



The Punjab Resumption of Jagirs Act, 1957

Act 39 of 1957

Keyword(s):

Jagirs, Jagirdars, Military Jagir, Religious

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THE PUNJAB RESUMPTION OF JAGIRS ACT, 1957

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
 2. Definitions.
 3. Resumption of Jagirs.
 4. Removal of doubts.
 5. Compensation for resumption of Jagirs.
 6. Procedure for payment of jagirs.
 7. Apportionment of compensation.
 - 7-A. Payment of compensation and arrears of jagir after death of jagirdar.
 - 7-B. Payment of compensation and arrears of jagir to widows or other members of the family of deceased jagirdar.
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1. Now the Limitation Act, 1963.
 2. Subs. for the word 'passing' by Punjab Act No. VII of 1925."

8. Power of State Government to call for proceedings.
9. Effect of other laws.
10. Bar to suits and proceedings.
11. Power to make rules.

THE PUNJAB RESUMPTION OF JAGIRS ACT, 1957

(Punjab Act No. 39 of 1957)¹

[Received the assent of the President on the 7th November, 1957, and was published in the Punjab Gazette, Extra., dated the 14th November, 1957].

Amended, repealed or otherwise affected by,—

- (i) Punjab Act No. 28 of 1958², published in Punjab Gazette, Extra., dated the 28th October, 1958.
- (ii) Punjab Act No. 33 of 1959³, published in Punjab Gazette, Extra., dated the 18th August, 1959.
- (iii) Punjab Act No. 11 of 1960⁴, published in Punjab Gazette, Extra., dated the 19th February, 1960.
- (iv) Punjab Act No. 9 of 1961⁵, published in Punjab Gazette (Extra.), dated the 28th March, 1961.
- (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.

An Act to provide for the resumption of Jagirs and for payment of compensation therefor.

1. For Statement of Objects and Reasons, *see* Punjab Gazette, Extra., dated the 10th June, 1957. The Act is in force only in merged areas by virtue of sec. 88 of the Punjab Reorganisation Act, 1966.

2. For Statement of Objects and Reasons, *see* Punjab Gazette, Extra., dated the 10th September, 1958.

3. For Statement of Objects and Reasons, *see* Punjab Gazette, Extra., dated the 30th June, 1959. This Act shall be deemed to have come into force on the 14th day of November, 1957.

4. For Statement of Objects and Reasons, *see* Punjab Gazette, Extra., dated the 18th December, 1959.

5. For Statement of Objects and Reasons, *see* Punjab Gazette, Extra., dated the 26th October, 1960. The Act shall be deemed to have come into force on the 14th day of November, 1957.

BE it enacted by the Legislature of State of Punjab in the Eighth year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Resumption of Jagirs Act, 1957.

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

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) “Jagirs” means—

(a) any assignment of land revenue ²[or remission] thereof by way of muafi made by or on behalf of the ³[State Government] ;
or

(b) ⁴(* * * *)

(c) any grant of money made or continued by or on behalf of the ³[State Government] which purports to be or is expressed to be payable out of the land revenue ;

(d) any grant of ⁶[money (not being payable out of the revenues of the Central Government)] including anything payable on the part of the ³[State Government] in respect of any right, privilege, perquisite or office ; and

(e) ⁶[includes, notwithstanding anything contained in sub-clause (ii), any such grant or assignment existing in favour of Cis-Sutlej jagirdars or a Bedi or Sodhi pension or a jagir pension (pension to destitute dependents of deceased jagirdars) referred to in paragraph I of the Financial Commissioner’s Standing Order No. 7 ⁷[or a hereditary parwaresh or pension in

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1. Subs. for “the whole of the State of Punjab” by A.O. 1968.
 2. Ins. by Punjab Act No. 9 of 1961, sec. 2.
 3. Subs. for the expression “Central Government” (which was subs. for “State Government” by A.O. 1968) by A.O. 1973.
 4. Omitted by *ibid.*
 5. Subs. for the word “money” by Punjab Act No. 33 of 1959 sec. 2.
 6. Subs. for the words “includes and such grant or assignment existing in favour of Cis-Sutlej jagirdars” by Punjab Act No. 33 of 1959, sec. 2.
 7. Added by Punjab Act No. 9 of 1961, sec. 2.

the second or any subsequent generation], but does not include—

- (i) any grant of money (whether or not payable out of the land revenue) made on behalf of the ¹[State Government] for the relief of political sufferers or their dependents after the 15th August, 1947 ; or
- (ii) any pension as defined in clause (17) of Article 366 of the Constitution of India ; or
- (iii) any military jagir ²[granted on or after the fourth day of August, 1914] ; or
- (iv) any grant made in favour of a religious or charitable institution, but does not include a grant made for such a purpose to an individual ;

