

THE [KHYBER PAKHTUNKHWA] REFUGEES (REGISTRATION OF LAND CLAIMS) ACT, 1949.

(ACT NO. X OF 1949).

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1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

THE [KHYBER PAKHTUNKHWA] REFUGEES (REGISTRATION OF LAND CLAIMS) ACT, 1949.

(ACT NO. X OF 1949),

(Received the assent of the Governor, *[Khyber Pakhtunkhwa] on 21st April, 1949).

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ACT

to provide for the registration of land claims of Refugees settled in the 3/Khyber Pakhtunkhwaj,

WHEREAS it is expedient to make provisions for the registration of Preamble.

land claims of Refugees settled in the “[Khyber Pakhtunkhwal].

It is hereby enacted as follows:—

1. (i) This Act may be called the *[Khyber Pakhtunkhwa] Refugees Shorttitle, extent (Registration of Land Claims) Act, 1949. and

commencement.

(ii) It extends to the whole of the *[Khyber Pakhtunkhwa].

(iii) It shall come into force at once.

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, East Punjab States, and the States of Alwar Bharatpur;

(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 Sub-servient 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,

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

3 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

4 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

5 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

6 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(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.

(c) "Landholder" means an owner of land or a tenant having a right of occupancy under the Punjab Tenancy Act, 1887 and such other holder or grantee of land as may be specified by the [Central Government];

(d) "Refugee" means a landholder in the territories now comprised in the Province of East Punjab, East Punjab States, and the States of Alwar and Bharatpur 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;

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"Registering Officer" means a Settlement Officer or Assistant Settlement Officer appointed under this Act and includes any Revenue officer as defined in Section-6 of the Punjab Land Revenue Act (Act No. 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 *[Central Government] may by notification, appoint one or more settlement officers and Assistant Settlement Officers and may specify the local limits of their Jurisdiction.

(4) ()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 shall not submit another claim in respect of the same land to any other Registering Officer.

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

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

1 This Act has been repealed and replaced in N.W.F.P. by the N.W.F.P Tenancy Act 1950 (XXV of 1950).

2 Subs. for the words "Provincial Government" by P. O. L; of 1964.

Power to
appoint
Settlement

Officers.

Registrations
land claims.

Powers.

6. No suit, prosecution or other legal proceeding shall lie against the [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.

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 abandoned land to more than one registering authority ; or

(c) being a public servant as defined in Section 21 of the *[Pakistan 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 upto rupees five thousand or with both.

8. (1) 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.

(2) The *[Central Government] may by notifications make such rules as appear to it to be necessary or expedient for putting into effect the provisions of this Act.

1 Subs. for the words "Provincial Government" by P. O. I. of 1964.

2 Subs. ibid for the words "Indian Penal Code".

3 Subs. ibid for the words "Provincial Government",

Protection of
action taken
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Procedure.