

*Rep. by Sind  
Act XVII of  
1950. 3.2.50*

SIND ACT No. II OF 1950<sup>1</sup>.

[THE SIND REFUGEES (REGISTRATION OF LAND CLAIMS)  
ACT, 1950.]

[30th March, 1950]

*An Act to provide for the registration of Land Claims of  
Refugees in Sind.*

WHEREAS it is expedient to provide for the registration of Land Claims of Refugees in Sind ; It is hereby enacted as follows :—

1. (1) This Act may be called the Sind Refugees (Registration of Land Claims) Act, 1950. Short title and extent.

(2) It extends to the whole of <sup>2</sup> ~~the Province~~ of Sind.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(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 Province of East Punjab and Delhi, Province of Himachal Pradesh, the Patiala and the East Punjab States Union and the States of Bharatpur, Alwar 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 :

provided that land included within the limits of a Corporation Municipal Area Committee, Notified Area Committee, Town Area and Small Town Area and Cantonments as those limits

<sup>1</sup> For Statement of Objects and Reasons, see S. G. G., 1949, Pt. IV, p. 159 ; and for proceedings in Assembly, see S. L. A. Debates, 1950, Vol. VII, Book No. 3, pp. 42-44.

<sup>2</sup> The words "in Province of" omitted by Central Ad. of Laws Ord., 1964.

stood on 15th August 1947, will not be considered as land for the purpose of this Act ;

(c) "landholder" means an owner of land or a tenant having a right of occupancy under the Punjab Tenancy Act, 1887, or a tenant as defined in Section 3 of the Colonization of Government Lands Act, 1912, and such other holder or grantee of land as may be specified by the <sup>Central</sup> Provincial Government; Punjab XVI of 1887. V of 1912.

(d) "refugee" means a landholder in the territories now comprised in the Province of East Punjab and Delhi, Province of Himachal Pradesh, the Patiala and East Punjab States Union and the States of Bharatpur, Alwar 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 an Assistant Rehabilitation Commissioner appointed under the Pakistan Rehabilitation Ordinance, 1948, or any Revenue Officer as defined in Section 3 (x) of the [Sind] Land Revenue Code, 1879, within the area of his jurisdiction ; and Ordinance XIX of 1948. Sind V of 1879.

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

Power to appoint Assistant Rehabilitation Commissioners.

3. For the purpose of registering claims under this Act the <sup>Central</sup> Provincial Government may, by notification in the *Official Gazette*, appoint one or more Assistant Rehabilitation Commissioners and may specify the local limits of their jurisdiction.

Registration of land claims.

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 authority in any part of West Pakistan 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.

Powers.

5. The Registering Officer shall have all the powers of a Civil Court for the purpose of attesting affidavits under this Act.

<sup>1</sup> Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (i), (w. e. f. 30th May 1951), for "Bombay".

<sup>2</sup> Subs. by Central Ad. of Laws Order, 1964, for "Provincial Govt".

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 any thing done or purporting to have been done in pursuance of this Act.

Protection of  
action taken  
under this  
Act.

7. Any person who—

Offences and  
penalties.

(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 Pakistan Penal Code, 1860, abets the commission of an offence under clauses (a) and (b) above ;

XLV of  
1860.

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 Assistant Rehabilitation Commissioner of the district in which that offence was committed.

Procedure.

9. The <sup>Central</sup> [Provincial Government] may by notification make such rules<sup>1</sup> as appear to it to be necessary or expedient for putting into effect the provisions of this Act.

Rules.

10. (1) The Sind Refugees (Registration of Land Claims) Ordinance, 1949 (hereinafter referred to as the Ordinance), is hereby repealed but the repeal shall not affect the appointments made, claims registered, prosecutions filed or any other action taken thereunder.

Repeal of  
Sind ordi-  
nance I of  
1949 and  
validation  
of appts.  
made and  
action taken,  
etc., there-  
under.

(2) All appointments made, claims registered, prosecutions filed or any other action taken under the Ordinance shall be deemed to have been made, registered, filed or taken respectively under this Act.

Ord. I  
of 1949.

<sup>1</sup> For Rules, see G. N., R. R. D. No. 178-R./49, dated 8th July 1950, S. G. G., 1950, Pt. IV-A, pp. 50-53.

<sup>2</sup> Subs. by Central Ad. of Laws Ord., 1964, for "Provincial Govt."