

THE EVACUEE PROPERTY (RESIDUAL WORK) DISPOSAL) RULES, 1978.

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PART-I
GOVERNMENT OF SIND
BOARD OF REVENUE

NOTIFICATION

EVACUEE PROPERTY (RESIDUAL WORK) DISPOSAL RULES, 1978.

NO: SCK/79-735.- In exercise of the powers conferred by section 5 of the Evacuee Property and Displaced Persons Laws (Repeal) Act, 1975 (Act XIV of 1975) and in supersession of the Sind (Agricultural Land Claims) Payment of Cash Compensation Rules, 1974 published with the Government of Sind Settlement Department Notification No. CAO/Sind/74/181, dated the 29th June, 1974, the Government of Sind are pleased to make the following rules:-

CHAPTER I

1. **Short title and commencement:-** (1) These Rules may be called the Evacuee Property (Residual Work) Disposal Rules, 1978.

(2) These rules shall come into force at once and shall be deemed to have come into force from 1st July, 1974.
2. **Definitions.-**(1) In these rules, unless the context otherwise requires, the following expressions shall have meanings assigned to them, that is to say:-
 - (a) 'Additional Settlement Commissioner' and 'Deputy Settlement Commissioner' means respectively an Additional Settlement Commissioner, or Deputy Settlement Commissioner appointed under all or any of the Repealed Acts or in pursuance of the rules;
 - (b) 'Agricultural Settlement Scheme's means the scheme framed by the Government under section 14(1) of the Displaced persons (Land Settlement) Act, 1958;
 - (c) 'Assistant Accounts Officer' means the Assistant Accounts Officer of the Settlement Cell;
 - (d) 'bank' means the State Bank of Pakistan;
 - (e) 'Board of Revenue' means the Board of Revenue, Sind;
 - (f) 'Bond' means a bond issued under these rules as compensation for un-settled units;

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- (g) 'Chief Accounts Officer' means an officer appointed as such by the Government for discharge of duties and functions assigned to him, from time to time, under these rules;
- (h) 'Chief Settlement Commission' means the Member, Board of Revenue incharge of the Settlement Cell;
- (i) 'Dafaced Bond' means a bond which or material part whereof has been made illegible or has been rendered undecipherable in any way, and the material part is where-
- (i) the number, name and face value of the bond are recorded; or
 - (ii) the endorsement or the name of the payee is written.
- (j) 'Form' means a form appended to these rules;
- (k) 'Government' means the Government of Sind;
- (l) 'Rehabilitation Mukhtiarkar' means the Rehabilitation Mukhtiarkar of the Settlement Cell;
- (m) 'Repealed Acts' means the Acts repealed by the Repealing Act;
- (n) 'Repealing Act' means the Evacuee Property and Displaced Persons Laws (Repeal) Act, 1975 (Act XIV of 1975);
- (o) 'Residual Work' means the work referred to in section 4 of the Repealing Act;
- (p) "Settlement Cell" means the set up in the Board of Revenue for the disposal of the residual work, consisting besides the Chief Settlement Commissioner, the Settlement Commissioner, Additional Settlement Commissioner, Deputy Settlement Commissioner, Rehabilitation Mukhtiarkar and Chief Accounts Officers, Assistant Accounts Officer and/or any other Officer appointed by Government;
- (q) 'Settlement Commissioner' means a Settlement Commissioner appointed under all or any of the Repealed Acts, or in pursuance of these rules;

