

Himachal Pradesh War Awards Act, 1972

9 of 1972

[21 April 1972]

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Creation Of War Jagirs
4. Tenure Of War Jagirs
5. Power To Attach Condition To Enjoyment Of War Jagirs
6. Exemption Of War Jagir From Attachment
7. Savings
8. Certain Questions To Be Referred To Government For Final Decision
9. Repeal And Savings

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An Act to empower the Himachal Pradesh Government to award Jagirs to parents, whose children have served in the Armed Forces during the emergency Amended repealed of otherwise effected by,- (1) H.P. Act No.7 of 19832 assented to by the Governor on 12-4-1983, and published in R.H.P. Extra, dated 20-4-1983, P. 491 effective w.e.f. 15-8-1982. (2) The Act No. 10 of 19943 assented to by the Governor, on 7th May 1994 published in R.H.P. Extra dated 27-5-1994 P. 1175-1176. (3) H.P. Act No. 13 of 19984 assented to by the Governor, on 21-8-1998, published in R.H.P. Extra, dated 24-8-1998, P. 3193-3196 w.e.f. 1-4-1998. declared under Article 352 of the Constitution of India on the 26th October, 1962, or are serving or have served in the Armed Forces during the emergency declared under Article 352 of the Constitution of India on the 3rd December, 1971, or were enrolled or commissioned for service in his Majesty's Forces during the Second World War. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-third Year of the Republic of India as follows:- 1. For

Statement of Objects and Reasons, See R.H.P. Extra., dated the 19th April, 1972, Pages 374. This Act replaces, the H.P. Ordinance No. I of 1972, published in R.H.P. Extra., dated the 25th February, 1972, Pages 85-188. 2. For Statement of Objects and Reasons see R.H.P. Extra dated 19-3-83, P.341. 3. Published in Hindi by the H.P. Vidhan Sabha For Statement of objects and Reasons see R.H.P. Extra., dated 15-3-1994, P.384-386. 4. Published in Hindi by the H.P. Vidhan Sabha For Statement of objects and Reasons see R.H.P. Extra., dated 6-7-1998, P.2456 & 2458.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Himachal Pradesh War Awards Act, 1972.
- (2) It extends to the whole of Himachal Pradesh.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

(a) eligible person means

(i) a citizen of India ordinarily residing in the State of Himachal Pradesh,

(a) who is the father, or, where the father is dead, the mother, of the only son or only child who has served 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 26th October, 1962, or who is serving or has served 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 3rd December, 1971, but does not include a person who has for such reasons already received a land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966; or

(b) who is the father, or, where the father is dead, the mother, of only two sons or only two children both of whom have served 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 26th October, 1962, or both of whom are serving or have served in the armed forces of the Union during the emergency declared by the President of India on the 31d December, 1971, but does not include a person who has for such reasons already

received a land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966; or

(c) who is the father, or, where the father is dead, the mother, of three or more children who have served 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 26th October, 1962, or who are serving or have served 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 3rd December, 1972, but does not include a person who has for such reasons already received a land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966; or

(ii) a citizen of India ordinarily residing in the State of Himachal Pradesh who is the father, or, where the father is dead, the mother, of three or more children who having been at any time enrolled or commissioned in forces which, before the 15th August, 1947, were referred to as His Majestys Naval, Military or Air Forces or in the Forces maintained by any of the Indian States comprised in the State of Himachal Pradesh 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 reasons, already received land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966 or the Government of any Indian State aforesaid.

(b) Government means the Government of Himachal Pradesh.

(c) War Jagir means a Jagir granted under this Act.

3. Creation Of War Jagirs :-

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

(a) 1[nine hundred] rupees per annum if he is an eligible person within the meaning of sub-clause (i) of clause (a) of section 2;

(b) 2[six 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) (c) 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 3[three hundred 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 or commissioned and were liable to serve and have actually served, in the manner referred to in the said sub-clause, an additional amount of 4[sixty] 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.

1. Substituted for the "Words" "one hundred and fifty" Vide Act No. 7 of 1983 again subs for the words "three hundred" vide Act No. 10 of 1994 agains subs. for the issues "six hundred vide Act No. 13 of 1998.

2. Substituted for the words "one hundred" vide Act No. 7 of 1983,vide Act No. 10 of 1994 subs. for the words two hundred again subs. for the words "for hundred" vide Act No. 13 of 1998.

3. Substituted for the word "fifty" vide Act No. 7 of 1983 subs. for one hundred vide Act No. 1 of 1984, again subs for the words "two hundred" vide Act No. 13 of 1998.

4. Subs. for the "ten" vide 7 of 1983, for "" Act No. 10 of 94, again subs. for the words "forty" vide Act No. 13 of 1998.

4. Tenure Of War Jagirs :-

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 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 life-time of the mother.

5. Power To Attach Condition To Enjoyment Of War Jagirs :-

The Government may attach such condition 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. 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.

7. Savings :-

Nothing in this Act shall be deemed to affect the provision of the Pensions Act, 1871 (23 of 1871) or of the Government Grants Act, 1895, (15 of 1895) so far as they are applicable to War Jagirs.

8. Certain Questions To Be Referred To Government For Final Decision :-

If any question arises under this Act-

- (a) whether or not a person is 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 there on shall be final and conclusive and shall not be liable to be called in question in any court.

9. Repeal And Savings :-

The Ease Punjab War Awards Act, 1948 (22 of 1948) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, (31 of 1966) and the Himachal Pradesh War Awards Ordinance, 1972 (1 of 1972) are hereby repealed :

Provided that the repeal shall not effect-

- (a) the previous operation of any such law so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ; or
 - (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid;
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been enacted :

Provided further that subject to the preceding proviso, anything

done or any action taken under the Act and the Ordinance so repealed, so far as it is consistent with this Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.