

Displaced Persons (Compensation And Rehabilitation) Rules, 1955

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Displaced Persons (Compensation And Rehabilitation) Rules, 1955

Notification S.R.O. 1362 dated 21st May, 1955-In exercise of the powers conferred by Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby makes the following rules:

CHAPTER 1 Preliminary

1. Short title :-

These rules may be called the Displaced Persons (Compensation and Rehabilitation) Rules, 1955

2. Definitions :-

In these rules, unless the context otherwise requires-

(a) Act means the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954);

(b) Acquired evacuee property means any evacuee property acquired under section 12 of the Act;

(c) compensation includes rehabilitation grant where such rehabilitation grant is payable along with the compensation;

(d) Government built property means any property forming part of the compensation pool, which has been built in connection with the rehabilitation of displaced persons by the Central Government or a State Government, and includes any such property built by a local authority in pursuance of a scheme for the rehabilitation of displaced persons sanctioned by the Central Government;

(e) Regional Settlement Commissioner means a Settlement Commissioner appointed by the Central Government for a specified area;

(f) rural area means any area which is not an urban area;

(g) standard area means an area of land whose average settlement yield is ten maunds of wheat or more, but not exceeding eleven maunds or other equivalent produce in value, and whose average maturity is 90 per cent and above;

(h) urban area means any area within the limits of a corporation, a municipal committee, a notified area committee, a town area committee, a small town committee, a cantonment or any other area notified as such by the Central Government;

Provided that in the case of the quasi-permanent allotment of any property in rural area already made in the States of Punjab and Patiala and East Punjab State Union, the limits of an urban area shall be as they existed on the 15th August, 1947.

CHAPTER 2 Procedure for Submission of Compensation Application and determination of Public Dues

3. Persons entitled to make application for compensation :-

An application for compensation may be made by a displaced person having a verified claim or if such displaced person is dead, by his successor-in-interest.

4. Form of application for compensation :-

(1) An application for compensation shall be made in the form specified in Appendix 1, to the Settlement Officer within whose jurisdiction the applicant actually and voluntarily resides, or carries on business or personally work for gain.

(2) Every such application shall be accompanied by the following documents;

(a) a questionnaire in the form specified in Appendix II duly answered;

(b) an affidavit in the form specified in Appendix III duly sworn by the applicant and attested by a Magistrate or an Oaths Commissioner or a Justice of Peace or by any other officer competent to administer an oath;

(c) three passport size photographs of the applicant;

(d) a certificate copy of the claim assessment order;

Provided that where it is not possible for the applicant to obtain such certified copy for any reason beyond his control, the Settlement Officer may accept a certificate issued by the authorised officer of the Chief Settlement Commissioner in lieu of such certified copy;

(e) a certified copy of the Refugee Registration Certificate or a Census Card, if any such certificate or card is available with the applicant

(3) Where an application is made by a successor-in-interest of a displaced person having a verified claim, the application shall be accompanied by the following particulars and documents in addition to the documents specified in sub-rule (2) :-

(a) the name and other particulars of deceased claimant and the date and place of his death;

(b) a death certificate from a local body or other authority or a registered medical practitioner or the Lambardar of the village concerned;

(c) particulars of all heirs and other near relatives of the deceased and their respective addresses so far as they are known to the applicant;

(d) a true copy of the will or other document, if any, relating to the succession, on which the applicant relies for having succeeded to the property of the deceased claimant;

(e) an affidavit in support of the particulars specified in clauses (a) and (c) verifying the facts.

(4) The documents referred to in sub-rule (2) and the documents referred to in clauses (b), (d) and (e) of sub-rule (3), may be annexed to one copy of the application only.

(5) Where an applicant desires to receive compensation in cash he shall clearly state at the end of the application the Branch of the Imperial Bank from which he desires to receive the payment.

4A. Rule 4A :-

21-A. Period within which the amount of deduction payable-The period within which the amount of deduction is to be paid to the Central Government under the proviso to sub-section (1) of Section 8A of the Act shall be six months of the determination of the Principal sum for which the property was mortgaged.

21-B. Determination of the value of the Property to be surrendered-In determining the value of any portion of any property to be surrendered by the displaced person under clause (b) of the second proviso to sub-section (1) of Section 8A of the Act, the Settlement Commissioner shall have due regard to the value already assigned to such property and the manner of its determination at the time of its allotment to the displaced person.

