



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

Act 8 of 1948

**Keyword(s):**

**Claim, Property, Refugee, Registrar**

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

ARRANGEMENT OF SECTIONS

SECTIONS

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

(East Punjab Act No. VIII of 1948.)<sup>1</sup>

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

Amended, repealed or otherwise affected by,—

- (i) Adaptation of Laws Order, 1950.
- (ii) Adaptation of Laws (Third Amendment) Order, 1951.
- (iii) Punjab Act No. 25 of 1964, published in Punjab Gazette (Extra.) Legislative Supplement, Part I, dated the 30th September, 1964.

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<sup>1</sup>. For Statement of Objects and Reasons, see East Punjab Government Gazette, Extra., 1948, p. 166.

(iv) A.O. 1968, published in R.H.P. dated the 1st February, 1969, p. 158-161.

(v) A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973, p. 91-112.

**1. Short title and extent.**—(1) This Act may be called the East Punjab Refugees (Registration of Claims) Act, 1948.

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

**2. Interpretation.**—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 first day of March, 1947, in respect of property within the territory now comprised in <sup>2</sup>[\*\*\*] 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 of actionable claim other than a mere right to sue ;

(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 <sup>2</sup>[\*\*] 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 claims of refugees, and includes a Deputy Registrar of Refugee Claims, and An Assistant Registrar of Refugee Claims.

**3. Appointment of Registrar and other Officers.**—The <sup>3</sup>[State Government] may, for the collection of information relating to the claims of refugees, appoint a Registrar of Refugee Claims <sup>4</sup>[the territories to which this Act extends]

1. Subs. for the words “the whole of Punjab” by A.O. 1968. The word “Punjab” was subs. for the words “East Punjab” by Adaptation of Laws Order, 1950.

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

3. 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.

4. Subs. for the word ‘State’ (which was subs. for the word ‘Province’ by Adaptation of Laws Order, 1950) by A.O. 1968.

and, either by name or designation, one or more be 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.

**4. Registration of Refugee Claims.**—(1) A refugee may submit to the Registrar on the prescribed form and supported by an affidavit an application for the registration of his claims in respect of his property in <sup>1</sup>[\*\*] 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 <sup>1</sup>[\*\*] 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.

**5. Powers.**—The Registrar shall have all the powers of 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, (V of 1898.)

**6. Records under this Act to be public documents.**—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, (I of 1872) and shall be presumed to be true until the contrary is proved.

**7. Act not to be questioned.**—No suit or prosecution or other legal proceedings shall lie against the <sup>2</sup>[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.

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

2. 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

**8. Offences.**—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.

**9. Procedure.**—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 <sup>1</sup>[State Government].

**10. Jurisdiction.**—All offences under this Act shall be triable by a <sup>2</sup>[Judicial Magistrate] of the First Class, in accordance with the provisions of the Code of Criminal Procedure, 1898 [V of 1898]<sup>3</sup>.

**11. Limitation.**—(1) The <sup>1</sup>[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.

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

**12. Power to make rules.** (1) The Provincial Government may by notification make such rules 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

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. Subs. for the word "Magistrate" by Punjab Act No. 25 of 1964.

3. Now the Code of Criminal Procedure, 1973.

- (f) the supply of copies of the records maintained under this Ordinance and the fees leviable therefor.

**13. Repeal and savings.**—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.

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

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Interpretation.
3. Power to appoint Land Claims Officers.
4. Registration of land claims.
5. Powers.
6. Protection of action taken under this Act.
7. Offences and Penalties.
8. Additional penalties.
9. Procedure.
10. Power to make rules.
11. Repeal.

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

[East Punjab Act No. XII Of 1948]<sup>1</sup>

[Recived the assent of His Excellency the Governor on the 1st April, 1948, and was published in the Punjab Government Gazette, Extra., dated the 3rd April, 1948].

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1. For Statement of Objects and Reasons, see East Punjab Government Gazette, Extra., 1948, Page 176. The Act is applicable only to merged areas by virtue of Sec. 88 of the Punjab Re-organisation Act, 1966.

