



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

Act 8 of 1948

Keyword(s):

Claim, Property, Refugees, Loss or Damage

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

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

TABLE OF CONTENTS

Sections.

1. Short title and extent.
2. Interpretation.
3. Appointment of Registrar and other officers.
4. Registration of Refugee Claims.
5. Powers.
6. Records under this Act to be public documents.
7. Act not to be questioned.
8. Offence.
9. Procedure.
10. Jurisdiction.
11. Limitation.
12. Power to make rules.
13. Repeal.

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

EAST PUNJAB ACT NO. 8 OF 1948

[Received the assent of His Excellency the Governor on the 1st April, 1948, and was first published in the East Punjab Government Gazette (Extraordinary) of April 3, 1948.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation.
1948	8	East Punjab Refugees (Registration of Claims) Act, 1948	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, of 1951. Amended by Punjab Act 25 of 1964. ⁴

1. (1) This Act may be called the East Punjab Refugees (Registration of Claims) Act, 1948.

Short title and extent.

(2) It extends to the whole of ²[Haryana].

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

Interpretation.

(a) "Claim" means a statement of loss or damage suffered by a refugee since the first day of March, 1947, in respect of property within the territory now comprised in * * * ³ * * * * * Pakistan ;

(b) "prescribed" means prescribed by rules under this Act;

(c) "Property" includes any right or interest in movable or immovable property, in any shop or business establishment or any factory or workshop or undertaking or in any debt or actionable claim other than a mere right to sue;

1. For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 166; for proceedings in Assembly see East Punjab Legislative Assembly, Debates, Volume II, 1948, pages 681-83.

2. Substituted for the word "Punjab" by the Adaptation of Laws Order, 1968.

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

4. For Statement of Objects and Reasons, see Punjab Government Gazette (Extra), 1964, page 935-937.

- (d) "refugee" means a person domiciled or ordinarily resident in, or owning property in, or who carried on business within the territories now comprised in * * * * Pakistan and who has, since the first day of March, 1947 left or been made to leave his place of residence or has abandoned or been made to abandon his property or business in the said territories on account of civil disturbances or the fear of such disturbances or the partition of the country; and
- (e) "Registrar" means the Officer appointed by the Government for the purpose of registering claims of refugees and includes a Deputy Registrar of Refugee Claims, and an Assistant Registrar of Refugee Claims.

Appointment
of Registrar
and other
Officers.

3. The ²[State] Government may, for the collection of information relating to the claims of refugees, appoint a Registrar of Refugee Claims for the ³[State] and, either by name or designation, one or more Deputy Registrars of Refugee Claims and Assistant Registrars of Refugee Claims for such local areas as may be specified and may specify the authority to which they may be subject.

Registration
of Refugee
Claims.

4. (1) A refugee may submit to the Registrar on the prescribed form and supported by an affidavit an application for the registration of his claim in respect of his property in * * * * Pakistan, lost or abandoned by him or of which he has been deprived :

Provided that a refugee who has previously submitted a claim under this Act or under the East Punjab Refugees (Registration of Claims) Ordinance No. V of 1948 to any other authority in * * * * India competent to register such claim shall not submit his claim to the Registrar unless he withdraws such previous claim.

(2) The Registrar shall register the claim and maintain such records thereof as may be prescribed :

Provided that the registration of a claim shall not confer on a refugee any right to demand compensation or relief from the Government nor shall any liability devolve on the Government to compensate him in respect of such loss.

-
1. The words "the Dominion of" omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
 2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
 3. Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

5. The Registrar shall have all the powers of a Civil Court for the purposes of receiving evidence, attesting affidavits, administering oaths, enforcing attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, Act V of 1898. Powers.

6. All records prepared or registers maintained under this Act or the rules made thereunder shall be deemed to be public documents within the meaning of the Indian Evidence Act (1 of 1872) and shall be presumed to be true until the contrary is proved. Records under this Act to be public documents.

7. No suit or prosecution or other legal proceedings shall lie against the ¹[State] Government or the Registrar or any person acting under his directions in respect of anything done or purporting to have been done in pursuance of the provisions of this Act. Act not to be questioned.

8. Whoever intentionally makes to the Registrar a false statement in respect of his claims, shall be deemed to have committed an offence under this Act and shall be liable to rigorous imprisonment for a term which may extend to two years or with fine or with both. Offences.

9. No prosecution for any offence punishable under this Act shall be instituted except on a complaint in writing made by the Registrar with the previous sanction of the ¹[State] Government. Procedure.

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

11. (1) The ¹[State] Government may by notification in the official gazette, fix a date being not less than thirty days from the date of the notification as the last date by which applications under section 4 shall be received by the Registrar. Limitation.

(2) The ¹[State] Government may extend this date from time to time.

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

2. Substituted for the word "Magistrate" by Punjab Act 25 of 1964.

Power to
make rules.

12. (1) The ¹[State] Government may by notification make such ²rules as appear to it to be necessary or expedient for putting into effect the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for, or may empower any authority to make order providing for, all or any of the following matters, namely :—

- (a) the terms and conditions of service of the Registrar and other officers appointed for the purposes of this Act;
- (b) the forms of applications and the mode of their presentation ;
- (c) the forms of the notices to be issued, the orders to be made and the mode of their service and publication;
- (d) the forms and the manner in which the registers and other records shall be maintained;
- (e) the distribution or allocation of the work to be performed by the Registrar, the Deputy Registrars and the Assistant Registrars ; and
- (f) the supply of copies of the records maintained under this Act and the fees leviable therefor.

Repeal.

13. 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.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
2. For rules see notification No. 23 (A)-P & G/48-Reh-6402, dated 19th May, 1948, published in *East Punjab Government Gazette* (Extraordinary), dated 24th May, 1948, pp. 417-423.