5. Scrutiny of application :-

On receipt of an application for payment of compensation under Section 4 of the Act, the Settlement Officer shall scrutinise it and if he finds that the application is not in conformity with these rules, he shall return it to the applicant with a memorandum of objections as specified in Appendix IV requiring the applicant to comply with the objections within the time specified by him:

Provided that Settlement Officer may on sufficient cause being shown extend the time so specified by him:

Provided further that if the applicant does not comply with the objections within the extended time given by Settlement Officer, the payment of compensation to the applicant shall be postponed to such date as the Central Government may, by general or special order, specify.

(2) Where the applicant has complied with the objections as directed under sub-rule (1), the Settlement Officer shall accept the application which shall then be disposed of in accordance with the provisions of these rules.

6. Acknowledgement of application :-

(1) Where the Settlement Officer has received an application for the payment of compensation under Section 4 of the Act which complies with the provisions of these rules, the Settlement Officer shall issue to the applicant an acknowledgment in the form specified in Appendix V stating the registration number which has been allotted to the applicant.

(2) The Settlement Officer shall retain one copy of the application for verification of public dues and rehabilitation benefits and shall send the duplicate copy of the application to the office of the Chief Settlement Commissioner for verification of the assessed value of the claim in respect of which the application has been made.

7. Determination of public dues :-

The Settlement Officer shall make such enquiries as may be necessary from any officer or authority for the purchase of ascertaining whether any public dues of the following nature are recoverable from the applicant or any member of his family, namely:

- (a) arrears of rent in respect Government built property including conveyance charges;
- (b) dues payable to the Custodian in respect of such property;
- (c) small urban loans;
- (d) house building loans;

- (e) small urban loans;
- (f) rural loans;
- (g) unpaid installments on account of any property purchased on installment basis;
- (h) loans granted by the Rehabilitation Finance Administration constituted under the Rehabilitation Finance Act, 1948 (XII of 1948).
- (i) amount spent on the maintenance of the applicant or any member of his family in any home or infirmary, which amounts the applicant has agreed in writing may be adjusted against the compensation payable to him;
- (j) loans advanced to a house building co-operative society out of the fund made available to such society by the Central Government or a State Government, together with any interest due thereon;
- (k) any other dues payable to the Central Government or a State Government of the Custodian which may be declared as public dues by the Central Government under sub-clause (iv) of clause (d) of Section 2 of this Act.

(2) The Settlement Officer shall ascertain the amount of public dues recoverable from the applicant and the members of his family and if the particulars supplied by the applicant in his application under Section 4 of the Act are incorrect or incomplete or at variance with the facts as ascertained by the Settlement Officer the Settlement Officer shall enquire into the matter in the manner hereinafter provided.

(3) For the purpose of this rule, the expression member of family means any of the following relatives of the applicant who is residing with him, or is wholly or partly dependant upon him:

- (a) father;
- (b) mother,
- (c) husband,
- (d) wife,
- (e) son,
- (f) unmarried daughter :

Provided that if the applicant proves to the satisfaction to the Settlement Officer that any member of his family was living separately from him before the 14th August, 1947, the applicant shall not be liable for payment of public dues recoverable from such

member.

8. Inquiry for determination of public dues :-

(1) The Settlement Officer shall issue a notice of clear fifteen days to the applicant stating the principal points for clarification, if any, and the main statements which are required to be verified.

(2) If the enquiry relates to any discrepancy between the amount as disclosed by the applicant and the amount as found by the Settlement Officer, the notice shall call upon the applicant to show cause why the amount ascertained by the Settlement Officer should not be taken to be amount due from him.

(3) The notice shall state the place, time and date for the appearance of the applicant and shall warn the applicant that if he does not appear at such place, time and date, the matter shall be decided ex-parte.

(4) Where the Settlement Office is satisfied that the place where the applicant resides is more than twenty miles from the headquarters of the Settlement Officer, the applicant may be asked to appear before the Settlement Officer, at some place more assessable to him.

(5) The notice to appear shall direct the applicant to produce all documents in his possession or power upon which he relies in support of his case.

(6) On service of a notice on the applicant under the rule, the applicant shall appear in person or through an agent appointed in writing by him in this behalf who is acquainted with the facts of the case.

(7) The Settlement Officer may examine the applicant or his agent with regard to all or any of the statements of fact made in the application and the substance of such examination shall be reduced to writing by the Settlement Officer.

(8) The applicant shall be required to place copies of all documents on which he relies on the record maintained in the office of the Settlement Officer.

