

# The East Punjab War Awards Act, 1948

February 16, 2013

## EAST PUNJAB ACT No. 22 of 1948

[Received the assent of His Excellency the Governor on the 10<sup>th</sup> April, 1948, and was first published in the East Punjab Government Gazette (Extraordinary), dated the 10<sup>th</sup> April, 1948.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by Legislation
1948	22	The East Punjab War Awards Act, 1948	Adapted by- (1) The Adaptation of Laws (Third Amendment) Order, 1951. Amended by- (1) Punjab Act 22 of 1972 <sup>2</sup> (2) Punjab Act 38 of 1945 <sup>3</sup> (3) Extended to the territories which immediately before the Ist November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 23 of 1957 <sup>4</sup> (4) Punjab Act 17 of 1957 <sup>5</sup> (5) Punjab Act 36 of 1960 <sup>6</sup> (6) Punjab Act 26 of 1964 <sup>7</sup> (7) Punjab Act 22 of 1965 <sup>8</sup> (8) Punjab Act 3 of 1968 <sup>9</sup>

An Act to empower the Punjab government to award Fauji Seva Purskar to certain <sup>[1]</sup>persons.

## THE EAST PUNJAB WAR AWARDS ACT, 1948

**1. Short title and Commencement** – It is hereby enacted as follows:-

(1) This Act may be called the East Punjab Was Awards Act, 1948.

(2) It shall come into force at once, <sup>1</sup>[and in its application to the territories which, immediately before the Ist November, 1956, were comprised in the State of Patiala and East Punjab States Union, it shall be deemed to have come into force on 28<sup>th</sup> August, 1949.]

**2. Definition** – In this Act, unless there be anything repugnant in the subject or context-

<sup>2</sup>[(a)“eligible person” means-

(i) a citizen of India, ordinarily residing in the State of Punjab, who is the father, or where the father is dead, the mother, of-

- (a) only son or only child ; or
- (b) only two sons or only two children ; or
- (c) three or more children,

who has or have served or who is or are serving in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26<sup>th</sup> October, 1962, or on the 3<sup>rd</sup> December, 1971, but does not include a person who has for such reasons already received a land grant or other award from Government ; or

(ii) a person who is now a citizen of India and who,-

(a) immediately before the fifteenth day of August, 1947, ordinarily resided in the undivided Punjab, or

(b) immediately before the 20<sup>th</sup> August, 1948, ordinarily resided in the territories which on that date formed the State of Patiala and East Punjab States Union and who is the father, or where the father is dead, the mother of three or more <sup>2</sup>[children] who having been at any time enrolled or commissioned in forces then referred to as His Majesty's Naval, Military or Air Forces or in the forces maintained by any of the Indian States comprised in the aforesaid territories and who were liable to serve wherever required and have actually served in any of the said forces during the Second World War, but does not include any person who has for such reason already received a land grant or other award from the Government of the undivided Punjab or the Government of the territories formed as aforesaid or of any Indian State comprised in such territories or the Punjab Government.

(b) "Government" means the State Government of Punjab;

(c) "War Jagir" means a Jagir granted under this Act;

(d) expressions used but not defined in this Act have the same meanings as in the Punjab Jagirs Act, 1941.

### 3. Creation of war jagir –

(1) Notwithstanding anything in any other law for the time in force, the Government shall have the power to grant to a person a War Jagir of the value of-

- (a) three hundred rupees per annum if he is an eligible person within the meanings of sub-clause (i) of clause (a) of section 2;
- (b) one hundred rupees per annum, if he is an eligible person within the meaning of sub clause (ii) of clause (a) of section 2:

Provided that if the eligible person within the meaning of-

- (i) sub-clause (i) of clause (a) of section 2 has more than three children who have served or are serving in the manner referred to in the said sub-clause, an additional amount of fifty rupees per annum may be granted for every such child exceeding three;

(ii) sub-clause (ii) of clause (a) of section 2 has more than three children who were enrolled and commissioned and were liable to serve and have actually served, in the manner referred to in the said sub-clause, an additional amount of ten rupees per annum may be granted for every such child exceeding three:

Provided further that for the purposes of determining the eligibility of a person to the grant of a War Jagir under sub-clause (i) of clause (a) of section 2, no child of such person who has already made him eligible to the grant of a War Jagir under sub-clause (ii) of that clause shall be taken into account.

