

Punjab Jagirs Act, 1941

5 of 1941

[03 March 1941]

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Year No. Short title Whether repealed or otherwise affected by legislation. 1941 5 The Punjab Jagirs Act, 1941. Amended by the Adaptation of Laws Order, 1950. Amended by the "Adaptation of Laws (Third Amendment) Order, 1951. An Act to provide for the assignment of Land Revenue by way of jagir grants . WHEREAS it is expedient to the consolidate the law governing the assignments of land revenue and other grants hitherto known as jagirs, and to make more precise provisions regarding the manner in which such assignments are to be made or continue in the future; It is hereby enacted as follows :- 1 For the statement of Objects and Reasons see Punjab Government Gazette (Extraordinary , Punjab, 1940, page 369; for Select Committee, report, see ibid, 1941 pages 19-

25; Proceeding in the Punjab Legislative Assembly, see the Punjab Legislative Assembly Debates , volume XV, page 72-85,220-28,630 and 797-817

1. Short Title :-

This Act may be called the Punjab Jagirs Act , 1941

2. Definitions :-

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

(a) "Government " means the 1[State] Government:

(b) "Jagir" includes -

(i) any assignment of land revenue made or deemed to have been made under this Act,

(ii) any assignment of land revenue made by the competent authority, before the passing of this Act,

(iii) any grant of money made or continued by or on behalf of 2[the Central or State Government] which purports to be or is expressed to be payable out of the land revenue ; and

(iv) any estate in land created or affirmed by or on behalf of the 2[the Central or State Government] which carries with it the right of collecting land revenue or receiving any portion of the land revenue; and

(c) "Jagirdar" means the holder of any grant falling within the definition of a Jagir.

1.Substituted for the word "Provincial " by the Adaptation of Laws order , 1950

2.Substituted for the word "the Crown" by the Adaptation of Laws (third Amendment) Order, 1951)

3. Power Of State Government To Create New Jagirs :-

Government shall have power to make in any one year new assignment of land revenue by way of Jagirs not exceeding in value five thousand rupees:

Provided that if in either of the two preceding years the value of Jagirs granted has fallen short of five thousand rupees the amount by which it has so fallen short in either or both of these years may be added to the amount of five thousand rupees which Government is empowered normally to assign in any one year.

4. Manner In Which New Assignment Are To Be Expressed

:-

(1) The terms of jagirs created under this Act shall provide for an assignment, not exceeding a fixed annual sum, or for the grant of an annual some of money charged on the whole or part of the land revenue arising from a specified area, and subject in either case to such deductions on account of collection, suspension or remission of land revenue as Government may direct.

(2) A jagir created under this Act may be continued after the death of the original jagirdar but the terms thereof shall be so expressed as to provide that the amount assigned to the next holder shall not exceed half of the amount assigned to his predecessor, and that the Jagir shall be extinguished after the death of the second holder.

5. Assessment And Collection :-

Any land revenue assigned under the powers herein before conferred shall be assessed and collected in the manner provided by the law for the time being in force for the assessment and the collection of the land revenue as if it has not been so assigned.

6. Grants Made On Or Since 1St April, 1937 :-

Any jagir created by the government on or since the first day of April, 1937, shall be deemed to have been made under the powers herein before conferred and shall be assessed and collected in the matter herein before provided.

7. Rule Of Descent In The Family Of Jagirdar :-

(1) Where the Government has here to before declared or at anytime hereafter declares that any rules of decent in respect to succession to any jagir shall prevail in the family of the jagirdars, such rule of descent shall be deemed to prevail, and to have prevailed, from the time when the declaration was made, anything in any law or contract to the contrary notwithstanding:

Provided that no such declaration shall hereafter be made unless and until-

(a) Government is satisfied that the rule of descent to be declared actually prevails in the family and has been, continuously and without breach, observed in all successions (if any) to the jagir since it was made ; or

(b) the jagirdar or his successor in interest for the time being has,

by written instrument duly executed by him, either before or after the passing of this Act, signified, on behalf of himself and his family, acceptance of the rule of descent to be so declared, and either no succession has taken place since such acceptance, or else in all succession which have taken place, since such acceptance the Jagir has in fact not devolved otherwise then it would have devolved had the said rule of descent been in force.

(2) Any declaration made under sub-section (1) may be amended, varied or rescinded by the Government, but always subject to proviso thereto.

8. Power To Annex Certain Condition To Assignments When The Rule Is Decent Of Declared :-

When Government makes any declaration under section 7 it may, by notification in the official Gazette, direct that the rule of descent thereby declared to prevail shall be subject to the following conditions or either of them, namely:-

(a) that each successor to the jagir shall be approved and accepted as such by the Government;

(b) that any successor to the jagir shall, if government so requires, make such provision out of the jagir as Government may consider suitable for the maintenance of the widow or widows (if any) and other members of the family (if any) of the last or any previous holders of the jagir :

Provided that-

(1) Government shall not refuse to approve and accept a successor to the jagir any person who by the rule of the descent declared under the section 7 to prevail is next in order to succession unless that person is in the opinion of the Government unfit to succeed to the jagir ; and

(2) If Government should exercise its authority under clause (a) of this action and refuse to accept as the successor the person indicated by the rule of descent as next in order of the succession, then the next person entitled to succeed after the person so rejected, who is approved and accepted by the Government, shall succeed .

9. Power To Enforce Rules And Conditions Under Section 7 And 8 :-

When the Government has issued a notification under the authority of section 7 or of section 8 it shall have full power and authority to

do all acts and things necessary to enforce the rule of descent declared by such notification to prevail and all or any of the conditions attached thereto.

10. Authority For The Government To Declare The Former Jagirs Subject To The Rules, Conditions And Powers Enacted By Sections 7, 8 And 9 :-

Notwithstanding any thing to the contrary which may appear in the condition on which any jagir has been made, government is hereby empowered to declare that the rules, conditions and powers enacted by sections 7, 8 and 9 may be made applicable after notification in the official Gazette to such jagir.

11. Powers Of Courts :-

No jagir created after this Act comes into force and no jagir in respect of which the rule of descent declared in section 7 to prevail involves the devolution of the assignment of land revenue to the single person of impartible property, shall be liable to seizure, attachment or sequestration by process of any court at the instance of a creditor for any demand against the Jagirdar or his successor for the time being in interest or in satisfaction of any decree or order.

12. Savings :-

Nothing in this Act shall be deemed to affect the provisions of the Pensions Act, 1871, or the 1[Government] Grants Act , 1895, so far as they are applicable to any jagirs in Punjab.

1 Substituted by Adaptation of Laws Order, 1950, First Schedule for "Crown"

13. Repeals :-

Section 8, 8-A, 8-B and 8-C of the Punjab Laws Act, 1972 together with the heading thereto, and the Punjab Frontier Jagir Revenue Collection Regulation, 1874, are hereby repealed.