



The East Punjab Refugees (Registration of Land Claims) Act, 1948

Act 12 of 1948

Keyword(s):

Claim, Land, Land-holder, Refugee, Registrar

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- (f) the supply of copies of the records maintained under this Ordinance and the fees leviable therefor.

13. Repeal and savings.—The East Punjab Refugees (Registration of Claims) Ordinance No. V of 1948 is hereby repealed, and any rules made or notifications issued, anything done, any action taken in exercise of any powers conferred by or under the said Ordinance, shall be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.

THE EAST PUNJAB REFUGEES (REGISTRATION OF LAND CLAIMS) ACT, 1948.

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Interpretation.
3. Power to appoint Land Claims Officers.
4. Registration of land claims.
5. Powers.
6. Protection of action taken under this Act.
7. Offences and Penalties.
8. Additional penalties.
9. Procedure.
10. Power to make rules.
11. Repeal.

THE EAST PUNJAB REFUGEES (REGISTRATION OF LAND CLAIMS) ACT, 1948.

[East Punjab Act No. XII Of 1948]¹

[Recived the assent of His Excellency the Governor on the 1st April, 1948, and was published in the Punjab Government Gazette, Extra., dated the 3rd April, 1948].

1. For Statement of Objects and Reasons, see East Punjab Government Gazette, Extra., 1948, Page 176. The Act is applicable only to merged areas by virtue of Sec. 88 of the Punjab Re-organisation Act, 1966.

Amended, repealed or otherwise affected by,—

- (i) Adaptation of Laws Order, 1950.
- (ii) Adaptation of Laws (Third Amendment) Order, 1951.
- (iii) Punjab Act No. XIV of 1952¹.
- (iv) Punjab Act No. 25 of 1964, published in Punjab Gazette (Extra), Legislative Supplement Part I, dated the 30th September, 1964.
- (v) A.O. 1968, published in R.H.P., dated the 1st February, 1969, P. 158—161.
- (vi) A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973, P. 91—112.

IT is hereby enacted as follows :—

1. Short title and extent.—(1) This Act may be called the East Punjab Refugees (Registration of Land Claims) Act, 1948.

(2) It extends to ²[the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966.]

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 1st day of March, 1947, in respect of his land within the territory now comprised in the Provinces of ³[Punjab] in Pakistan, North-West Frontier Province, Sind or Baluchistan, or in any state adjacent to the aforesaid Provinces and acceding to ⁴[***] Pakistan.

(b) “land” means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes—

(i) the sites of buildings and other structures on such land ;

1. For Statement of Objects and Reasons, see Punjab Government Gazette, Extra., dated the 4th July, 1952, page 512.

2. Subs. for the words “the whole of Punjab” by A.O. 1968. The word “Punjab” was subs. for the words “East Punjab” by the Adaptation of Laws Order, 1950.

3. Subs. for the words “West Punjab” by the Adaptation of Laws (Third Amendment) Order, 1951.

4. The words “the Dominion of” omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

- (ii) a share in the profit of an estate or holding ;
 - (iii) any dues or any fixed percentage of land revenue payable by any inferior landowner to a superior landowner ;
 - (iv) a right to receive rent ; and
 - (v) any right of occupancy.
- (c) "land-holder" means an owner of land or a tenant having a right of occupancy under the Punjab Tenancy Act, 1887¹ (XVI of 1887) or a tenant as defined in section 3 of the Colonization of Government Lands Act, 1912 (Punjab Act V of 1912) and such other holder or grantee of land as may be specified by the ²[State Government].
- (d) "refugee" means a land-holder in the territories now comprised in the Province of ³[Punjab] in Pakistan, or who or whose ancestor migrated as a colonist ⁴[from the undivided Punjab] since 1901, to the Provinces of North West Frontier Province, Sind or Baluchistan or to any State, adjacent to any of the aforesaid provinces and acceding to ⁵[***] Pakistan and who has since the 1st day of March, 1947, abandoned or been made to abandon his land in the said territories on account of civil disturbances, or the fear of such disturbances, or the partition of the country ;
- (e) "Registering Officer" means a Land Claims Officer or Assistant Land Claims Officers appointed under this Act and includes any Revenue Officer as defined in section 6 of the Punjab Land Revenue Act (Act No. XVII of 1887)⁶ within the area of his jurisdiction ;
- ⁷(f) "Prescribed" means prescribed by rules made under this Act ;]
and

1. This Act stands repealed and replaced by H.P. Act No. 8 of 1974.

2. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word "Provincial" by Adaptation of Laws Order, 1950.