(2) "Jagirdars" means the holder of a jagir ;

(3) "Military Jagir" means a jagir granted, affirmed or continued in favour of any person as a reward for his personal service as a member of the Armed Forces or the Forces charged with the maintenance of public order or for similar services of any one related to him by blood or marriage ;

(4) "religious or charitable institution" means an institution of every religious or charitable denomination established and maintained for religious or charitable purposes or for the purpose of providing religious or educational instruction or for the relief of the poor or for providing medical relief or the advancement of any other object of general utility to the public or any section of the public ;

(5) "State Government"—

(a) ³[as respects any period before the 1st November, 1956, shall mean—

- (i) the Government of the Patiala and East Punjab States Union or any of the Indian States which formed into the Patiala and East Punjab States Union on the 20th August, 1948 ; and

1. Subs. for the expression "Central Government" (which was subs. for "State Government by A. O. 1968) by A. O. 1973.

2. Added by Punjab Act No. 9 of 1961, sec. 2.

3. Subs. for the original clause by Punjab Act No. 33 of 1959. sec. 5(2).

(ii) the Government of the State of Punjab and all predecessor Governments thereof by whatever name called, the Governor-General or the Governor-General in Council, as the case may be, and the Sikh Rulers, but shall not include the Central Government as defined in the General Clauses Act, 1897, after the period commencing on the 15th August, 1947] ; and

(b) as respects any period after the 1st November, 1956, shall mean the Government of the State of Punjab.

3. **Resumption of jagirs.**—Notwithstanding anything to the contrary contained in any law or usage, any grant, settlement, sanad or other instrument or any decree or order of any court or authority, all jagirs shall on and from the commencement of this Act, be extinguished and stand resumed in the name of the ¹[State Government] :

²[Provided that a military jagir granted at any time before the 4th day of August, 1914 shall ensure for the life of the person who is a jagirdar immediately before such commencement and shall stand extinguished and resumed on his death.]

4. **Removal of doubts.**—(1) If any doubt arises as to whether a grant or assignment is a military jagir or not the question shall be determined by the ¹[State Government] after affording an opportunity to the person concerned and consideration of the terms and conditions of the grant or assignment.

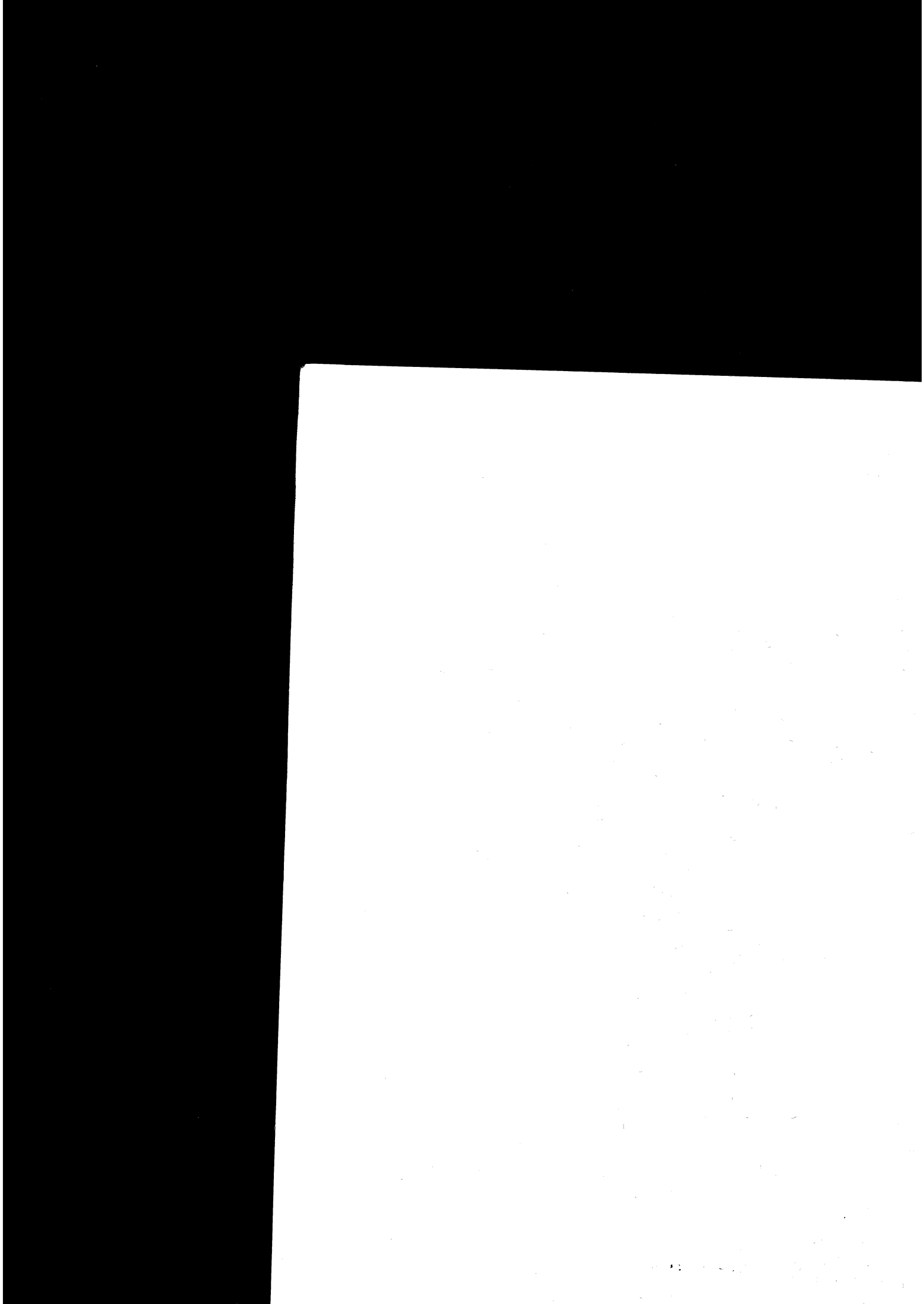
(2) The decision of the ¹[State Government] under sub-section (1) shall be conclusive proof of the fact whether an assignment or grant is a military jagir or not and shall not be called in question in any court of law or before any other authority.