(9) Where the Settlement Officer is satisfied that the notice was duly served upon the applicant and the applicant has failed to appear in response to the notice, the Settlement Officer may decide the matter ex-parte.

Provided that a copy of any ex-parte order passed under this sub-rule shall be served on the applicant by registered post acknowledgment due.

(10) When an ex-parte order is made under this rule the applicant may within thirty days of the date of the service of the order make an application to the Settlement Officer who made the order for setting it aside and if the Settlement Officer is satisfied that the notice was not duly served on the applicant or that the applicant was prevented by any sufficient cause from appearing on the date fixed, the Settlement Officer shall set aside ex-parte order.

Explanation-For the purpose of this sub-rule, the date of the service of the order shall mean-

(a) Where the order is not returned undelivered, the date when the registered letter was received:

(b) Where the order is returned undelivered, the date when the registered letter was received:

(11) (a) Where at the first hearing the appellant submits all the facts and no controversial issues arise, the Settlement Officer shall make a verification order and forward the application to the Regional Settlement Commissioner.

(b) If, however, the Settlement Officer finds that there is a discrepancy between the statement made by the applicant before him and those recorded by the applicant in his compensation application, the Settlement Officer shall call upon the applicant to explain the discrepancies, and may, for such purpose, postpone the case to enable the applicant to produce evidence in support of his statements.

9. Summoning of witnesses :-

The production of witnesses in support of his case shall be the responsibility of the applicant and reasonable opportunity shall be given to him for the production of such witnesses. Such witnesses shall not ordinarily be summoned by the Settlement Officer:

Provided that the Settlement Officer may, if he deems necessary, summon any witness on behalf of the applicant at the latter's expense :

Provided further that where it is necessary to summon any servant of the Government, such witness shall be summoned at the expense of the Government.

10. Order on applications :-

(1) If after hearing the case, the Settlement Officer is satisfied that no further enquiry is necessary, the Settlement Officer shall pronounce his order on the very day on which the evidence is closed and shall supply a copy of the order to the applicant free of cost.

(2) The order shall contain the points for determination, the decision thereon and brief reasons for the decision. A copy of the order and the original application along with the records of the case shall be forwarded to the Office of the Regional Settlement Commissioner concerned with a summary in the form specified in Appendix VI, a copy of which shall also be kept on record by the Settlement Officer.

CHAPTER 3 Procedure to be followed by the Settlement Commissioner in the office of the Chief Settlement Commissioner on receipt of the duplicate copy of Compensation Application

11. Enquiry by the Settlement Commissioner on a receipt of duplicate copy of compensation application :-

(1) On receipt of a duplicate copy of an application for Compensation from Settlement Officer the Settlement Commissioner (Headquarters) shall verify the assessed value of the claim as stated in the application with the final order in respect thereof in the claims record.

(2) Where there is no discrepancy between the value of the claim

as stated in the application and as entered in claims record, the Settlement Commissioner (Headquarters) shall make an endorsement on the application that the value of the claim as stated by the applicant is correct.

(3) In case of any discrepancy, the Settlement Commissioner (Head-quarters) shall correct the relevant entry in the application and authenticate the same by his full signature and the seal of his Office.

(4) The Settlement Commissioner (Headquarters) shall record on the duplicate copy of the application any other information which may be relevant for the determination of the amount of compensation payable to the applicant and shall return the application to the Regional Settlement Commissioner.

(5) As soon as the duplicate copy of the application for compensation is returned to the Regional Settlement Commissioner, the Settlement Commissioner(Headquarters) shall make an entry in the following form in the Summary Schedule of the relevant claim which shall be duly signed by him :-

Application for compensation in respect of claim bearing Registration No. _____ received from the Settlement Officer _____ and returned after verification to the Regional Settlement Commissioner _____ on _____

(Date)

CHAPTER 4 Determination of Compensation

12. Regional Settlement Commissioner to link up the papers received from the Settlement Officer with those from Settlement Commissioner :-

On receipt of the original copy of an application for compensation together with the order of Settlement Officer under Section 5 of the Act and other relevant records, the Regional Settlement Commissioner shall consolidate such papers with the duplicate copy of the application received from the office of the Settlement Commissioner (Headquarters).