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- (r) 'Settle Dues' means and includes the dues relating to-
- (a) refugees mortgages and mortgagors (rahin and Murtehim) Rights;
 - (b) landlords (allottees of occupancy Tenants Mouroosee);
 - (c) displaced persons allotted land under the Scheme of minimum units of allotment of 4-00 Acres;
 - (d) displaced persons whose claims verified on the analogy of Schedule V the Registration of Claims (Displaced Persons) Act, 1951.
- (s) 'Settlement Scheme No. VIII' means Scheme No. VIII framed by Government under subsection (3) of section 10 of the Displaced Persons (Compensation and Rehabilitation Act, 1958);
- (t) 'Treasury' means any Government Treasury in the Province of Sind; and
- (u) 'unsettled units' means Produce Index Units out of the Produce Index Units shown in the entitlement certificate issued to a claimant under the Punjab Refugees (Registration of Claims) Act, 1949 (V of 1949) or under the scrutiny of claims (Evacuee Property) (Regulation) of 1961 (MLR-89) of 1961 as amended by MLR-91 of 1961, against which no allotment of evacuees agricultural land or garden has been made;
- (v) 'Urban Property' means shop, industrial concern, cinema, hotel or building or building site.

(2) All other words and expression used but not defined in these rules shall have the same meanings as are assigned to them in the Repealed Act.

3. (1) The residual work shall be disposed of by the Settlement Cell in accordance with these rules.

(2) Subject to the general superintendence and control of Government, the Chief Settlement Commissioner shall be responsible for the distribution of work and allocation of duties of various officers of the Cell from time to time, by issuing general or special orders in this behalf.

4. Subject to these rules and instructions issued by the Chief

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Settlement Commissioner under the Repealed, Acts and Rules or Schemes made there-under regarding disposal of work shall continue to be in force until repealed or replaced.

5. The transfer orders referred to in the Settlement Scheme No. VIII shall be issued by the Deputy Settlement Commissioner concerned on payment of full transfer price and rental arrears, if any, and such transfer order shall be deemed to be permanent transfer order conferring full proprietary rights on the transferee in respect of the property transferred.
6. Evacuee agricultural land or garden shall be deemed to have been permanently transferred in favour of a claimant or allottee on payment of the Settlement dues, if any, including the Settlement fee required to be paid under these rules and outstanding against such claimant or allottee.
7. (1) The Deputy Settlement Commissioner, in the case of urban property and the Rehabilitation Mukhtiarkar in the case of evacuee agricultural land or garden shall serve demand notice upon the transferee of such property, who has failed to pay the transfer price and rental arrears, in respect thereof or part of such price and rental arrears to pay the entire transfer price and rental arrears or the balance of such price and arrears, as the case may be, within thirty days of the service of the notice.

(2) Where the payment is not made within the period specified in the Notice, the Deputy settlement Commissioner or, as the case may be Rehabilitation Mukhtiarkar, may without giving any further notice to the defaulter:-
 - (a) cancel the transfer of the property and the transfer order issued in favour of the defaulter in the case or urban property and allotment of evacuee agricultural land or garden in the case of rural property;
 - (b) in the case or urban property forfeit an amount not exceeding twenty five percent of the transfer price and other dues paid if any, by the defaulter; and
 - (c) resume the property.
- (3) A copy of the orders passed under sub-rule (2) shall be served on the defaulter.

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(4) On an application made by the defaulter within fifteen days of the receipt of the orders under sub-rule (3) the Deputy Settlement Commissioner in the case of urban property land Deputy Commissioner of the District in the case of rural property may, for sufficient cause shown to him, allow the defaulter to pay the outstanding dues within such period as is fixed by such officers, and if such payment is made, the orders shall be cancelled and the property restored to the defaulter.

(5) The Settlement Commissioner may for sufficient reasons condone the delay in filing of an application under sub-rule (4).

(6) If the orders passed under sub-rule (2) are not cancelled the property in question shall stand transferred to Government for disposal under section 3 of the Repealing Act.

8. (1) The applications for payment of compensation in respect of unsettled units shall be scrutinized by the Deputy Commissioner/Additional Deputy Commissioner, and the particulars mentioned therein shall be verified from the claimant's file, and relevant registers and if the claimant has obtained allotment of land in other Districts as well the necessary information shall be obtained from those Districts and then the actual number of un-settled units for the purpose of compensation, shall be worked out.

