



The Punjab Court of Wards (Validation of Exercise of Powers) Act, 1957

Act 18 of 1957

Keyword(s):
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THE PUNJAB COURT OF WARDS (VALIDATION OF EXERCISE
OF POWERS) ACT, 1957

ARRANGEMENT OF SECTIONS

SECTIONS :

1. Short Title.
2. Validation of Acts and indemnity in respect thereof.

THE PUNJAB COURT OF WARDS (VALIDATION OF EXERCISE
OF POWERS) ACT, 1957

(PUNJAB ACT NO. 18 OF 1957)²

(Received the assent of the Governor of Punjab on 10th July, 1957 and was published in the Punjab Gazette, Extraordinary, dated 13th July, 1957.)

1. Subs. for "the whole of the State of Punjab" by A.O. 1968, to be effective from 1st November, 1966.

2. For Statement of Objects and Reasons, see Punjab Gazette Extra, dated the 7th May, 1957.

The Act applies only to the merged areas, by virtue of sec. 88 of the Punjab Re-organization Act, 1966.

6. Right of the allottee or lessee to a share in rent.—The rent realized from the present holder under sub-section (2) of section 5 or from his sub-lessee or actual cultivator of the land under section 8 shall be appropriated in the following order, namely :—

- (a) towards the payment of land revenue and cesses ;
- (b) towards the fees of, and other expenses incurred by, the Custodian in respect of the land ; and
- (c) the balance after meeting the charges referred to in clauses (a) and (b) shall be paid to the allottee or lessee, in cash or, at the option of the Custodian, adjusted against any amount due from him to the Custodian.

7. Liability of the allottee or lessee.—(1) When the lease or allotment is in favour of more than one person, any liability imposed by this Act shall be the joint and several liability of each such person.

(2) The liability of the allottee or lessee for the payment of the rent to the Custodian shall commence from Kharif, 1950, or when actual possession is surrendered to him, whichever is later.

8. Liability of the sub-lessee of the present holder.—If for any reason the present holder abandons the land held by him the liability to pay rent for Kharif, 1949, and Rabi, 1950, may be enforced by the Custodian against the sub-lessee of the present holder, or the actual cultivator of the land to the same extent and under the same procedure as it could be enforced against the present holder.

9. Termination of leases of land by evacuees in favour of non-evacuees.—(1) Notwithstanding anything contained in any law for the time being in force, all leases of land except such leases as the Custodian may by order exempt from the operation of this section, made by any evacuee in favour of a person other than an evacuee shall be deemed to have terminated on the 25th July, 1949, and the land shall be deemed to have vested under this Act in the Custodian with effect from the same date free from all rights of the lessee or persons claiming under such lessee.

(2) Where any lease is determined under this section, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

- (a) Where the amount of compensation can be fixed by agreement between the Custodian and the lessee, it shall be paid in accordance with such agreement.

- (b) Where no such agreement can be reached the ¹[State Government] shall appoint as arbitrator any Subordinate Judge having jurisdiction in the district where the land is situated.
- (c) At the commencement of the proceedings before the arbitrator the Custodian and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.
- (d) An appeal shall lie to the District Judge against an award of an arbitrator except in cases where the amount thereof does not exceed the amount prescribed in this behalf by rule made by the State Government.
- (e) Save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitration under this section.
- (3) The compensation awarded shall be paid by the Custodian to the person entitled thereto according to the award :

Provided that nothing herein contained shall effect the liability of any person who may receive the whole or any part of any compensation awarded under this section to pay the same to the person lawfully entitled thereto.

10. Delegation.—The Custodian may, by general or special order, delegate to a Rehabilitation Authority or such officers and persons as he considers fit, any of his functions under this Act.

11. Instrument not to require stamp and registration.—Notwithstanding anything contained in any law for the time being in force, no instrument in writing giving effect to a transfer by the Custodian or Rehabilitation Authority of any land of an evacuee shall require stamp, attestation or registration.

12. Orders not to be called in question.—Except as provided in this Act, no order made or action taken in exercise of any power conferred by this Act, shall be called into question in any court or before any officer or authority.

13. Bar to legal proceedings.—No suit, prosecution or other legal proceedings shall lie against the ¹[State Government], the Custodian or a Rehabilitation Authority or any person acting under their direction in respect of anything done or purported to have been done in pursuance of this Act.

14. Power to make rules.—(1) The ¹[State Government] may, by notification in the Official Gazette, make such rules as appear to it to be necessary or expedient for putting into effect the provisions of this Act.

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) Without prejudice to the generality of the powers conferred by subsection (1) such rules may provide for all or any of the following matters, namely:-

- (a) the procedure to be followed in arbitration under section 9 ;
- (b) the principles to be followed in apportioning the cost of proceedings before the arbitrator and on appeal ;
- (c) the maximum amount of an award against which no appeal shall lie ; and
- (d) any incidental or supplementary matters for which the State Government thinks it expedient for the purpose of this Act to provide.

15. Repeal of East Punjab Ordinance No. XIV of 1949.—The East Punjab Displaced Persons (Land Resettlement) Ordinance, 1949, is hereby repealed but notwithstanding such repeal, any orders made, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance and any liability incurred or proceeding commenced under the said Ordinance shall be deemed to have been made, done, taken, incurred or commenced in the exercise of the powers conferred by or under this Act.