13. Determination of amounts due from the applicant :-

The Regional Settlement Commissioner shall ascertain whether any amount of the nature described below is due from the applicant: -

(a) any amount due to any banking company under Section 6 of the Act or any amount which is prior charge declared under sub-section (3) of Section 16 of the Displaced Persons (Debt Adjustment) Act, 1951 (LXX of 1951), in respect of which any communication is received from any Tribunal under Section 52 of the Act, or

(b) the amount of any unsecured debt payable by the applicant in respect of which a communication has been received from any Tribunal under Section 52 of the Displaced Persons (Debt Adjustment) Act, 1951 (LXX of 1951)

14. Deduction of certain dues from the amount of Compensation :-

The following dues shall be deducted from the amount of compensation in the order of priority mentioned below: -

- (i) Public dues;
- (ii) the amount, if any, referred to in clause (a) of rule 13;
- (iii) the amount, if any, referred to in clause (b) of rule 13;

15. Determination of net compensation :-

After deducting the amount referred to in rule 14, the Regional Settlement Commissioner or an Assistant Settlement Commissioner or a Settlement Officer or an Assistant Settlement Officer, having jurisdiction and duly authorised by Regional Settlement Commissioner, shall pass an order determining the net amount of compensation payable to the applicant in respect of his verified claim and shall prepare a summary in the form specified in Appendix VII (Abstract of particulars).

16. Scale of compensation :-

Compensation shall be payable in accordance with scale specified in Appendices VIII or IX, as the case may be.

17. Manner of payment of compensation :-

(1) Compensation may be paid in one or more installments.

(2) No person shall be paid compensation in cash exceeding eight thousand rupees;

Provided that the limit of Rs.8,000 may be exceeded to the extent necessary for making payment of the holder of a statement of account, by way of marginal adjustment, of the difference between the net amount of compensation payable as shown in the said statement and the value of property allotted compulsorily under sub-rule (4) but such marginal payment shall not exceed (a) Rs.500 where the amount shown in the statement of account does not exceed Rs.10,000 or (b) Rs.1,000 in any other case.

Provided further that where cash upto Rs.2000/- has already been paid and subsequently on enhancement of the claim etc. additional Compensation becomes payable and is within the range of Rs.2000/- cash may be paid upto Rs.2000/- towards additional compensation, notwithstanding the earlier cash payment, etc.

(3) Where compensation is paid to any person by adjustment of public dues, transfer of property from the Compensation Pool or partly by such adjustment or transfer and partly in cash, the total amount of compensation payable to him shall not exceed fifty thousand rupees in the first instance :

Provided that nothing in this sub-rule shall apply where any such person purchases any property forming part of the compensation pool in which case the purchase price may be adjusted against the compensation payable to him in accordance with these rules, notwithstanding that the amount to be adjusted exceeds fifty thousand rupees.

In its application to a Hindu undivided family, the limit of fifty thousand rupees shall apply to each share referred to in sub-rule (2) of rule 19.

(4) Where the claimant to whom a Statement of Account has been issued showing the amount of compensation available to him for the purchase of property fails to utilise the whole or part of the compensation due to him by the purchase of property within six

months from the 15th of January, 1959, or the date of issue of the Statement of Account, whichever is later, he may be allotted in lieu of the compensation pool at the discretion of the Settlement Commissioner. On such allotment the claim of the claimant for compensation shall be deemed to have been satisfied.

(5) Where any property is transferred to any person under this rule, a deed of conveyance shall be executed in the form specified in Appendix XXV-A.

17A. Central Government bonds to form part of the compensation pool :-

All assets in the form of Government bonds in the hands of any Custodian in respect of compensation payable for the acquisition of any evacuee property by the State under any law relating to abolition of zamindaris and jagirs shall form part of the compensation pool.

17B. Payment of compensation in National Plan Savings Certificate of certain Government bonds :-

Notwithstanding anything contained in these rules, a displaced person to whom compensation or rehabilitation grant is payable in accordance with the provision of the Act and these rules may, at the discretion of the Chief Settlement Commissioner, or a Settlement Commissioner, be paid compensation on rehabilitation grant-

- (i) National Savings Certificates or
- (ii) in the form of Government bonds referred to in rule 17-A.

18. Compensation to be determined on the total value of all claims :-

For the purpose of determining the compensation payable to an applicant, the Regional Settlement Commissioner shall, except as otherwise provided in these rules, add up the assessed value of all claims of the applicant in respect of all kinds of properties, other than agricultural land, situated in a rural area, left by him in West Pakistan and the compensation shall be assessed on the total value of such claims.