(2) The compensation shall be paid at the rate of rupees 10(ten) and 20 (twenty) per unit of rural and urban agricultural land respectively per unit provided that the compensation in respect of mortgagor or mortgagee claimant shall be paid at such percentage of the above rate, as may be fixed by the Chief Settlement Commissioner.

(3) The Deputy Commissioner/Additional Deputy Commissioner shall also workout the amount of dues, if any, payable by a claimant.

9. On completion and calculation of the dues under the preceding rule, the original application of the claimant alongwith the relevant record of allotment and a certificate of the actual number of un-settled units and amount of dues if any, shall be forwarded to the Chief accounts Officer and a copy thereof shall be retained in the office of the Deputy Commissioner/Additional Deputy

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Commissioner.

10. On receipt of the documents under rule 9, the Chief Accounts Officer shall further scrutinize the case and determine accurate entitlement of the claimant for compensation after deducting the dues, if any, outstanding against him.
11. (1) The compensation worked out under rule 10 shall be paid in the form of Bonds.

(2) The Bond shall be in such form and of such denomination as may be mutually decided by Government and the Bank.

(3) The Bond shall be interest free and shall be redeemable after three years from the date of issue.
12. (1) The Chief Settlement Commissioner or any other Officer appointed by him in this behalf, shall as soon as possible, send a requisition inform I to the Bank at Karachi/Hyderabad for issuing to the claimant a bond or bonds of the denomination stated therein.

(2) A copy of the requisition sent to the Bank under sub-rule (1) shall be forwarded to the Officer, who had worked out the compensation.

(3) Specimen signatures of the officer issuing the requisition under sub-rule (1) shall be supplied to the Public Dept., Officer of the Bank at Karachi and Hyderabad.

(4) On receipt of the requisition under sub-rule (1), the Bank shall intimate the claimant in writing of the amount of compensation payable to him and obtain from him an acknowledgement in token of having received the intimation.
13. The Bank shall on receipt of the requisition under sub-rule (1) of rule 12 forward the requisite Bond or Bonds to the requisitioning authority against an acknowledgement.
14. (1) On receipt of the Bonds from the Bank the same shall be authenticated by the Chief Accounts Officer and shall, (unless the delivery thereof is to be taken personally by the claimant or through his duly authorized agent) be sent to the bank of the choice of the claimant for delivery to him.

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- (2) The delivery of the Bonds shall be made against an acknowledgement.
15. (1) If any bond is at any time found to be defective of containing an amount which is less than or in excess of the amount of compensation payable to the claimant, the Chief Settlement Commissioner or any Officer empowered by him in this behalf shall require the bond to be produced before him.
- (2) After hearing the claimant if he wishes to be heard, and examining such evidence as is produced, by him, the Chief Settlement Commissioner or the Officer empowered by him may cancel the bond under intimation to the Bank and arrange issuance of fresh bond of the value of the cancelled bond.
- (3) The Bonds cancelled under sub-rule (2) shall be returned to the Bank.
- (4) Any amount paid in excess of the actual entitlement shall not be recoverable from the claimant.
16. The Bonds shall be heritable and transferable but shall not be negotiable through any bank.
17. (1) When a bond is lost, stolen, destroyed, mutilated or defaced, the person entitled thereto shall apply for the issue of duplicate bonds in the manner laid down in this rule.
- (2) The application for the issuance of a duplicate bond under sub-rule (1) shall be accompanied by—
- (i) a statement of the circumstances standing the loss or theft, destruction, mutilation or defacement of the Bond and a copy of F.I.R. if the loss or theft was reported to the police;
 - (ii) a statement giving the details of the bond such as the name of the person in whose favour the Bond was issued, the number and amount of the Bond;
 - (iii) if the applicant is not the holder in whose name the bond was originally issued, an affidavit testifying that the applicant was the last legal holder of the Bond and all documentary evidence necessary to trace back the title to the original holder; and
 - (iv) any portion or fragments which may remain of the lost, stolen, destroyed, mutilated or

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defaced bond.

