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THE TRANSFER OF EVACUEE LAND (KATCHI ABADD) ACT, 1972

'Act No. XIII of 1972
[17th September, 1972]

An Act to provide for transfer of certain evacuee land to the occupants thereof

WHEREAS it is expedient to provide for the transfer of certain evacuee land to the occupants thereof;

AND WHEREAS the Proclamation of Emergency referred to in clause (8) of Article 139 of the Interim Constitution of the Islamic Republic of Pakistan is in force;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Transfer of Evacuee Land (Katchi Abadi) Act, 1972.

(2) It extends to the whole of Pakistan.

(3) It shall come into force in the Province of the Punjab and the Capital of the Federation at once and in the other Provinces or parts thereof on such date" as the Federal Government may, by notification in the official Gazette, appoint in this behalf; and different dates may be appointed in respect of different Provinces or parts thereof.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Acts" means the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (XXVIII of 1958), and the Displaced Persons (Land Settlement) Act, 1958 (XLVI of 1958);

(b) "appointed day" means the fifteenth day of March, 1972;

(c) "Chief Settlement Commissioner" means the Chief Settlement Commissioner appointed by the Government under either or both the Acts;

(d) "evacuee land" means any land, plot or vacant site abandoned by an evacuee as defined in the Pakistan (Administration of Evacuee Property) Act, 1957 (XII of 1957); *[including any land, plot or vacant site allotted, transferred or otherwise disposed of by the Chief Settlement Commissioner or any other authority under either of the Acts or any other law for the time being in force];

(e) "Government" means a Provincial Government; and

(f) "Katchi Abadi" means such inhabited area of evacuee land as is declared by the Chief Settlement Commissioner to be a Katchi Abadi for the purposes of this Act.

' For Statement of Objects and Reasons, see Gaz. of P., 1972. Ext.. Pt. III, p. 413.

? The Act came into force in the Province of Sind on 20-1-1973, see Notifin., No. F. 13(13)/72, SLI, dated p. 255 and in the Province of Balochistan and N.W.F.P., on 1-6-1973 see Notifin. No. F. 13(13)/72-SLE, dated p. 1149"

*Added by the Transfer of Evacuee Land (Katchi Abadi) (Amdt.), Act, 1977 (3 of 1977), s. 2 (w.e.f. 18-9-1972).

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(2) A declaration under clause (f), of sub-section (1) shall be published in the official Gazette within thirty days from the date on which it is made.

(3) Words and expressions used but not defined in this Act and defined in the Acts shall have the same meanings as assigned to them in the Acts.

3. Act to override other laws, etc. This Act shall have effect notwithstanding anything to the contrary contained in any other law or any decree, judgement or order of any court or other authority, or any agreement, contract or instrument.

4. Cancellation of allotments and transfers of evacuee land.—(1) All allotments and transfers of evacuee land in any Katchi Abadi shall stand cancelled as from the appointed day, and the allottees or transferees of such land shall be paid such compensation therefore as may be determined by Government.

(2) Nothing in sub-section (1) shall apply to such evacuee land as was occupied by its allottee or transferee on the appointed day and does not exceed his verified claim.

5. Conferment of proprietary rights on occupants of evacuee land.—(1) Any person, other than a person referred to in subsection (2) of section 4, who, on the appointed day, was in occupation of evacuee land in any Katchi Abadi and did not own any other plot, house or shop shall be granted proprietary rights in respect of such land not exceeding five marlas, on payment of such price as may be determined by the Chief Settlement Commissioner on the basis of the market price prevailing in the year 1947.

Explanation.—For the purpose of this sub-section, “shop” does not include a shop situated outside a Katchi Abadi to which no residential accommodation is attached.

(2) The price payable by any persons under sub-section (1) shall, at his option, be paid in a lump sum or in six half-yearly installments and shall form part of the compensation pool.

Explanation.— “Compensation pool” means—

(a) if the evacuee land the price of which is paid under subsection (1) is agricultural land, the compensation pool constituted under the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958); and

(b) if such land is not agricultural land, the compensation pool constituted under the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (XXVIII of 1958).

6. Resumption of land.—(1) Any evacuee land in a Katchi Abadi which is not transferred under section 5 shall be resumed by the Chief Settlement Commissioner to whom the occupant thereof shall give vacant possession of such land within the time stipulated by the Chief Settlement Commissioner.

(2) For the purpose of recovering possession of any land under sub-section (1), the Chief Settlement Commissioner may use or cause to be used such force as may be necessary.

7. Preparation of scheme. The Chief Settlement Commissioner may, with the approval of the Government, prepare a scheme for carrying out the purposes of this Act.

8. Penalty. Any person who resists or interferes with the enforcement of the provisions of this Act or any scheme or order made thereunder shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

9. Prosecution. No person shall be prosecuted for an offence under this Act without the prior approval in writing of the Chief Settlement Commissioner.

10. Bar of jurisdiction. No provision of this Act or any order made or scheme prepared thereunder or any action taken in pursuance thereof shall be called in question by or before any court.

11. Validation. Notwithstanding the repeal of Martial Law Order No. 251 made by the Martial Law Administrator, Zone 'C', any action taken scheme made, order passed and thing done in pursuance thereof shall be deemed respectively to have been taken, made, passed and done under this Act.

12. Delegation of power. Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner may, by notification in the official Gazette, delegate all or any of his powers under this Act or the rules made thereunder to a Settlement Commissioner or an Additional or a Deputy Settlement Commissioner, subject to such conditions, if any, as may be specified in the notification.

13. Power to make rules. Government may make rules for giving effect to the provisions of this Act.

"14. Repeal. The Transfer of Evacuee Land (Katchi Abadi) Ordinance, 1972 (XX of 1972), is hereby repealed.

'This section has been omitted in its application to the extent of Islamabad Capital Territory by the Federal Ordinance, 1981, (27 of 1981), s. 5 and IV Sch.,