19. Special provision for payment of compensation to joint

families :-

Where a claim relates to properties left by the members of an undivided Hindu family in West Pakistan (hereinafter referred to as the joint family) compensation shall be computed in the manner hereinafter provided in this rule.

(2) Where on the 26th September, 1955 (hereinafter referred to as the relevant date) the joint family consisted of :-

(a) Two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into two equal shares and calculating the compensation separately on each such share.

(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three equal shares & calculating the compensation separately on each such share.

(3) For the purpose of calculating the number of the members of a joint family under sub-rule (2), a person who on the relevant date :-

(a) was less than 18 years of age.

(b) was a denial descendant in the main line of another living member of joint Hindu family entitled to claim partition shall be excluded :

Provided that where a member of a joint family has died during the period commencing on the 14th August, 1947 and ending on the relevant date leaving behind on the relevant date all or any of the following heirs, namely :-

(a) a widow or widows,

(b) a son or sons (whatever the age of such son or sons) but no denial ascendant in the main line, then all such heirs shall notwithstanding anything contained in this rule, be reckoned as one member of the joint Hindu family.

Explanation.-For the purpose of this rule, the question whether a

family is joint or separate shall be determined with reference to the status of the family on the 14th day of August, 1947 and every member of a joint family shall be deemed to be joint notwithstanding the fact that he had separated from the family after that date.

19A. Maximum amount of compensation payable to a joint family in cash or otherwise :-

Notwithstanding anything contained in the foregoing rules the maximum limit of two lakhs of rupees specified in Appendix VIII and the maximum limit of eight thousand rupees in respect of cash compensation specified in sub-rule (2) of 7 shall apply in respect of each of the shares into which the claim has been divided in pursuance of rule 19.

19B. Compensation ordinarily payable to Karta of joint family :-

Compensation in the case of joint family shall ordinarily be payable to the Karta of the family, but where the members of the joint family do not agree that the compensation payable to the family may be paid to the Karta of the family, such compensation shall be paid to each member of the family in accordance with his share specified in the assessment order; or where the share is not so specified in accordance with such share as the Settlement Commissioner may, having regard to the principle of Hindu law determine.

20. Claim of co-owners :-

Where the claim relates to a property left in West Pakistan, which is owned by more than one claimants as co-owners, the unit for assessment of compensation shall be the share of the each co-owner and the compensation shall be payable in respect of each such share as if a claim in respect thereof had been filed and verified separately.

-Where a person holds a number of verified claims in different capacities, the total compensation payable to him shall be determined in accordance with the provisions of Rules 18, 19 & 20.

CHAPTER 4A CHAPTER IV-A

21. XXX XXX XXX :-

XXX XXX XXX

21A. Period within which the amount of deduction payable :-

The period within which the amount of deduction is to be paid to the Central Government under the proviso to sub-section (1) of section 8-A of the Act shall be six months of the determination of the principal sum for which the property was mortgaged.

21B. Determination of the value of the property to be surrendered :-

In determining the value of any portion of any property to be surrendered by the displaced person under clause (b) of the second proviso to sub-section (1) of Section 8-A of the Act, the Settlement Commissioner shall have due regard to the value already assigned to such property and the manner of its determination at the time of its allotment of the displaced person.

CHAPTER5 Payment of Compensation by transfer of acquired Evacuee Properties

22. Class of acquired evacuee property which may be allotted :-

The following classes of acquired evacuee property shall ordinarily be allotted, namely :

(a) any residential property in the occupation of a displaced person, the value of which does not exceed fifteen thousand rupees;

(b) any shop in the occupation of a displaced person, the value of which does not exceed fifteen thousand rupees;

(c) any industrial concern in the occupation of a displaced person, the value of which does not exceed fifty thousand rupees;

Explanation-No property referred to in clause (a) or clause (b) shall be allottable, if it is in the occupation of two or more person, whether any or all of them be displaced persons or not.

23. Class of a acquired evacuee property which may be sold

:-

All acquired evacuee properties which are allottable under rule 22 shall ordinarily be sold.

24. Valuation of acquired evacuee property which is an allottable property :-

(1) Where any acquired evacuee property which is an allottable property is to be transferred to any person in occupation thereof in satisfaction of the whole or a part of the compensation, payable to such person, the Settlement Officer, shall first determine the value of the property having regard inter alia to all or any of the following matters :-

(a) the amount for which property was assessed for the purpose of municipal taxes during the year in which the date of acquisition falls;

(b) the annual rental income of the property;

(c) sale of similar or contiguous property during the last three years;

(d) the present market value of the site and the present value of the evacuee building and in the case of an industrial concern the value of the machinery.