Amended, repealed or otherwise affected by,—

- (i) Adaptation of Laws Order, 1950.
- (ii) Adaptation of Laws (Third Amendment) Order, 1951.
- (iii) Punjab Act No. XIV of 1952<sup>1</sup>.
- (iv) Punjab Act No. 25 of 1964, published in Punjab Gazette (Extra), Legislative Supplement Part I, dated the 30th September, 1964.
- (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.

IT is hereby enacted as follows :—

**1. Short title and extent.**—(1) This Act may be called the East Punjab Refugees (Registration of Land Claims) Act, 1948.

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

**2. Interpretation**—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 now comprised in the Provinces of <sup>3</sup>[Punjab] in Pakistan, North-West Frontier Province, Sind or Baluchistan, or in any state adjacent to the aforesaid Provinces and acceding to <sup>4</sup>[\*\*\*] 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 ;

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1. For Statement of Objects and Reasons, see Punjab Government Gazette, Extra., dated the 4th July, 1952, page 512.

2. Subs. for the words “the whole of Punjab” by A.O. 1968. The word “Punjab” was subs. for the words “East Punjab” by the Adaptation of Laws Order, 1950.

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

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

- (ii) a share in the profit of an estate or holding ;
  - (iii) any dues or any fixed percentage of land revenue payable by any 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<sup>1</sup> (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 <sup>2</sup>[State Government].
- (d) "refugee" means a land-holder in the territories now comprised in the Province of <sup>3</sup>[Punjab] in Pakistan, or who or whose ancestor migrated as a colonist <sup>4</sup>[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 <sup>5</sup>[\*\*\*] 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 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)<sup>6</sup> within the area of his jurisdiction ;
- <sup>7</sup>(f) "Prescribed" means prescribed by rules made under this Act ; ]  
and

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1. This Act stands repealed and replaced by H.P. Act No. 8 of 1974.

2. 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.

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

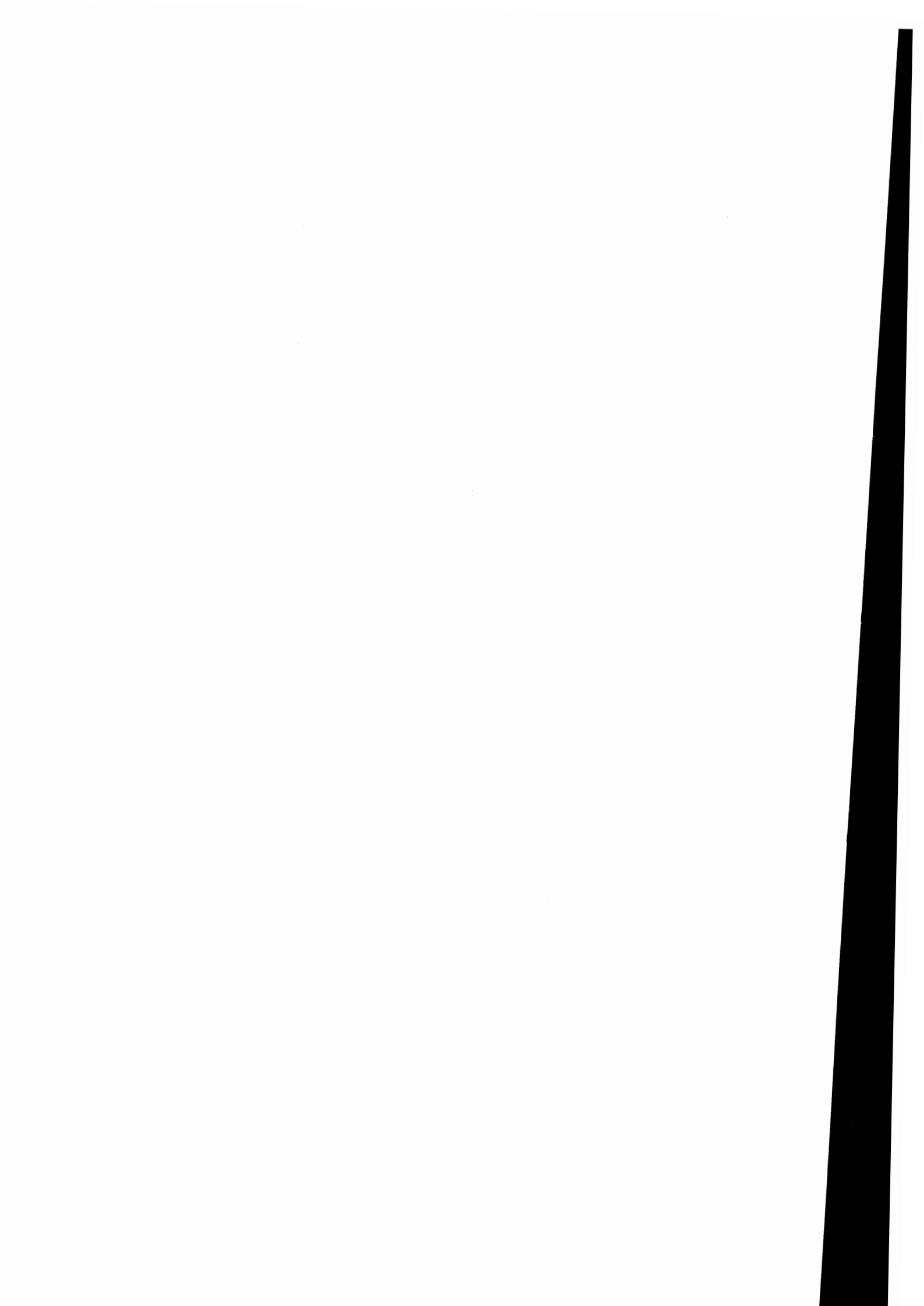
4. Subs. for the words "from the Punjab" by Adaptation of Laws (Third Amendment) Order, 1951.