(3) If the value of the bond exceeds of 5,000 the loss of theft of a bond shall be notified by the applicant in at least one issue of a daily newspaper; provided that the Chief Settlement Commissioner or the Officer authorised by him may require the person to get it notified again.

(4) After the notification under sub-rule (3) of otherwise, if the Chief Settlement Commissioner or the Officer authorised in this behalf is satisfied of the bonafide loss, theft, destruction, mutilation or defacement of the bond, he shall cause the particulars of the bond to be circulated in all the Provinces of Pakistan, and get a notice to that effect published in the Official Gazette.

(5) After completion of the foregoing formalities, the Chief Settlement Commissioner or any other Officer authorised by him in this behalf shall after the applicant executes an indemnity bond in the specified sum issue duplicate bond in favour of the applicant or his successors in the same manner in which a fresh bond is issued under these rules.

18. Where any bond is transferred or is encumbered the recipient or his authorised agent shall intimate the Chief Settlement Commissioner of the transfer or encumbrance of the bond and get such transfer or encumbrance endorsed by the issuing authority.
19. Fresh bonds shall be issued in favour of the successors of the deceased recipient in place of the original bond according to the share of such successors.
20. Every officer of the Settlement Cell shall have a seal having the designation and name at the officer concerned and the place where his headquarters are situated.
21. Service of any notice, summons or order issued or made by an officer of the Settlement Cell in connection with the residual work shall be effected in one or more of the following modes namely:-
 - (a) by delivering or rendering it to the person on whom it is intended to be served or his agent;
 - (b) by leaving it at the last known place of business or residence of such person or delivering it to an adult member of his family;

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- (c) by transmitting by registered post to such person at the last know place of his business or residence;
- (d) by affixing it at some conspicuous place in or near the last know place of residence or business of such person in presence of two responsible persons of the same locality; and
- (e) by publication in a newspaper or by proclamation by beat of drums.
22. For the purpose of obtaining permanent allotment in respect of evacuee agricultural land or garden, or transfer orders in respect of urban properties or for obtaining cash compensation against urban claims or compensation against unsettled units, the applicant shall pay such settlement fee as was provided under the repealed Act, and rules or schemes made thereunder.
23. Fee in respect of documents mentioned in column 1 shall be paid as mentioned against each in column 2:
- | | |
|--|----------|
| (1) On an application of Revision. | Rs. 2 |
| (2) On Miscellaneous application filed before: | |
| (a) Settlement Commissioner | Rs. 2 |
| (b) Additional Settlement Commissioner/
Deputy Settlement Commissioner/
Assistant Accounts Officer or
Rehabilitation Mukhtiarkar. | Rs. 1 |
| (3) On application for supplying copy of an order | 13 paisa |
| (4) On application for copy of any other document. | Rs. 4 |
| (5) On copy of an order of- | |
| (a) Settlement Commissioner. | Rs. 2 |
| (b) Additional Settlement Commissioner / Deputy Settlement Commissioner/
Assistant Accounts Officer or
Rehabilitation Mukhtiarkar. | Rs.1 |

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- (6) Inspection of record. Rs.2 per hour of part thereof.
- (7) Urgent copy Double the fee prescribed for ordinary copy.

FORM I (See rule 12)

To

The Debt Officer,
State Bank of Pakistan,
Karachi/Hyderabad.

Please issue the bonds as detailed in the Schedule below:-

SCHEDULE E

1	2	3	4	5	6
Serial No.	The name, father's name and full address of the person in whose name the bond(s) are to be issued.	Total amount (both in figures and in words) for which the bonds are to be issued. (Please state here the amount of the assessment in multiples of 100 only).	The denomination or denominations in which the bond or bonds are to be issued.	The office of State Bank of Pakistan or Treasury at which payment of the interest is to be made.	Branch Remarks.

Signature of the requisitioning
Officer

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