(2) For the purpose of determination of the value of any acquired evacuee property under sub-rule (1) depreciation may be allowed according to the age of the building, quality of construction and the standard or maintenance of property.

25. Transfer of acquired evacuee property which is an allottable property to person in occupation thereof who holds a verified claim :-

(1) Where an applicant for payment of compensation is in sole occupation of an acquired evacuee property which is an allottable property, such property may be transferred to him in lieu of the compensation payable to him under the Act :-

Provided that the total amount of net compensation payable to the applicant is not less than half in the case of property other than as industrial concern and less than 1/4th in the case of an industrial concern or such other similar proportion as the Chief Settlement Commissioner may in either case determine, of the value of the property as determined under rule 24;

Provided further that no industrial concern shall be transferred to the applicant unless he pays up the arrears, if any, of the lease money outstanding against him in respect of such concern.

(2) Where the value of the property exceeds the net amount of compensation payable to the applicant, the applicant shall be required to pay the balance-

(a) in one lump sum, or

(b) in installments as the following :-

(i) in the case of property other than industrial concern-

(a) Where the value of the property, does not exceed in the case of a shop in a rural area or in a town other than those mentioned in Appendix X two thousand rupees and in the case of any other property five thousand rupees in four equal annual installments.

(b) where the value of the property exceeds the limits specified in clause (a) or where the property consists of a shop situated in the town specified in appendix X, in two equal installments.

(ii) in the case of an industrial concern installments spread over a period not exceeding two and a half years.

Provided that in the case of an acquired evacuee property including an industrial concern, which is an allottable property, the applicant may at his option, pay the balance together with interest in seven equated installments.

Provided further that if the value of an acquired evacuee property other than industrial concern is more than rupees ten thousand but does not exceed rupees fifteen thousand, the applicant shall be required to pay the balance together with interest at the rate

specified in rule 28 in three equal annual installments.

(3) Where the amount of net compensation payable to the applicant exceeds the value of the property, the property may be transferred to the applicant and he may be paid the balance of the compensation in cash or in the form of property in accordance with the provisions of these rules.

(4) Where the value of the property is equal to the amount of net compensation, the property may be transferred to the applicant and in such a case the claim for compensation shall be deemed to have been fully satisfied,

26. Transfer of acquired evacuee property which is an allottable property is in sole occupation of person who does not hold a verified claim :-

Where an acquired evacuee property which is an allottable property is in the sole occupation of a displaced person who does not hold a verified claim, the property may be transferred to him-

(i) in the case of an industrial concern if he pays at once not less than 25% of the value thereof and agrees to pay the balance in installments spread over a period not exceeding 2-1/2 years from the date of the initial payment :

(ii) in the case of any other property-

(a) Where the value of property does not exceed in the case of a shop in a rural area or in a town other than those mentioned in Appendix X, two thousand rupees and in the case of any other property five thousand rupees, if he pays at once 20 per cent of the value thereof and agrees to pay the balance in four equal annual installments from the date of the initial payment;

(b) where the value of the property exceeds the limits specified in clause (a) or where the property consists of a shop situated in a town specified in Appendix X, if he pays at once not less than 33-1/3 per cent of the value of the property and agrees to pay the balance in two equal annual installments from the date of the initial payment :=

Provided that in the case of acquired evacuee property including an industrial concern which is an allottable property, he may, at his option pay at once 20 per cent of the value of property in cash and agree to pay the balance with interest in seven equated annual installment:

Provided further that in the case of an acquired evacuee property other than an industrial concern, the value of which is more than rupees ten thousand but does not exceed rupees fifteen thousand, the occupant shall be required to pay the balance together with interest at the rate specified in rule 28, in three equal annual installments.

27. Number of installments :-

Where the balance of the value of property transferred under rule 25 or the rule 26 is payable in installments, the number of such installments and the amount of each installment shall be determined by the Regional Settlement Commissioner.

28. Interest on installments :-

Where the transferee of an acquired evacuee property including an industrial concern chooses to pay the balance of the value of the property in installment as provided in sub-rule (2) of Rule 25 or in rule 26 as the case may be, interest shall be charged at the following rates, namely: -

- (a) if the amount is paid within two years.....no interest.
- (b) if the amount is paid within three years.....1 per cent per annum.
- (c) if the amount is paid within four years.....2 per cent per annum.
- (d) if the amount with interest is payable in seven equated annual installments.....four and half per cent per annum.