5. **Compensation for resumption of Jagirs.**—³[(1) In consideration of the extinguishment and resumption of the jagir the jagirdar or his successor, as the case may be, shall be paid a sum equal to seven times the amount payable annually to the Jagirdar immediately before the extinguishment and resumption in respect of the assignment or grant or seven times the amount which would have been payable by him annually immediately before the extinguishment and resumption as land revenue but the remission by way of muafi :

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

2. Added by Punjab Act No. 9 of 1961, sec. 3.

3. Subs. for the original sub-section as amended by sec. 3 of Punjab Act No. 33 of 1959, by Act *ibid* (sec. 4).



Provided that—

- (a) in the case of a military jagir referred to in the proviso to section 3 the jagirdar shall before the 15th May, 1961 be entitled to claim compensation in lieu of the continuance of the jagir for his life, and where the jagirdar makes such a claim the Jagir shall be deemed to be extinguished and resumed on the date on which such claim is made ;
- (b) in the case of the resumption and extinguishment of any hereditary parwarish or pension, any amount thereof received by the jagirdar after the 14th November, 1957 shall be deducted in computing the amount of compensation payable to him or his successor.]

(2) The amount of compensation payable under sub-section (8) shall be paid in cash either in one lump sum or such number of annual instalments not exceeding twenty, as the ¹[State Government] may prescribe.

(3) Where the amount of compensation is to be paid in instalments, interest at the rate of 2 per cent per annum to be calculated in the prescribed manner shall be payable thereon to the person entitled to receive the amount.

6. **Procedure for payment of Compensation.**—²[(1) A jagirdar who is entitled under this Act to payment of compensation for extinguishment and resumption of his Jagir shall at any time before the 15th May, 1961, make in the manner prescribed an application to the Collector of the district in which his jagir or part thereof is situated or payable stating the grounds on which compensation is claimed by him :

Provided that—

- (a) where in the event of the death of the jagirdar, whether before or after the commencement of this Act his successor is unable to make an application within time due to the pendency of the succession proceedings of the deceased jagirdar, the application may be made within a period of two months from the date on which decision in such proceedings is communicated to him ; and
- (b) where the Collector is satisfied that the applicant was prevented by sufficient cause from making the application in time, he may entertain the application if it is made at any time within thirty days of the date fixed.

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

2. Subs. for the original sub-section as amended by Punjab Acts Nos. 29 of 1958 and 33 of 1959, by Punjab Act No. 9 of 1961, sec. 5.

