Act 29 of 1952, section 3.].

9. Right of inspection etc.

(1)The purchaser shall be bound -(a)to comply with any general or special order of a Rehabilitation Authority relating to the inspection of premises or buildings raised on the site, or building purchased, as the case may be;(b)to furnish any information which the aforesaid authority may require relative to the purpose to which the building or site is being put or as to the condition of the building.(2)If any person fails to comply with any order or to furnish any information required by

order under sub-section (1) or furnishes any information which is false and which he either knows or has reasonable cause to believe to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

10. Recovery as arrears of land revenue.

- In case of default in the payment of any instalment, [or any rent due in respect of a lease] [Inserted by Punjab Act 4 of 1951, section 6.] the Deputy Commissioner may impose such penalty as may be prescribed, and the amount in default along with the penalty, if any, shall be recoverable from the purchaser [or the lessee, as the case may be] [Inserted by Punjab Act 4 of 1951, section 6.] as arrears of land revenue.

11. Forfeiture for breach of terms.

- The Deputy Commissioner shall without prejudice to other rights have the power to resume the site or building sold or leased under this Act in case of non-payment of any instalment or breach of any of the terms on which the same was sold or leased or of any rule made from time to time under this Act, and may in addition forfeit part or whole of the money already paid.

12. Appeal and revision.

(1)A party aggrieved by an order under section 11 may, within thirty days, appeal to the [Commissioner of the Division] [Substituted for the words 'Financial Commissioner, Rehabilitation' by Punjab Act 29 of 1952, section 4.], who may restore the property or a part or whole of the money forfeited on such terms or conditions as he may deem fit, or pass such other orders as he may deem just and equitable.(2)The [Commissioner of the Division] [Substituted for the words 'Financial Commissioner, Rehabilitation' by Punjab Act 29 of 1952, section 4.] may, whether on application made or otherwise, call for the records of any case decided by the Deputy Commissioner at any time to see if the order passed is in accordance with law, equity and justice, and pass such orders as he may deem fit.

13. Exemption from Stamp Duty and Registration.

- Notwithstanding anything to the contrary in any enactment for the time being in force no stamp duty will be payable for any document executed by a refugee or other person with regard to sale or lease or transfer by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under this Act.

14. Exclusion of jurisdiction of Civil Courts.

- No suit or application shall lie in any civil, criminal or revenue court with regard to any sale, lease or grant made under this Act, or to call in question any order of resumption of a site or building or forfeiture of money or for recovery of arrears, passed under this Act.

15. Protection of officers.

- No suit or prosecution or any other proceedings shall lie against the [State] Government, Rehabilitation Authority or any other person acting or purporting to act under this Act or the powers conferred by the rules made under this Act.

16. Penalty for false declaration.

- Whoever makes a false declaration or statement in connection with the purchase or lease under this Act of a site or building, shall be punishable with imprisonment which may extend to six months or with fine or with both and shall in addition be liable to forfeit all rights acquired in the building site or building by or through such false declaration or statement.

17. Cognizance of an offence.

- No court shall take cognizance of any offence under this Act except on complaint made by a Deputy Commissioner.

18. Power to make rules.

(1)The [State] Government may make [rules] [For rules, see East Punjab Government Notification No. 3308-Section dated 17.9.1948, published in East Punjab Gazette, 1948, Part I, pages 782-92.] consistent with this Act for the carrying out any of its purposes.(2)In particular and without prejudice to the generality of the foregoing powers the [State] [Substituted by the Adaptation of Laws Order, 1950, for the word 'Provincial'.] Government may make rules regulating or determining all or any of the following matters :-(i)the forms of the notices to be served under this Act and the method of service of such notices;(ii)the method of payment and the place of the payment of the instalments or other dues payable under this Act;(iii)the terms and the conditions on which any property is to be sold, leased or transferred under this Act;(iv)the amenities which may be provided by the [State] [Substituted by the Adaptation of Laws Order, 1950, for the word 'Provincial'.] Government;(v)the terms and conditions under which the transfer of any right in any building or building site is to be permitted;(vi)the terms and the conditions on breach of which the building site or the building may be resumed;(vii)the form and the method of filing appeals or applications under this Act and the method of presentation of and the court-fee leviable on such applications and appeals; and(viii)conditions with regard to the buildings to be erected on sites sold or leased under this Act.

19. Repeal of East Punjab Ordinance No. X of 1948.

- The East Punjab Refugees Rehabilitation (Buildings and Building Sites) Ordinance, 1948, is hereby repealed.