29. Refusal to accept transfer of property :-

Where any person, having a verified claim for urban or rural property, in sole occupation of any property, under the Compensation Pool, which is an allottable property refuses to accept the transfer of such property in satisfaction of his claim in accordance with the provisions of these rules, his claim for

compensation shall be paid in the manner shown below :-

(a) If the compensation due to him covers the entire cost of property, or exceeds the value of the property, the property shall be transferred to him and his claim shall be deemed to have been satisfied to the extent of the value of the property in his occupation.

(b) If his net compensation does not cover the entire value of the property but is not less than 20 per cent thereof, he shall not be paid compensation in cash. Such persons may be permitted to continue to occupy the property on such terms and conditions as the Settlement Commissioner may determine and the property may be allotted or sold to any other person.

(c) If the net compensation due to him is less than 20 per cent of the value of the property, he will be paid compensation by the issue of the Statement of Account or in cash, as the case may be. Such person may be permitted to continue to occupy the property on such terms and conditions as the Settlement Commissioner may determine and the property may be allotted or sold to any other person.

30. XXX XXX XXX :-

Rules 30 and 31 obtained by notification No.G.R. 1317 R, dated August, 1963 published in Gazette of India Part II, Section 3(i) No. 386 dated August 10th, 1963.

31. XXX XXX XXX :-

Rules 30 and 31 obtained by notification No.G.R. 1317 R, dated August, 1963 published in Gazette of India Part II, Section 3(i) No. 386 dated August 10th, 1963.

32. XXX XXX XXX :-

XXX XXX XXX

33. Deed of transfer to be executed :-

Where any property is transferred to any person under this chapter, a deed of transfer shall be executed in form specified in Appendix XXIV as the case may be with necessary modifications.

33A. Deed of transfer for immovable property transferred under Section 20-A (1) (a) of the Act :-

Where any immovable property in the compensation pool of any part thereof situated in an urban area is transferred to any person under clause (a) of sub-section (1) of Section 20-A of the Act, a deed of transfer in the form specified in Appendix XXXIV-A with such modifications as may be necessary in the circumstances of the case be executed.

33B. Deed of sale/lease for transfer of properties divided horizontally :-

Where any property is transferred to any person after being divided horizontally, a deed of sale/lease shall be executed in the forms specified in Appendix XXXI-A, XXXI-B, XXXI-C and XXXII.

34. Deed of transfer :-

Where any property is transferred to any person under this chapter, the property shall be deemed to have been transferred to him :-

(a) where such person had made an application for the payment of compensation before 31st of October, 1953, from the first day of November, 1953;

(b) when such person was in occupation of such property in any town other than those mentioned in Appendix X from the first day of the month following the month in which a receipt in respect of an application for compensation made by him was issued to him;

(c) where compensation applications are invited before a specified date from the first day of the month following such date;

(d) in any other case, from such date as the Central Government may, by general or special order, specify.

CHAPTER 5A Allotment of evacuee agricultural land situated in urban areas

34A. Application :-

The provisions of this Chapter shall apply to evacuee agricultural lands situated in urban areas and acquired under Section 12 of the

Act.

34B. Valuation :-

For the purpose of this Chapter, all lands to which the Chapter applies shall be valued by an officer appointed in this behalf by the Regional Settlement Commissioner.

34C. Allotment of agricultural land of the value of Rs.10,000/- or less :-

Where any land to which this Chapter applies has been leased to a displaced person and such lands consist of one or more khasra and is valued at Rs.10,000/- or less, the land shall be allotted to the lessee :

Provided that where any such land or any part thereof has been leased to a displaced person and the sub-lessee has been in occupation of such land or part thereof continuously from the first January, 1956, such land or part thereof, as the case may be, shall be allotted to such sub-lessee.

34D. Allotment of agricultural lands consisting of more than one khasra, the value of which exceeds Rs.10,000/- . :-

(1) Where any land to which the Chapter applies has been leased to a displaced person and such land consists of more than one Khasra, the aggregate value of which exceeds Rs.10,000/- such portion of the land, the value of which does not exceed Rs.10,000/- as the Regional Settlement Commissioner may select, shall be allotted to such person :

Provided that where any such land or any part thereof has been sub-leased to a displaced person and the sub-lessee has been in occupation of that or part thereof, continuously from the First January, 1956, such land or part thereof, as the case may be, the value of which does not exceed Rs.10,000/- as the Regional Settlement Commissioner may select, shall be allotted to such sub-lessee.

