



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

Act 12 of 1948

Keyword(s):

Claim, Loss or Damage to Land, Refugees, Land, Land Holder

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.

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

EAST PUNJAB ACT NO. XII 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Year	No.	Short title	Whether repealed or otherwise affected by legislation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	12	East Punjab Refugees (Registration of Land Claims) Act, 1948	amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951. Amended in part by Punjab Act 14 of 1952 ² Amended in part by Punjab Act 25 of 1964 Haryana Adaptation of Laws Order, 1968.

It is hereby enacted as follows :—

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

Short title and extent.

(2) It extends to the whole of ³[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 1st day of March, 1947, in respect of his land within the territory now comprised in the Provinces of ⁴[Punjab in Pakistan,] North-West Frontier Province, Sind

1. For Statement of Objects and Reasons, see *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.

2. 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.

3. Substituted for the words "Punjab" by the Adaptation of Laws Order, 1968.

4. Substituted for the word "West Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

or Baluchistan, or in any State adjacent to the aforesaid Provinces and acceding to * * *¹ * * * 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 structures 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;

XVI of 1887

(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 ²[State] Government;

V of 1912

(d) "refugee" means a land-holder in the territories now comprised in the Province of ³[Punjab in Pakistan], or who or whose ancestor migrated as a colonist ⁴[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 * * *⁵ * * * 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;

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 words "West Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

4. Substituted for the words "from the Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

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

(e) "Registering Officer" means a Land Claims Officer or Assistant Land Claims Officers appointed under this Act and includes any Revenue Officer as defined in section 6 of the Punjab Land Revenue Act [Act No. XVII of 1887] within the area of his jurisdiction;

XVII of 1887

(f) "prescribed" means prescribed by rules made under this Act; and

¹[(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 ²[State] Government may, by notification, appoint one or more Land Claims Officers and Assistant Claims Officers and may specify the local limits of their jurisdiction.

Power to appoint Land Claims Officers.

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:

Registration of land claims.

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.

Powers.

6. No suit, prosecution or other legal proceedings shall lie against the ²[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.

Protection of action taken under this Act.

7. Any person who—

Offences and penalties

(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 ;

XLV of 1860.

1. Added by Punjab Act 16 of 1952, section 2.

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

shall be punishable with rigorous imprisonment which may extend to five years or with fine up to Rs. 5,000 or with both.

Additional penalties.

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 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 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.

Procedure.

9. All offences under this Act shall be triable by ²[Judicial Magistrate] of the first class in accordance with the provisions of the Code of Criminal Procedure, 1898 [5 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 power to make that offence was committed.

Power to make rules.

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.

Repeal.

11. The East Punjab Refugees (Registration of Land Claims) Ordinance No. 7 of 1948 is hereby repealed and any rules made, notification 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.

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.

3. For rules framed under the East Punjab Ordinance No. 7 of 1948. see *East Punjab Government Gazette (Extraordinary)*, dated 20th March, 1948, page 295.