



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



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

## <sup>1</sup>ACT No. XIV OF 1975

[28th 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 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.

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 Repeal of certain laws.**—(1) The following Acts and Regulations are hereby repealed, namely :-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

(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) Upon the repeal of the aforesaid Acts and Regulations, all proceedings which, immediately before such repeal, may be pending before the authorities appointed thereunder shall stand transferred for final disposal to such officers as may be notified by the Provincial Government in the official Gazette and all cases decided by the Supreme Court or a High Court after such repeal which would have been remanded to any such authority in the absence of such repeal shall be remanded to the officers notified as aforesaid.

(3) Any proceedings transferred or remanded to an officer in pursuance of sub-section (2) shall be disposed of by him in accordance with the provisions of the Act or Regulation hereby repealed to which the proceedings relate.

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<sup>1</sup>For Statement of Objects and Reasons, see Gaz. of P., 1975. Ext., Pt.III, p.20.

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be executed by the Board of Revenue of the Province in accordance with the provisions of the Act or Regulation hereby repealed to which the proceedings related.

**3. Transfer of property.**-(1) 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 unoccupied 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 a final order passed under sub-section (3) of section 2, shall stand transferred to the Provincial Government, on payment of such price as may be fixed by the Federal Government in consultation with the Provincial Government, for disposal-

- (a) in the case of urban properties, by the Provincial Government under a scheme to be prepared by it in this behalf ; and
- (b) in the case of rural properties, by the Board of Revenue of the province under a scheme to be prepared by the Provincial Government in this behalf;

Provided that agricultural land occupied by any person continuously for four harvests immediately preceding Kharif 1973 shall first be offered for sale to such person unless an order of ejection has been passed against him in respect of such land.

Provided further that only so much land shall be offered to such person as does not together with land already held by him, exceed a subsistence holding within the meaning of the Land Reforms Regulation, 1972.

(2) The agricultural land temporarily allotted under any of the aforesaid Acts or Regulations to a displaced person from Jammu and Kashmir State or to such other person as the Federal Government may determine who is not in cultivating possession of the allotted land, shall be offered for sale to such allottee unless an order of cancellation of allotment has been passed against him in respect of such land:

Provided that only so much land shall be offered to such allottee as does not, together with land already held by him, exceed a subsistence holding within the meaning of the Land Reforms Regulation, 1972:

Provided further that the temporary allottee or other person who purchases the land so offered to him shall not eject the tenant from such land except on the ground that he has failed to pay rent in accordance with the terms of his tenancy:

Provided further that in the event of a displaced person from Jammu and Kashmir State or any of his successors-in-interest being repatriated to that State, he shall pay to the Provincial Government the price of the land held by him at the rate ascertained by that Government.

**4. Disposal of residual work.** All the work regarding documentation, both for 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 the Revenue of the Province.

**5. Power to make rules.** The Provincial Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**6. [Repeal].** *Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Sch., II.*

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