The East Punjab War Awards Act, 1948

Act 22 of 1948

Keyword(s):
Eligible Person, Government, War Jagir

Amendment appended: 52 of 2013

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THE EAST PUNJAB WAR AWARDS ACT, 1948

EAST PUNJAB ACT No. 22 OF 1948

[Received the assent of His Excellency the Governor on the 10th April, 1948, and was first published in the East Punjab Government Gazette, extraordinary, dated the 10th April, 1948.]

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<td>(1) Punjab Act 22 of 1952. ¹</td>
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An Act to empower the Punjab Government to award jagirs to parents, three or more of whose children were enrolled or commissioned for service in His Majesty’s Forces during the recent Second World War.

¹For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 266.
²For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1952, page 1154 (b). This Act shall be deemed to have come into force from the 10th day of April, 1948.
⁴For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1957, page 689.
⁵For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1959, page 284.
⁷For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, page 890.
⁸For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1965, page 1116.
⁹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), (1967) page 909.
¹⁰Substituted by the Adaptation of Laws (Third Amendment) Order, 1951.
THE EAST PUNJAB WAR AWARDS ACT, 1948

It is hereby enacted as follows:

1. (1) This Act may be called the East Punjab War Awards Act, 1948.

(2) It shall come into force at once,[1] and in its application to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, it shall be deemed to have come into force on 28th August, 1949.]

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

"(a) "eligible person" means—

(i) a citizen of India ordinarily residing in the State of Punjab who is the father, or where the father is dead, the mother, or two or more children] who are serving or have served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, but does not include a person who has for such reason already received a land grant or other award from Government; or

(ii) a citizen of India ordinarily residing in the State of Punjab who is the father, or where the father is dead, the mother, of only son or only child who is serving or who has served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, but does not include a person who has for such reason already received a land grant or other award from Government; or

(iii) a citizen of India ordinarily residing in the State of Punjab who is the father or where the father is dead, the mother, of only two children both of whom are serving or have served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, but does not include a person who has for such reasons already received a land grant or other award from Government, or]
(ii) a person who is now a citizen of India and who,—

(a) immediately before the fifteenth day of August, 1947, ordinarily resided in the undivided Punjab, or

(b) immediately before the 20th August, 1948, ordinarily resided in the territories which on that date formed the State of Patiala and East Punjab States Union,

and who is the father, or where the father is dead, the mother of three or more children who having been at any time enrolled or commissioned in forces then referred to as His Majesty's Naval, Military or Air Forces or in the forces maintained by any of the Indian States comprised in the aforesaid territories and who were liable to serve wherever required and have actually served in any of the said forces during the Second World War, but does not include any person who has for such reason already received a land grant or other award from the Government of the undivided Punjab or the Government of the territories formed as aforesaid or of any Indian State comprised in such territories or the Punjab Government.

(b) “Government” means the State Government of Punjab;

(c) “War Jagir” means a Jagir granted under this Act;

(d) expressions used but not defined in this Act have the same meanings as in the Punjab Jagirs Act, 1941.

*3. (i) Notwithstanding anything in any other law for the time in force, the Government shall have the power to grant to a person a War Jagir of the value of—

(a) one hundred and fifty rupees per annum if he is an eligible person within the meanings of sub-clauses (i), (ii), or (iii) of clause (a) of section 2;

(b) one hundred rupees per annum, if he is an eligible person within the meaning of sub-clause (ii) of clause (a) of section 2:

Provided that if the eligible person within the meaning of—

(i) sub-clause (i) of clause (a) of section 2 has more than three children who have served or are serving in the manner referred to in the said sub-clause, an additional amount of fifty rupees per annum may be granted for every such child exceeding three;

(ii) sub-clause (ii) of clause (a) of section 2 has more than three children who were enrolled and commissioned and were liable to serve and have actually served, in the manner referred to in the said sub-clause, an additional amount of ten rupees per annum may be granted for every such child exceeding three;

Provided further that for the purposes of determining the eligibility of a person to the grant of a War Jagir under sub-clause (i) of clause (a) of section 2, no child of such person who has already made him eligible to the grant of a War Jagir under sub-clause (ii) of that clause shall be taken into account.

*Substituted for the word “persons” by Punjab Act No. 2 of 1968, section 2.

*Section 3 substituted by Punjab Act No. 2 of 1968, section 3.
(2) A War Jagir shall provide for assignment of the appropriate sum or for the grant of such sum payable annually charged on the whole or part of the land revenue arising from a specified area and the amount of War Jagir shall, subject to such deductions on account of collection of land revenue as the Government may direct, be payable notwithstanding that the land revenue for the specified area may have been suspended or remitted.

Tenure of war jagir.

4. A War Jagir shall, unless terminated wholly or partially for breach of any condition imposed under section 5, be tenable for the lifetime of the grantee, but Government shall have power to terminate or reduce it if the grantee subsequently receives a land grant or other award on the same ground on which the war jagir was granted to him:

Provided that a war jagir granted to an eligible person, being the father, shall, on the death of the father, be tenable for the lifetime of the mother.

Power to attach conditions to enjoyment of war jagir.

5. The Government may attach such conditions as it may deem fit to the enjoyment of any or all war jagirs, and such conditions shall be communicated to the grantee at the time when the grant is made to him.

Assessment and collection of assigned land revenue.

6. Any land-revenue assigned under the powers herein conferred shall be assessed and collected in the manner provided by the law for the time being in force for the assessment and collection of land revenue as if it has not been so assigned.

Exemption of war jagir from attachment.

7. No war jagir shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor for any demand against the grantee, or in satisfaction of a decree or order of any Court.

Savings

8. Nothing in this Act shall be deemed to affect the provisions of the Pensions Act, 1871 (Act 23 of 1871), or of the *Government Grants Act, 1895 (Act 15 of 1895), so far as they are applicable to war jagirs.

9. If any question arises under this Act—

(a) whether or not a person is an eligible person; or

(b) whether or not a grantee has committed breach of any condition imposed under section 5, such question shall be referred to the Government whose decision thereon shall be final and conclusive and shall not be liable to be called in question in any Court.

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*Section 4 substituted by Punjab Act No. 26 of 1964, section 4.

*Substituted by Adaptation of Laws Order, 1950, First Schedule, for “Crown”.

PART I
GOVERNMENT OF PUNJAB
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
NOTIFICATION
The 18th December, 2013
No. 63-Leg./2013.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 29th Day of November, 2013, is hereby published for general information:-

THE EAST PUNJAB WAR AWARDS (AMENDMENT) ACT, 2013
(Punjab Act No. 52 of 2013)

AN ACT further to amend the East Punjab War Awards Act, 1948.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the East Punjab War Awards (Amendment) Act, 2013.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the East Punjab War Awards Act, 1948, in section 3, in sub-section (1), in clause (a), for the words “five thousand rupees”, the words “ten thousand rupees” shall be substituted.

3. (1) The East Punjab War Awards (Amendment) Ordinance, 2013 (Punjab Ordinance No. 3 of 2013), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

389/12-2013/Pb. Govt. Press, S.A.S. Nagar