3. Subs. for the words "West Punjab" by Adaptation of Laws (Third Amendment) Order, 1951.

4. Subs. for the words "from the Punjab" by Adaptation of Laws (Third Amendment) Order, 1951.

5. The words "the Dominion of" omitted by Adaptation of Laws (Third Amendment) Order, 1951.

6. Repealed and replaced by H.P. Land Revenue Act, 1953 (6 of 1954) *vide* H.P. Act No. 21 of 1976.

7. Added by Punjab Act XIV of 1952.

- (g) "Deputy Commissioner" means a Deputy Commissioner of the District and includes an Additional Deputy Commissioner or other officer appointed by the ¹[State Government] to perform in any District or Districts or parts thereof the function of a Deputy Commissioner under this Act.

3. Power to appoint Land Claims Officers.—For the purpose of registering claims under this Act the ¹[State Government] may by notification, appoint one or more Land Claims Officers and Assistant Claims Officers and may specify the local limits of their jurisdiction.

4. Registration of Land Claims.—(1) A refugee may submit to the Registering Officer on the prescribed form and supported by an affidavit an application for the registration of his claim in respect of his land abandoned by him, or which he has been made to abandon :

Provided that a refugee who has previously submitted a claim under Ordinance VII of 1948, to any other authority competent to register such claim shall not submit another claim in respect of the same land to the Registering Officer.

- (2) The Registering Officer shall thereupon register his claim.

5. Powers.—The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Act.

6. Protection of action taken under this Act.—No suit, prosecution or other legal proceedings shall lie against the ¹[State Government] or the Registering Officer or any person acting under his directions in respect of anything done or purporting to have been done in pursuance of this Act.

7. Offences and penalties.—Any person who—

- (a) submits with regard to his claim under this Act any information which is false ; or
- (b) being a public servant as defined in section 21 of the Indian Penal Code, 1860 (Act XLV of 1860) abets the commission of an offence under clause (a) above ;

shall be punishable with rigorous imprisonment which may extend to five years or with fine up to Rs. 5000 or with both.

8. Additional penalties.—(1) Any person who in the opinion of a Deputy Commissioner has submitted with regard to his claim any information which is false shall in addition to any other punishment to which he may be liable, be

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

by order in writing of the Deputy Commissioner, disqualified from being allotted any land by the State Government, or, if he has already been allotted land by the State Government, such allotment shall be, by order in writing of the Deputy Commissioner, cancelled either in whole or in part.

(2) Any person aggrieved by an order passed by a Deputy Commissioner under sub-section (1) may, within thirty days of the making of the order, appeal against that order to the Financial Commissioner.

(3) The order of the Financial Commissioner on such appeal, and subject only to such order, the order of the Deputy Commissioner shall be final and conclusive and shall not be liable to be called in question in any court.

9. Procedure.—(1) All offences under this Act shall be triable by a ¹[Judicial Magistrate] of the First Class in accordance with the provisions of the Code of Criminal Procedure, 1898 [V of 1898]².

(2) No prosecution for any offence punishable under this Act shall be instituted except on a complaint in writing by the District Magistrate of the district in which that offence was committed.

10. Power to make rules.—The ³[State Government] may, by notification make such rules as appear to it to be necessary or expedient for putting into effect the provisions of this Act.

11. Repeal.—The East Punjab Refugees (Registration of Land Claims) Ordinance No. VII of 1948 is hereby repealed and any rules made, notifications issued, anything done, any action taken in exercise of the 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 3rd day of March, 1948.

THE EAST PUNJAB REFUGEES REHABILITATION (BUILDINGS AND BUILDING SITES) ACT, 1948

ARRANGEMENT OF SECTIONS

SECTIONS :

1. Short title and extent.
2. Definitions.

1. Subs. for the word "Magistrate" by Punjab Act No. 25 of 1964.
2. Now Code of Criminal Procedure, 1973.
3. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word 'Provincial' by Adaptation of Laws Order, 1950.