

THE EVACUEE PROPERTY AND DISPLACED PERSONS

LAWS (REPEAL) ACT, 1975
(XIV of 1975)

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'THE EVACUEE PROPERTY AND DISPLACED PERSONS LAWS
(REPEAL) ACT, 1975

(XIV of 1975)

[28 January, 1975]

An

Act

to repeal certain laws relating to evacuee property and rehabilitation of displaced persons

WHEREAS it is expedient to repeal certain laws relating to evacuee property and the rehabilitation of the displaced persons;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called the Evacuee Property and Displaced Persons Laws (Repeal) Act, 1975.

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1974.

711-A. Definitions.— In this Act—

(a) "Board of Revenue" means the Board of Revenue established under the Punjab Board of Revenue Act, 1957 (XI of 1957); 3[*****]

41(aa) "Full Board" means the Full Board consisting of three Members of the Board of Revenue, constituted by the Senior Member, Board of Revenue from time to time; and]

(b) | "Government" means Government of the Punjab.]

2. Repeal of certain laws.— (1) The following Acts and Regulations are hereby repealed, namely:—

(i) the Registration of Claims (Displaced Persons) Act, 1956 (III of 1956),
(ii) | the Pakistan Rehabilitation Act, 1956 (XLII of 1956),

'This Act of Parliament received the assent of the President on the 28" January, 1975; and was published in the Gazette of Pakistan, Extraordinary, Part |, dated 28" January 1975, pages 33-35.

This Act was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2012 (XXXVIII of 2012).

Inserted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2012 (XXXVIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 22.6.2012, pages 41707-41708, s.2.

30mitted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 (XXI of 2022), published in the Punjab Gazette (Extraordinary), dated: 26 September 2022, pp, 1013-1014, s.2.

'inserted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 (XXI of 2022), published in the Punjab Gazette (Extraordinary), dated: 26 September 2022, pp, 1013-1014, s.2.

(iii) | the Pakistan (Administration of Evacuee Property) Act, 1957 (XII of 1957),

(iv) the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (XXVIII of 1958),

(v) the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958),

(vi) | the Scrutiny of Claims (Evacuee Property) Regulation, 1961, and

(vii) | the Price of Evacuee Property and Public Dues (Recovery) Regulation, 1971.

(2) Subject to the provisions of this section, in relation to any matter falling under the aforesaid Acts and Regulations, all proceedings pending before any notified officer immediately before the commencement of the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022, shall stand transferred for final disposal to the Full Board, and all cases decided by the Supreme Court or the Lahore High Court after the commencement of the said Act of 2022 which would have been remanded to the notified officer shall be remanded to the Full Board.]

s[(2-A) All properties allotted after the repeal of the Acts and Regulations mentioned in subsection (1) shall be subject to scrutiny at any time, and after observing due process of law, if it is found that any land or property was allotted in contravention of any law or through fraud, forgery or misrepresentation, such allotment shall be cancelled.

(2-B) All proceedings which, immediately before the commencement of the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 in relation to adjustment, allotment or utilization of former evacuee land against verified claims of produce index units of claimants, are pending before a notified officer shall stand abated:

Provided that such proceedings in relation to cancellation of adjustment, allotment or utilization of land made against pending claims of produce index units after 18 day of July 1974 in contravention of any law shall not stand abated and shall be decided in accordance with law.]

71(3) Any proceedings transferred or remanded to the Full Board in pursuance of sub-section (2) shall be disposed of by the Full Board in accordance with the provisions of the aforesaid repealed Acts or Regulations to which the proceedings relate, within a period of ninety days of such transfer or remand, as the case may be.

Explanation.— The decision of the majority shall be the decision of the Full Board.]

Substituted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 (XXI of 2022), published in the Punjab Gazette (Extraordinary), dated: 26 September 2022, pp, 1013-1014, s.3.

®inserted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 (XXI of 2022), published in the Punjab Gazette (Extraordinary), dated: 26 September 2022, pp, 1013-1014, s.3.

7Substituted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 (XXI of 2022), published in the Punjab Gazette (Extraordinary), dated: 26 September 2022, pp, 1013-1014, s.3.

(4) _ The final orders passed under sub-section (3) shall be executed by the *[Board of Revenue] in accordance with the provisions of the Act or the Regulation hereby repealed to which the proceedings related.

9[3. Transfer of property. All properties, both urban and rural, including agricultural land, other than such properties attached to charitable, religious or educational trusts or institutions, whether occupied or un-occupied, which may be available for disposal immediately before the repeal of the aforesaid Acts and Regulations or which may become available for disposal after such repeal as a result of cancellation of any fraudulent allotment shall stand transferred to the Government for utilization for public purposes.]

4. Disposal of residual work.— All the work regarding documentation, both for the urban and rural properties, recovery of outstanding transfer price, rent or mortgage money of such property already disposed of and discharge of miscellaneous liabilities out of these recoveries, which may remain pending immediately before the repeal of the aforesaid Acts and Regulations shall stand transferred to the "[Board of Revenue].

5. Power to make rules.— The "[Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

"16. Repeal— * * * * * +]

"STATEMENT OF OBJECTS AND REASONS

The Settlement Organisation was created in 1958 for the purpose of settling the displaced persons on evacuee properties against their verified names and for disposal of such property otherwise than by transfer to claimants, as envisaged in the Displaced Persons (Compensation and Rehabilitation) Act, 1958, and the Displaced Persons (Land Settlement) Act, 1958. The bulk of the work was disposed of and a Crash Programme was launched for the completion of the residual work upto 30 June 1974, on which date the laws relating to evacuee property and rehabilitation of displaced persons were also to be repealed. However, as the litigation in these matters was essentially of a civil nature, it was proposed that on the repeal of these laws proceeding which may be pending on 1* July, 1974 before any authority under the said laws, or be remanded by the superior courts after that

Substituted for the words "Board of Revenue of the Province" by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2012 (XXXVIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 22.6.2012, pages 41708, s.3(ii).

^oSubstituted by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2022 (XXI of 2022), published in the Punjab Gazette (Extraordinary), dated: 26 September 2022, pp, 1013-1014, s.4.

'Substituted for the words "Board of Revenue of the Province" by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2012 (XXXVIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 22.6.2012, pages 41708, s.5.

"Substituted for the words "Provincial Government" by the Evacuee Property and Displaced Persons Laws (Repeal) (Amendment) Act 2012 (XXXVIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 22.6.2012, pages 41707-41708, s.6.

"Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981); and published in the Gazette of Pakistan (Extraordinary), dated 8.7.1981, pages 345-475, s. 3 and Second Schedule, at serial No.182.

⁸Statement of Objects and Reasons; and published in the Gazette of Pakistan (Extraordinary), Part III, dated 18.1.1975, page 20.

day, be entrusted to some agency for final disposal. Besides, the property which remained undisposed of, or the work which was pending, at the time of repeal of these laws, it had to be entrusted to certain agency for disposal or completion.

The Evacuee Property and Displaced Persons Law (Repeal) Ordinance, 1974 (XV of 1974), was promulgated to achieve the above objects. It is necessary to put the provisions of the said Ordinance on the Statute Book permanently and this the Bill seeks to do.