(2) A War Jagir shall provide for assignment of the appropriate sum or for the grant of such sum payable annually charged on the whole or party of the land revenue arising from a specified area and the amount of War Jagir shall, subject to such deductions on account of collection of land revenue as the Government may direct, be payable notwithstanding that the land revenue for the specified area may have been suspended or remitted.]

**<sup>1</sup>[4. Tenability of Grantee** – A War Jagir shall, unless terminated wholly or partially for breach of any condition imposed under section 5, be tenable for the life-time of the grantee, but Government shall have power to terminate or reduce it if the grantee subsequently receives a land grant or other award on the same ground on which the war jagir was granted to him:

Provided that a war jagir granted to an eligible person, being the father, shall, on the death of the father, be tenable for the lifetime of the mother.]

## 5. Conditions –

The Government may attach such conditions as it may deem fit to the enjoyment of any or all war jagirs, and such conditions shall be communicated to the grantee at the time when the grant is made to him.

## 6. Assessment and collection of assigned land revenue –

Any land-revenue assigned under the powers herein conferred shall be assessed and collected in the manner provided by the law for the time being in force for the assessment and collection of land revenue as if it has not been so assigned.<sup>[2]</sup>

## 7. Exemption of war jagir from attachment –

No war jagir shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor for any demand against the grantee, or in satisfaction of a decree or order of any Court.

## 8. Savings –

Nothing in this Act shall be deemed to affect the provisions of the Pensions Act, 1871 (Act 23 of 1871), or of the <sup>1</sup>Government Grants Act, 1895 (Act 15 of 1895), so far as they are applicable to war jagirs.

## 9. Certain question to be referred to Government for final decision – If any question arises under this Act-

(a) whether or not a person is<sup>[3]</sup> an eligible person; or

(b) whether or not a grantee has committed breach of any condition imposed under section 5, such question shall be referred to the Government whose decision thereon shall be final and conclusive and shall not be liable to be called in question in any court.

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<sup>[1][1][1]</sup> <sup>1</sup>For Statement of Object and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 266.

2. <sup>2</sup>For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1952, page 1154 (b). This Act shall be deemed to have come into force from the 10<sup>th</sup> day of April, 1948.

3. <sup>3</sup>For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1954, page 838.

4. <sup>4</sup>For Statement of Objects and Reasons see Punjab Government Gazette (Extraordinary), 1957, page 689.

5. <sup>5</sup>For Statement of Objects and Reasons see Punjab government Gazette (Extraordinary) 1959, page 284.

6. <sup>6</sup>For Statement of Object and Reasons see Punjab Government Gazette (Extraordinary) 1960 page 1960.

7. <sup>7</sup>For Statement of Object and Reasons see Punjab Government Gazette (Extraordinary) 1964 page 890.

8. <sup>8</sup>For Statement of Object and Reasons see Punjab Government Gazette (Extraordinary) 1965 page 1116.

9. <sup>9</sup>For Statement of Object and Reasons see Punjab Government Gazette (Extraordinary) 1967 page 909.

10. <sup>10</sup>Substituted by the Adptation of Laws (Third Amendment) Order, 1951.

<sup>1</sup>Added at the end of sub-section (2) of section 1 by Punjab Act No. 17 of 1959.

<sup>2</sup>Substituted for the words "(a) 'eligible person' means a person who is now a citizen of India and who" by Punjab Act, No. 26 of 1964, section 2.

<sup>3</sup>Substituted for the words "three or more persons" by Punjab Act No. 2 of 1968, Section 2.

<sup>4</sup>Added by Punjab Act No. 22 of 1965, section 2.

<sup>5</sup>Substituted for the words "only son serving or who has served" by Punjab Act No. 2 of 1968, section 2.

<sup>1</sup>Section 3 substituted by Punjab Act No. 2 of 1968, section 3.

<sup>1</sup>Section 4 substituted by Punjab act No. 26 of 1964, section 4.

<sup>[3]</sup>Substituted by Adaptation of Laws Order, 1950, First Schedule, for "Crown".

