



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

Act 42 of 1948

Keyword(s):

Building, Building Site, Lease, Purchaser, Refugee, Rehabilitation Authority

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

(EAST PUNJAB ACT No. XLII OF 1948)¹

[Received the assent of His Excellency the Governor on the 14th November, 1948, and was published in the East Punjab Government Gazette (Extra.), dated the 18th November, 1948]

Amended, repealed or otherwise affected by,—

(i) Adaptation of Laws Order, 1950.

1. For Statement of Objects and Reasons, see East Punjab Government Gazette (Extra.), 1948, Page 558-J. The Act is applicable only in merged areas by virtue of section 88 of the Punjab Reorganisation Act, 1966.

- (ii) Punjab Act No. 4 of 1951¹.
- (iii) Adaptation of Laws (Third Amendment) Order, 1951.
- (iv) Punjab Act No. 29 of 1952.²
- (v) Punjab Act No. 16 of 1958, published in Punjab Gazette, Extra., dated the 2nd May, 1958.
- (vi) A.O. 1968, published in R.H.P., dated the 1st February, 1969, p. 158—161.
- (vii) 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 Rehabilitation (Buildings and Building Sites) Act, 1948.

(2) It extends to the whole of ³[the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966].

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 ;

⁴(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 ;

(d) “Lease” means the grant ⁵[under this Act,] of a temporary right of use and occupation of any building or site to any person on payment of rent or otherwise.]

1. For Statement of Objects and Reasons, *see* Punjab Government Gazette, Extra., 1951, page 97.

2. For Statement of Objects and Reasons, *see* Punjab Government Gazette, Extra., dated the 27th November, 1952, page 1419.

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

4. Added by Punjab Act IV of 1951, section 2(2).

5. Subs. and deemed always to have been subs. for the words “by the Rehabilitation Authority or any other person duly authorised by the Rehabilitation Authority in this behalf” by Punjab Act No. 16 of 1958, sec. 2.

EAST PUNJAB REFUGEES REHABILITATION (BUILDINGS & BUILDING SITES) ACT, 1948 305

- ¹(e) "prescribed" means prescribed by rules made under this Act ;
- ¹(f) "purchaser" means an individual, firm, company or association or body of individuals, whether incorporated or not, to whom ²[a building, a building site or site] is sold under this Act ;
- ¹(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 ³[India] ; and
- ¹(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 ⁴[State Government] to discharge the duties of a "Rehabilitation Authority".

3. Power to acquire land.—(1) The ⁴[State Government] may acquire land for the purpose of providing building sites, roads, parks and other amenities for the ⁵[purchaser].

(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 ⁴[State Government] in respect of land.—(1) The ⁴[State Government] may sell, lease or otherwise dispose of the building sites, open spaces and the sites ⁶[* * * * *] or build upon or otherwise manage such sites itself.

⁷(2) Any lease granted by the Rehabilitation Authority, or by any person duly authorised 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 ⁴[State Government].

1. Clauses (c), (d), (e) and (f) renumbered (e), (f), (g) and (h) by Punjab Act IV of 1951, section 2(2).

2. Subs. for the words "a house or a house site" by Punjab Act IV of 1951, section 2(1).

3. Subs. for the words "the Indian Dominion or any State acceding thereto" by the Adaptation of Laws (Third Amendment) Order, 1951.

4. 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.

5. Subs. for the words "rehabilitation of refugees" by Punjab Act IV of 1951, section 3.

6. The words "reserved for public purpose to refugees or to others for the benefit of refugees" omitted by Punjab Act IV of 1951, section 4.

7. Added by Punjab Act No. 16 of 1958, section 3.

5. Power of ¹[State Government] to construct buildings.—The ¹[State Government] may erect such buildings or other structures or layout 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 ²[* * * * *] 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 ¹[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.

³(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 ¹[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 upto the date of such payment.

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 Adaptation of Laws Order, 1950.

2. The words "for the benefit of refugees" omitted by Punjab Act IV of 1951, section 5.

3. Subs. for the original sub-section, by Punjab Act No. XXIX 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 ¹[State Government] in the sum of the unpaid portion of the purchase money, interest due or other expenses incurred by the ¹[State 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 ²[Deputy Commissioner].

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, ³[or any rent due in respect of a lease] 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, 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 of 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.

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 Adaptation of Laws Order, 1950.

2. Subs. for the words "Financial Commissioner, Rehabilitation" by Punjab Act No. XXIX of 1952, sec. 3.

3. Ins. by Punjab Act IV of 1951, sec. 6.

12. Appeal and revision.—(1) A party aggrieved by an order under section 11 may, within thirty days, appeal to the ¹[Commissioner of the Division] 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 ¹[Commissioner of the Division], 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 ²[State Government] under this Act, nor will any registration under the Indian Registration Act be necessary to create any interest or title in any immovable property transferred by the ²[State 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 ²[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

1. Subs. for the words "Financial Commissioner, Rehabilitation" by Punjab Act No. XXIX of 1952, sec. 4.

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

18. Power to make rules.—(1) The ¹[State Government] may make rules consistent with this Act for the carrying out of any of its purposes.

(2) In particular and without prejudice to the generality of the foregoing powers the ¹[State 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 ¹[State Government];
- (v) the terms and the 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. XX of 1948.—The East Punjab Refugees Rehabilitation (Buildings and Building Sites) Ordinance, 1948, is hereby repealed.

THE EAST PUNJAB REFUGEES REHABILITATION (HOUSE-BUILDING LOANS) ACT, 1948

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Definitions.
3. Controlling Authority.
4. Limit and conditions.

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 "Provincial" by Adaptation of Laws Order, 1950.

EAST PUNJAB REFUGEES REHABILITATION (BUILDINGS & BUILDING SITES) ACT, 1948 303

3. Power to acquire land.
4. Power of State Government in respect of land.
5. Power of State Government to construct buildings.
6. Conditions applicable in case of sale of sites and buildings to refugees.
7. First charge of Government.
8. Limitation on the title of ownership and restrictions on the power of transfer.
9. Right of inspection etc.
10. Recovery as arrears of land revenue.
11. Forfeiture for breach of terms.
12. Appeal and revision.
13. Exemption from Stamp Duty and Registration.
14. Exclusion of jurisdiction of Civil Courts.
15. Protection of officers.
16. Penalty for false declaration.
17. Cognizance of an offence.
18. Power to make rules.
19. Repeal.