

1949

# West Punjab Act V of 1949

## The West Punjab Refugees (Registration of Land Claims) Act, 1949

*An Act to provide for the registration of claims in respect of lands abandoned by refugees.*

Whereas the Governor of West Punjab has, in pursuance of a proclamation issued by the Governor-General of Pakistan, under section 92-A of the Government of India Act, 1935, assumed, on behalf of the Governor-General, all powers vested in or exercisable by the Provincial Legislature under the said Act ;

Now, therefore, the Governor is hereby pleased to enact as follows :

1. (1) This Act may be called the West Punjab Refugees (Registration of Land Claims) Act, 1949.
- (2) It extends to the whole of West Punjab.

No. 563-Leg—The following Act received the assent of Governor on the 30th March 1949, and is hereby promulgated for general information (Gazette dated 31st March 1949)

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 now comprised in the Provinces of East Punjab, and Delhi, the East Punjab States and the States of Alwar, Bharatpur and Bikaner ;
- (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 ;

[Note.—The definition of land in this section is wider than the one given in section 4 of the Punjab Tenancy Act. 'Such land' as given in section 2 (b) (1) means land, which is occupied or let for agricultural purpose or for purposes subservient to agriculture or for pasture. The sites of buildings and other structure on such land comes within the definition of land. But land, other than 'such land', as defined above, which is occupied as the site of buildings is included from the definition of land.]

- (c) "landholder" 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 holder or grantee of land as may be specified by the Provincial Government ;

[Note.—The definition of land-holder is not exhaustive, as the Provincial Government may still specify that a certain holder or grantee of land is also a land-holder.]

- (d) "refugee" means a landholder in the territories now comprised in the Provinces of East Punjab, and Delhi, the East Punjab States, and the States of Alwar, Bharatpur and Bikaner, 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 Settlement Officer or Assistant Settlement Officers appointed under this Act and includes any Revenue Officer as defined in section 6 of the Punjab Land Revenue Act (XVII of 1887) within the area of his jurisdiction; and

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

3. For the purpose of registering claims under this Act the Provincial Government may, by notification, appoint one or more Settlement Officers and Assistant Settlement Officers and may specify the local limits of their jurisdiction.

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 to a registering officer shall not submit another claim in respect of the same land to any other Registering Officer.

(2) The Registering Officer shall thereupon register his claim.

Note.—If a refugee submits an application in the prescribed manner along with the affidavit, the Registering office has no option but to register the claim.]

Write rules here of any building in a town or village is not land as defined in section 2 of the Act.]

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 Provincial 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 he knows to be false or does not believe to be true; or

(b) submits a claim about the given land to more than one registering authority; or

(c) 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 clauses (a) and (b) above—

shall be punishable with rigorous imprisonment which may extend to five years or with fine up to rupees five thousand or with both.

8. No prosecution for any offence punishable under this Act shall be instituted except on a complaint in writing by the Settlement Officer of the district in which that offence was committed.

9. 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.

10. The West Punjab Refugees (Registration of Land Claims) Ordinance, No. II of 1948, is hereby repealed.

## RULES UNDER SECTION 9

### LAND

The 25th April 1949

No. 2241-R(L) (25th April, 1949). Gazette of 6th May, 1949.  
—In exercise of the powers under section 3 of the Pakistan (Economic Rehabilitation) Ordinance, 1948, delegated to the West Punjab Government under the Pakistan Government, Ministry of Refugees and Rehabilitation Notification No. F-13 (17)/48-P, dated the 29th December 1948, and in amplification of the purposes of appointment of Deputy Rehabilitation Commissioners (Land), made by West



1949 Punjab Government Notification No. 835-k(L), dated the 21st February 1949, the Governor of West Punjab is pleased to direct that the said Deputy Rehabilitation Commissioners, (Land) shall be competent to exercise the powers of a Rehabilitation Commissioner under section 8(2) of the said Ordinance, within their respective spheres of jurisdiction subject to such instructions as may from time to time be issued by the Rehabilitation Commissioner (Land).

