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

Act 12 of 1948

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

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

EAST PUNJAB ACT NO. 12 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.]

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It is hereby enacted as follows:---

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

2. 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

For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 176; for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume II, 1948, pages 196—207 and 677-78.

For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated 4th July, 1952 page 512; for proceedings in the Assembly see Punjab Legislative Assembly Debates 1952.

For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, pages 935-37.

Substituted for the words "East Punjab" by the Adaptation of laws Order, 1950.
now comprised in the Provinces of [*Punjab in Pakistan*], North-West Frontier Province, Sind or Baluchistan, or in any State, adjacent to the aforesaid Provinces and acceding to******** 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 structure on such land;

(ii) a share in the profit of an estate or holding;

(iii) any dues or any fixed percentage of land revenue payable by an 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, 1887 [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 [State] Government;

(d) "refugee" means a land-holder in the territories now comprised in the Province of

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1Substituted for the words "West Punjab" by the Adaptation of laws (Third Amendment) Order, 1951.

2The words "the Dominion of" omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

3Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
REFUGEES (REGISTRATION [1948 : East Pb. Act 12 495
OF LAND CLAIMS)

1[Punjab in Pakistan], or who or whose ancestor
migrated as a colonist 2[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 3 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 ap-
pointed under this Act and includes any Reven-
ue Officer as defined in section 6 of the Punjab
Land Revenue Act [Act No. XVII of 1887]
within the area of his jurisdiction ; and

(f) “prescribed” means prescribed by rules made
under this Act.

4[g] “Deputy Commissioner” means a Deputy
Commissioner of the District and includes an
Additional Deputy Commissioner or other
officer appointed by the State Government to
perform in any District or Districts or parts
thereof the functions of a Deputy Commissioner
under this Act.]

3. For the purpose of registering claims under this Act the 5[State] Government may, by notification, ap-
point one or more Land Claims Officers and Assistant
Claims Officers and may specify the local limits of their
jurisdiction.

1Substituted for the words “West Punjab” by the Adaptation of Laws (Third
Amendment) Order, 1951.

2Substituted for the words “from the Punjab” by the Adaptation of Laws (Third
Amendment) Order, 1951.

3The words “the Dominion of” omitted by the Adaptation of Laws (Third
Amendment) Order, 1951.

4Added by Punjab Act 14 of 1952, section 2.

5Substituted for the word, Principal, by the Adaptation of Laws Orders, 1850.
4. (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. The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Act.

6. No suit, prosecution or other legal proceedings shall lie against the [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. 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. 5,000 or with both.

8. (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

1Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
punishment to which he may be liable, be by order in writing of the Deputy Commissioner, disqualified from being allotted any land by the 1[State] Government, or, if he has already been allotted land by the 1[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. (1) 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]

(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. The 1[State] Government may by notification make such 3rules as appear to it to be necessary or expedient, for putting into effect the provisions of this Act.

11. 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.

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

2Substituted for the word “Magistrate” by Punjab Act, 25 of 1964.