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

6. Repealed and replaced by H.P. Land Revenue Act, 1953 (6 of 1954) *vide* H.P. Act No. 21 of 1976.

7. Added by Punjab Act XIV of 1952.





- (g) "Deputy Commissioner" means a Deputy Commissioner of the District and includes an Additional Deputy Commissioner or other officer appointed by the <sup>1</sup>[State Government] to perform in any District or Districts or parts thereof the function of a Deputy Commissioner under this Act.

**3. Power to appoint Land Claims Officers.**—For the purpose of registering claims under this Act the <sup>1</sup>[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.

**4. Registration of Land Claims.**—(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. Powers.**—The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Act.

**6. Protection of action taken under this Act.**—No suit, prosecution or other legal proceedings shall lie against the <sup>1</sup>[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. Offences and penalties.**—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. 5000 or with both.

**8. Additional penalties.**—(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

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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 the Adaptation of Laws Order, 1950.

by order in writing of the Deputy Commissioner, disqualified from being allotted any land by the State Government, or, if he has already been allotted land by the 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. Procedure.**—(1) All offences under this Act shall be triable by a <sup>1</sup>[Judicial Magistrate] of the First Class in accordance with the provisions of the Code of Criminal Procedure, 1898 [V of 1898]<sup>2</sup>.

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

**11. Repeal.**—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.

### THE EAST PUNJAB REFUGEES REHABILITATION (BUILDINGS AND BUILDING SITES) ACT, 1948

#### ARRANGEMENT OF SECTIONS

#### SECTIONS :

1. Short title and extent.
2. Definitions.

1. Subs. for the word "Magistrate" by Punjab Act No. 25 of 1964.
2. Now Code of Criminal Procedure, 1973.
3. 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.

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3. Power to acquire land.
4. Power of State Government in respect of land.
5. Power of State Government to construct buildings.
6. Conditions applicable in case of sale of sites and buildings to refugees.
7. First charge of Government.
8. Limitation on the title of ownership and restrictions on the power of transfer.
9. Right of inspection etc.
10. Recovery as arrears of land revenue.
11. Forfeiture for breach of terms.
12. Appeal and revision.
13. Exemption from Stamp Duty and Registration.
14. Exclusion of jurisdiction of Civil Courts.
15. Protection of officers.
16. Penalty for false declaration.
17. Cognizance of an offence.
18. Power to make rules.
19. Repeal.