No 2459-R (L) 26th April 1949, (Gazette 6th May 1949)—In exercise of the powers conferred by section 9 of the West Punjab Refugees (Registration of Land Claims) Act, 1949 the Governor of West Punjab is pleased to make the following rules under the said Act:—

1. The Settlement Officer shall notify, through the press and in such manner as may be prescribed by the Financial Commissioner, Resettlement and Colonies, the date by which shall not be less than one month from the date of notification, by which applications of claims, under section 4 of the West Punjab Refugees (Registration of Land Claims) Act, 1949 (hereinafter referred to as the Act), should be submitted.

2. Applications of claims shall be submitted by persons to whom land has already been allotted to the Registering Officer of the district in which the land aforesaid lies.

3. Applications of claims shall be submitted by persons to whom land has not been allotted, to the Registering Officer of the district in which they reside. They can indicate in the application the district of their second choice also.

4. Applications of claims shall be presented to the Registering Officer by the applicant himself, or through a duly authorised attorney. In case of a minor, application for claims shall be submitted in the aforesaid manner by his guardian, or next friend.

5. No application of claims shall be entertained unless submitted in the form appended to these rules. No Court fee shall be chargeable on these applications.

6. No application of claims shall be entertained unless the affidavit annexed to the application from appended to these rules has been duly completed and attested by a competent authority. The following shall be the competent authorities for the purpose of attesting the affidavit:—

- (1) All Registers.
- (2) All stipendiary.
- (3) All Sub-Judges.
- (4) All Oath Commissioners appointed by the High Court.
- (5) All Registering Officers under the Act.
- (6) Any other person authorised in this behalf by the Provincial Government.

7. The settlement Officer shall specify the local limits within which the various Registering Officers defined clause 2 (e) of the Act may receive applications of claims and register them.

8. The Financial Commissioner, Resettlement and Colonies may issue instructions regarding:—

- (a) the manner in which the forms of applications should be made available on payment or otherwise.
- (b) the accounts and books to be kept in respect of such forms.
- (c) the manner in which the claim should be received, registered and dealt with, and
- (d) other registers and returns necessary for putting into effect the provisions of the Act.

9. The rules published with West Punjab Government Notification No. 4188-R(L), dated the 8th December 1948, as subsequently amended are hereby cancelled.

### West Punjab Act VI of 1949

#### THE CITY OF LAHORE CORPORATION (APPOINTMENT AND EXTENSION OF TERM OF COUNCILORS) ACT, 1949.

No. 564—Leg.—The following act received the assent of Governor on the 15th April 1949, and is hereby promulgated for general information (*Gazette*, dated 20th April 1949).

#### *An Act to provide for the extension of term and appointment of councilors of the City of Lahore Corporation*

Whereas the Governor of West Punjab has, in pursuance of the Proclamation issued under section 92-A of the Government of India Act, 1935, assumed on behalf of the Governor-General of Pakistan all powers vested in or exercisable by the Provincial Legislature under the said Act;

Now, therefore, the Governor is hereby pleased to enact as follows:—

1. (1) This Act may be called the City of Lahore Corporation (Appointment and Extension of term of Councilors) Act, 1949.

(2) It shall come into force at once, and shall lapse on the 1st of May 1950.

2. Notwithstanding the provisions of section 10 of the City of Lahore Corporation Act, 1941, hereinafter called "the said Act", the term of office of councilors which by reason of the said provisions would have expired at noon on the first day of May 1950, is hereby extended to noon on the first day of May 1950, which day for the purposes of the said Act shall be deemed to be the day on which they shall retire from office.

3. (1) If the seat of any elected non-Muslim councilor, who has migrated from West Punjab, has been declared vacant under section 12 of the said Act, the Provincial Government may, if it shall think fit, notwithstanding anything contained in section 7 or section 8 or any other provision of the said Act or of the rules made thereunder.