(I-A) Notwithstanding anything contained in sub-section (I), where on account of the passing of the Punjab Resumption of Jagirs (Amendment) Act, 1961, a jagirdar, becomes entitled to the payment of compensation for the extinguishment and resumption of his jagir, he may make an application before the 15th May, 1961, or within four months from the date of determination of the successor to the jagir under section 7-A, whichever is later, to the authority and in the manner specified in sub-section (I) ; and any application so made shall be deemed to be an application under sub-section (I) and shall be disposed of accordingly.]

¹[(2) On receiving the application under sub-section (I), the Collector shall enquire into the claim and determine whether any compensation is due to the jagirdar or not, and where it is found to be so due he shall determine the amount payable to the jagirdar.

(3) Where the amount of compensation determined as payable to the jagirdar under sub-section (2) does not exceed one thousand rupees, the Collector shall make an order for payment of such compensation to the jagirdar in the manner provided in section 5.

(4) Where the amount of compensation determined as payable under sub-section (2)—

(a) exceeds one thousand rupees but does not exceed five thousand rupees, the Collector shall forward the claim to the Commissioner with his recommendation thereon ;

(b) exceeds five thousand rupees, the Collector shall forward the claim to the Financial Commissioner through the Commissioner with his recommendation thereon.

(5) The Commissioner or the Financial Commissioner as the case may be, on receipt of the claim under sub-section (4), make an order whether any compensation is due to the jagirdar or not, and where it is found to be so due it shall be paid in the manner provided in section 5.]

7. **Apportionment of Compensation.**—Where in pursuance of the requirement of section 8 of the Punjab Jagirs Act, 1951, the successor to a jagir has made suitable provision out of the jagir for the maintenance of the widow or widows and other members of the family of the last or any previous holder of the jagir, ²[the Collector, Commissioner or Financial Commissioner as the case may be, shall while passing an order under sub-section (3) or sub-section (5), of section 6], apportion the amount of compensation for payment among the jagirdar and such widow or widows and other members of the family.

1. Subs. for the original sub-sections (2) and (3) by Punjab Act No. 11 of 1960, sec. 3.

2. Subs. for the words "the Financial Commissioner shall while passing an order under sub-section 3 of section 6" by Punjab Act No. 11 of 1960, sec. 3.

¹[7-A. Payment of Compensation and arrears of jagir after death of jagirdar.—(1) Notwithstanding anything to the contrary contained in the Hindu Succession Act, 1956, or any other law for the time being in force,—

(a) where a jagirdar dies after his jagir is resumed or where the jagir is resumed on the death of the Jagirdar, the payment of compensation ; or

(b) where a jagirdar dies, whether before or after the commencement of this Act the payment of arrears in respect of the jagir ;

shall, subject to the provisions of sections 7 and 7-B, be made to the person who would have been entitled to succeed to the jagir if it had not been resumed under this Act.

(2) The person entitled to compensation under sub-section (1) shall be determined by the authority which would have been competent to determine the successor to the jagir if it had not been resumed under this Act.

7-B. Payment of compensation and arrears of jagir to widows or other members of the family of deceased jagirdar.—While determining under section 7-A the person entitled to succeed to the jagir of a deceased jagirdar, the authority may, after such enquiry, as it may deem fit make such provisions out of the compensation or the arrears of the jagir, as the case may be, as it may consider suitable for payment to the widow or widows (if any) and other members of the family (if any) of the deceased jagirdar ; and where such provision has been made, the compensation or the arrears shall be apportioned among the persons entitled to succeed to the jagir, the persons entitled to maintenance under section 7 and the widow or widows or other members of the family of the deceased jagirdar.]

8. Power of State Government to call for proceedings.—The ²[State Government] may at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act call for and examine the records of any case pending before or disposed of by such officer and may pass such order as it thinks fit.

9. Effect of other laws.—No provision of the Pensions Act, 1871 (XXIII of 1871), or of the Government Grants Act, 1895 (XV of 1895), or of the Patiala Government Grants Act, 2005 (Patiala Act No. 1 of 2005 Bk.) or of any rules made thereunder, or of any instrument having effect by virtue of such law or rules, shall have any effect so far as it is inconsistent with any of the provisions of this Act.

1. Added by Punjab Act No. 9 of 1961, sec. 6.

2. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

10. **Bar to suits and proceedings.**—No suit or other proceedings shall lie before any Court or authority against the ¹[State Government] or any of its officers for compensation or for any other relief for any loss suffered as a result of resumption of Jagir ²[or of the release on account of the passing of the Punjab Resumption of Jagirs (Amendment) Act, 1961, of a resumed jagir].

11. **Power to make rules.**—The ¹[State Government] may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
