



The Punjab Jagirs Act, 1941

Act 5 of 1941

Keyword(s):
Jagir, Jagirdar

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THE PUNJAB JAGIRS ACT, 1941.

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THE PUNJAB JAGIRS ACT, 1941.

PUNJAB ACT NO. V OF 1941.

[Received the assent of His Excellency the Governor on the 27th February, 1941, and was first published in the Government Gazette (Extraordinary), Punjab of the 3rd March, 1941.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1941	V	The Punjab Jagirs Act, 1941	Amended by the Adaptation of Laws, Order, 1950. Amended by the Adaptation of Laws (Third Amendment) Order, 1951. Amended by Haryana Act 2 of 1974 . It shall be deemed to have come into force on the 16th day of June, 1973].

An Act to provide for the assignment of Land Revenue by way of Jagir grants.

WHEREAS it is expedient to consolidate the law governing the assignments of land revenue and other grants hitherto known as jagirs, and to make more precise provisions regarding the manner in which such assignments are to be made or continued in the future;

Preamble.

It is hereby enacted as follows —

1. This Act may be called the Punjab Jagirs Act, 1941.

Short title.

2. In this Act, unless there be anything repugnant in the subject or context,—

Definitions

(a) "Government" means the ²[State] Government;

1. For Statement of Objects and Reasons, see *Government Gazette (Extraordinary), Punjab, 1940, page 369*; for Select Committee's report see *ibid, 1941, pages 19-25*; for Proceedings in the Punjab Legislative Assembly, see *Punjab Legislative Assembly Debates, Volume, XV, pages 72-85, 220-28, 630 and 797-817.*

2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. [For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary), dated the 4-1-1974, page 40.*

(b) "Jagir" includes-

- (i) any assignment of land revenue made or deemed to have been made under this Act,
- (ii) any assignment of land revenue made by competent authority, before the passing of this Act,
- (iii) any grant of money made or continued by or on behalf of ¹[the Central or State Government] which purports to be or is expressed to be payable out of the land revenue; and
- (iv) any estate in land created or affirmed by or on behalf of ¹[the Central or State Government] which carries with it the right of collecting land revenue or receiving any portion of the land revenue; ²[* * *]
- ³[(v) any cash grant made under this Act; and]

(c) "Jagirdar" means the holder of any grant falling within the definition of a Jagir.

Power of State Government to create new jagirs.

3. Government shall have power to make in any one year new ⁴[grants] by way of jagirs not exceeding in value five thousand rupees :

Provided that if in either of the two preceding year the value of Jagirs granted has fallen short of five thousand rupees, the amount by which it has so fallen short in either or both of these years may be added to the amount of five thousand rupees which Government is empowered normally to ⁴[grant] in any one year.

Manner in which new grants are to be expressed.

4.⁵(1) The Jagir shall be a fixed sum which shall be paid annually in cash. However, in the case of Jagirs granted immediately before the commencement of the Punjab Jagirs (Haryana Amendment) Act, 1974, the cash amount thereof shall be equivalent to the annual amount payable to the Jagirdar immediately preceding the commencement of the said Act.]

1. Substituted for the words " the Crown" by the Adaptation of Laws (Third Amendment) Order, 1951.

2. Omitted by Haryana Act 2 of 1974.

3. Inserted by *ibid*.

4. Substituted by *ibid*.

5. Substituted by *ibid*.

(2) A jagir created under this Act may be continued after the death of the original jagirdar, but the terms thereof shall be so expressed as to provide that the amount assigned to the next holder shall not exceed half of the amount assigned to his predecessor, and that the jagir shall be extinguished after the death of the second holder.

5. '[]

6. Any jagir created by Government on or since the first day of April, 1937, shall be deemed to have been made under the powers herein before conferred. '[]

Grants made on or since April, 1937

7. (1) Where Government has heretofore declared or at any time hereafter declares that any rule of descent in respect of succession to any jagir shall prevail in the family of jagirdars, such rule of descent shall be deemed to prevail, and to have prevailed, from the time when the declaration was made, anything in any law or contract to the contrary notwithstanding :

Rule of descent in family of jagirdar.

Provided that no such declaration shall hereafter be made unless and until—

(a) Government is satisfied that the rule of descent to be so declared actually prevails in the family and has been, continuously and without breach, observed in all successions (if any) to the jagir since it was made ; or

(b) the jagirdar or his successor in interest for the time being has, by written instrument duly executed by him, either before or after the passing of this Act, signified, on behalf of himself and his family, acceptance of the rule of descent to be so declared, and either no succession has taken place since such acceptance, or else in all succession which have taken place since such acceptance the jagir has in fact not developed otherwise than it would have devolved had the said rule of descent been in force.

(2) Any declaration made under sub-section (1) may be amended, varied or rescinded by Government, but always subject to the proviso thereto.

8. When Government makes any declaration under section 7 it may, by notification in the Official Gazette, direct that the rule of descent thereby declared to prevail shall be subject to the following conditions

Power to attach certain conditions to²[Jagir when the rule of descent declared.

1. Omitted by Haryana Act 2 of 1974.

2. Substituted by *ibid.*

or either of them, namely :—

- (a) that each successor to the jagir shall be approved and accepted as such by Government;
- (b) that any successor to the jagir shall, if Government so requires, make such provision out of the jagir as Government may consider suitable for the maintenance of the widow or widows (if any) and other members of the family (if any) of the last or any previous holder of the jagir :

Provided that —

- (1) Government shall not refuse to approve and accept as a successor to the jagir any person who by the rule of descent declared under section 7 to prevail is next in order of succession unless that person is in the opinion of Government unfit to succeed to the jagir; and
- (2) if Government should exercise its authority under clause (a) of this section and refuse to accept as the successor the person indicated by the rule of descent as next in order of succession, then the next person entitled to succeed after the person so rejected, who is approved, and accepted by Government, shall succeed.

Power to enforce rules and conditions under sections 7 and 8.

9. When Government has issued a notification under the authority of section 7 or of section 8 it shall have full power and authority to do all acts and things necessary to enforce the rule of descent declared by such notification to prevail and all or any of the conditions attached thereto.

Authority for Government to declare former jagirs subject to the rules, conditions and powers enacted by sections 7, 8 and 9.

10. Notwithstanding anything to the contrary which may appear in the conditions on which any jagir has been made, Government is hereby empowered to declare that the rules, conditions and powers enacted by sections 7, 8 and 9 may be made applicable after notification in the Official Gazette to such jagir.

11. No jagir created after this Act comes into force and no jagir in respect of which the rule of descent declared in section 7 to prevail involves the devolution of the ²[Jagir] to a single person as impartible property, shall be liable to seizure, attachment or sequestration by process of any court at the instance of a creditor for any demand against the Jagirdar or his successor for the time being in interest, or in satisfaction of any decree or order. Powers of Courts.

12. Nothing in this Act shall be deemed to affect the provisions of the Pensions Act, 1871, or the ¹[Government] Grants Act, 1895, so far as they are applicable to any jagirs in Punjab. Savings.

13. Sections 8, 8-A, 8-B and 8-C of the Punjab Laws Act, 1872, together with the heading thereto, and the Punjab Frontier Jagir Revenue Collection Regulation, 1874, are hereby repealed. Repeal.

1. Substituted by Adaptation of Laws Order, 1950, First Schedule for 'Crown.'

2. Substituted by Haryana Act 2 of 1974.