

EAST PUNJAB REFUGEES (REGISTRATION OF CLAIMS) ACT, 1948

1944: East Pb. Act VIII REFUGEES (REGISTRATION 159 OF CLAIMS) EAST PUNJAB REFUGEES (REGISTRATION OF Sections. 1. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12

13. CLAIMS) ACT, 1948.TABLE OF CONTENTS Short title and extent. Interpretation. Appointment of Registrar and other omcers. Registration of Refugee Claims. Powers. Records under this Act to be public documents. Act not to be questioned. Offences. Procedure Jurisdiction. Limitation. Power to make rules. Repeal. 1948: East Pb. Act V Ill.] REFUGEES (REGISTRATION 161 OF CLAIMS) IEAST PUNJAB REFUGEES (REGISTRATION OF CLAIMS) ACT, 1948. East Punjab Act No. VIII 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of April 3, 1948.] 1 Year No. 1948 vul 2 3 Short title East Punjab Refugees (Registration of Clums) Act, 1948 4 Whether repealed or otherwise affected by legislation Amended in part by the Adaptation of Laws Order, 1950. Amended in part by the Aadptation Laws (Third Amendment) Order of 1951. Amended by Puniab Act 25 ot 1964.2 Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 1. (I) This Act may be called the East Punjab Re- Short title and fugees (Registration of Claims) Act, 1948. extent. (2) It extends to the whole of 3[Union territory of Chandigarh]

2. In this Act, unless there is anything repugnant in Interpretation.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 * * * 4 * * * Pakistan; (b) "prescribed" means prescribed by rules under this Act; IFor Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 166 ; for proceedings in Assembly, see East Punjab Legis. lative Assembly Debates, Volume 11, 1948, pages 681—83. 2For Statem mt of Objects and Reasons. sec Punjab Government Gazette (Extraordinary), 1964, pages 935—37. 2Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 'The words "the Dominion of" omitted by the Adaptation of Laws (Third Amendment) Order, 1951. i 62 REFUGEES (REGISTRATION [1948: East Pb. Act VIII OF CLAIMS) (c) "property" includes any right or interest in moveable or immoveable property, in any shop or business establishment or any factory or workshop or undertaking or in any debt or actionable claim other than a mere right to sue; (d) "refugee" means a person demiciled or ordi- narily resident in, or owing property in, or who carried on business within, the territories * * * * * Pakistan and now comprised in 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 a Deputy Registrar of Refugee Claims, and an Assistant Registrar of Refugee Claims

3. The 2[Central Government] may, for the collection Appointment Of Registrar and other of information relating to the claims of refugees, appoint a Officers.Registrar of Refugee Claims for the 3[State] and, either by name or designation, one or more 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. L The words "the Dominion of" omitted by the Adaptation of Laws (Third Amendment) Order, 1951. 2Substituted for the words "*State Government" by the Punjab Reorganisa- lion (Chandigarh) (Adaptation of Laws on State and Concurrent Subject Order 1968. *Substituted for the word "Province" by the Adaptation of Laws Order. 1950. -1 REFUGEES (REGISTRATION [1948: East Pb. Act VIII 163 OF CLAIMS) 4. (I) A refugee may submit to the Registrar on the Registration of prescribed form and supported by an affidavit an applica- refugee Claims. tion for the registration of his claim in respect of his pro- perty in * * 1 * * 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 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 main- tain 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. The Registrar shall have all the powers of a Civil powers. 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, Act V of 1898

6. All records prepared or registers maintained under Records under this Act to be public this Act or the rules made thereunder shall be deemed to be documents. 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. No suit or prosecution or other legal proceedings Act not to be questioned. shall lie against the [Central 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

8. Whoever intentionally makes to the Registrar a Offences. false statement in respect of his claims, shall be deemed to have committed an offence under this Act and shall be liable The words "The Dominion of" omitted by the Adaptation of Laws (Third amendment) Order, 1951. *Substituted for the words "State Government" by the Punjab (Chandigarh) (Adaptation of Laws on State and concurrent Subj Order, 1968. Procedure. Jurisdiction. Limitation. 164 REFUGEES (REGISTRATION [1948 : East Pb. Act VRI OF CLAIMS) to rigorous imprisonment for a term which may extend to two years or with fine or with both

9. 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 [Central Government]

10. All offences under this Act shall be triable by a Judicial Magistrate of the First Class in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898). 11. (1) The [Central 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 [Central Government] may extend this date from time to time. 12. (1) The [Central 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 orders 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 ; substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. *substitution for the word 'Magistrate' by Punjab Act XXV of 1964. 'For rules, see notification No. 23 dated 19th May 1948, published in East Punjab Government Gazette (Extraordinary), dated 14th May 1948, pp. 417—423. OF CLAIMS) (e) the distribution or allocation of the work to be performed by the Registrar, the Deputy Registrars and the Assistant Registrars, ; and (f) the supply of copies of the records maintained under this Act and the fees leviable therefor

13. The East Punjab Refugees (Registration of Repeal. 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.