

EAST PUNJAB DAMAGED AREAS ACT, 1949

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21. Short title, extent and commencement. Definitions. Power to declare areas to be damaged areas. Power to add to, amend or vary the provisions of the Munici- pal Act, and the Towns Act for purposes of damaged areas. Power to make orders in respect of damaged areas in urban areas. Power to make retrospective notifications and orders. Possession of debris and salved property pending its dis- posal. Record of debris and salved property to be prepared. Power to sell salved property in certain cases. Power to dispose of debris. Appointment of Claims Commissioners. Claims to salved property. Power of Claims Commissioner to dispose of claims and restore salved property. Claims Commissioner to be a court for certain purposes. Power to impose fines and award compensation in respect of frivolous claims. Certain persons to be public servants. Power to dispose of unclaimed property. General indemnity. Indemnity in respect of action under this Act. Saving as to orders. Powers to make rules. 1949 : East Pb. Act X.] DAMAGED AREAS 399 I THE EAST PUNJAB DAMAGED AREAS ACT, 1949. EAST PUNJAB ACT No. X OF 1949. [Received the assent of His Exceellncy the Governor on the 9th April, 1949, and was first published in the East Punjab Government Gazette (Extraordinary) of April 11, 1949.] 1 Year 1949 2 No. x 3 Short title The East Punjab Damaged Areas Act, 1949. 4 Whether repealed or otherwise affected by legislation Amended in part by the Adaptation of Laws Order, 1950. Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. An Act to provide for salvage and disposal of property and clearance of debris in riot-stricken urban areas. 1. (1) This Act may be called the East Punjab Short title, extent Damaged Areas Act, 1949. and commence- ment. (2) It extends to all urban areas in 21 Union Territory of Chandigarh]. (3) This section and sections 2 and 3 shall come into force at once; and the 3[Central Government] may, by noti- fication, direct that the other provisions of this Act or any provision thereof specified in the notification, shall come into force in any urban area on such date as it may by notification appoint. iFor Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1949, page 54-G ; for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume III, 1949, pages (20) 46 to (20) 47. 2Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 3Substituted for the words "%State Government" by ibtd. D efinitions. [1949 : East Pb. Act 400 DAMAGED AREAS 2. In this Act, unless there is anything repugnant in the subject or context,— (a) "building" means a building as defined in sub. section (2) of section 3 of the Punjab Munici. pal Act, 1911 (hereinafter referred to as the Municipal Act) ; of 1911 (b) "damaged area" means any area which is for the time being declared by notification under section 3, to be a damaged area; (c) "debris" means any building material of a building in a damaged area. which has been destroyed, damaged or demolished since the 3rd of March, 1947, or which may be destroyed, damaged or demolished after the date of the notification under section 3 in repect thereof, but it does not include the building material of such portion of any b „ilding as is substantially intact (d) "Municipality" means a municipality as de- fined in sub-section (9) of section 3 of the Act, Punjab Municipal Act ; of 1911. (e) "prescribed" means prescribed by rules under this Act; (f) "small town" means a small town as defined in clause (e) of section 2 of the Punjab Small punjab Towns Act (hereinafter referred to as the Towns Act); 1922. (g) "Salved property" means any • moveable pro- perty other than debris, which has been salved, recovered or removed from any damaged area since the 3rd of March, 1947, under the orders of the 1[Central Government], a local authority or any other competent authority and which is lying undisposed of on the date of the notification under section 3, or any other 1Substituted for the word " State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation Of Laws on State and Concurrent Subjects) Order, 1968' 1949 East Pb. Act X.] DAMAGED AREAS 401 such property which may be salved, recover- ed or removed from any damaged area there- after or any other property which may be de- clared to be salved property by the 1[Cenlral Government] by notification ; and Punjab Act, 111 of 1911. Punjab Act 11 of 1922. (h) "urban area" means any area administered by a municipal committee, a town committee or a notified area committee

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15. Where any claim to any salved property or any Power to impose fines and award 1908 proceeds thereof, whether made under section 12 or in the compensation in respect of frivolous course of any proceedings before him, is dismissed or re-claims,jected, the Claims Commissioner may if he is of opinion that the claim was false, frivolous or vexatious, impose a fine not exceeding one thousand rupees on the person making it, and may while doing so direct that the whole or a portion of it, if recovered, shall be paid by way of compensation to any person who has opposed the claim

16. A Claims Commissioner and any person acting Certain persons to be public servants.under his orders for the purposes of this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code

17. Any salved property or any proceeds thereof in Power to dispose of unclaimed property.respect of which no claim has been received in accordance with the provisions of this Act, may be disposed of by the [Central Government] as prescribed. General indemnity. 18. (1) No prosecution, suit or other proceeding whatsoever shall lie against the [Central Government] or any officer thereof or any local authority or any Officer thereof, in respect of any action relating to debris or sold property including its delivery to any person between [Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent subjects) order, 1968. 1949: East Pb. Act X.] DAMAGED AREAS 405 the 3rd March, 1947, and the date of the notification under section 3 relating to the damaged areas concerned. (2) No prosecution, suit or other legal proceeding shall lie against any local authority or against any officer thereof without the previous sanction of the [Central Government], for failure to comply with any provisions of the Municipal Act or the Towns Act since the 3rd March, 1947, till such date as may be notified by the [Central Government]

19. No civil or criminal proceedings shall be instituted for anything done or intended to be done under this Act.Act or any loss or damage caused to or in respect of any property whereof possession has been taken under this Act

20. Except as provided in this Act, no proceeding or to order taken or made under this Act shall be called in question by any court.21. (1) The [Central Government] may make rules Power to make for the purpose of carrying into effect the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely (a) vesting of possession of debris or salved property pending its disposal (b) depositing of salved property under sub-section (2) of section 7, (c) preparation and form of the records under section 8 and their publication, (d) disposal of debris or the proceeds thereof under section 10, (e) appointment of authority under sub-section (2) of section 10 (f) the form and contents of the application under section 12 (g) maintenance of records by a Claims Commissioner; and (h) disposal of unclaimed salved property or proceeds thereof. [Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 2For rules, see Punjab Government notification No. 8596.LGCA).50/11-10114, dated 1st December, 1950, published in Punjab Government Gazette, Part I-At pages 543—45,