(2) In selecting the area for allotment under sub-rule (1), the Regional Settlement Commissioner shall have regard to the compactness of the area and other relevant matters.

(3) For the purpose of allotment of land under this rule, no Khasra shall be sub-divided.

34E. Maximum area of land allottable under this Chapter :-

Notwithstanding anything contained in the foregoing provisions of these rules-

(a) no Khasra the value of which exceeds Rs.10,000/- shall be allotted;

(b) the maximum area of land allotted to any one person shall not exceed Rs.10,000/- in value.

34F. Certain provisions of Chapter V to apply :-

Where any land to which the Chapter applies is allotted under rule 34-C or rule 34-D, the provisions of rules 25 to 29 (both inclusive) of Chapter V shall, so far as may, be apply.

34G. Grant of Sanad for allotment of land :-

Where any land to which this Chapter applies to any person under rule 34-C or 34-D, the allottee shall be granted a Sanad in the forms specified in Appendix X-A or X-B as the case may be, with necessary modifications.

34H. Manner of disposal of land not allotted :-

Any land to which this Chapter applies which is not allotted under this Chapter, shall be disposed of in the manner provided in Chapter XIV.

CHAPTER 6 Payment of compensation by transfer of Government built property

35. Classification of colonies where Government built property are situated :-

For the purposes of the Chapter the Central Government shall from time to time by order classify colonies in which Government built properties are situated as A, B or C Colonies.

36. Classes of Government built properties which may be

allotted :-

The following classes of Government built properties shall ordinarily be allotted, namely: -

(a) every Government built residential property valued at rupees fifteen thousand or less and occupied by a displaced person on a rental basis :

Provided that the Central Government may in any particular case direct that any such property shall not be allottable :

(b) every Government built shop valued at rupees fifteen thousand or less.

Explanation-No such property shall be allottable, if it is in the occupation of two or more persons, whether any or all of them be displaced person or not.

37. Government built property which may be sold :-

Every Government built property which is not allottable under Rule 36 may, unless the Central Government otherwise directs, be sold.

38. Manner of disposal of special properties :-

The Central Government may, notwithstanding anything contained in Rule 36 or 37, by general or special order, specify the manner in which a block of flats or a shop-cum-residence or any other kind of property mentioned in the order may be disposed of.

39. Disposal of Government Plots :-

A Government plot forming part of the compensation pool may be sold by public auction.

40. Adjustment of compensation against purchase price of Government built property and plots :-

(1) A purchaser of a Government built property or a Government plot may adjust the net compensation payable to him against the purchase price of the property or the plot, as the case may be.

(2) Where the Government built property has been purchased on

installment basis or hire-purchase basis , the arrears of installment, if any, shall be deducted from the gross compensation . After deduction of such installments and public dues and other dues , the present value of the remaining installments including shall be set off against the present value of the remaining installments, including interest the ownership of the superstructure and the site if it consists of free hold land ,shall be transferred to the purchaser. If the site was held by the purchaser under lease, it shall be deemed to him on such terms and conditions as may be determined by the Settlement Commissioner.

(3) Where the present value of the remaining installments of the purchase price including interest, exceeds the amount of the net compensation payable to purchaser, the number of installments and the amount of each installment may by agreement with the purchaser be revised. As soon as the full price (including interest, if any), has been paid the ownership of the superstructure shall be transferred to the purchaser. If the site on which the superstructure stands consists of freehold land the site shall also be transferred to the purchaser. If the site is held on a lease, the purchaser shall hold the site on such terms and conditions as may be determined by the Settlement Commissioner.

Explanation-In the case of the urban area of the towns of Delhi the terms and conditions of the lease shall be as in Appendix XI but the purchaser shall have the option to continue to hold the site on the terms and conditions originally agreed upon by him as in Appendix XII or XIII.

(4) Where the Government built property was purchased otherwise than on installment basis or hire-purchase basis and the entire price has not been paid, the balance of the purchase price shall be set off against the net compensation payable to the purchaser.

(5) When the purchaser of a Government built property on installment basis or otherwise does not agree to the compensation payable to him being adjusted against the balance of the purchase price due from him, he may continue to pay the purchase price upon the terms originally agreed upon, but in such a case the payment of compensation to him shall be postponed to such a date as the Central Government may, by general or special order, specify.

41. Displaced person in occupation of Government built property :-

(1) A displaced person having a verified claim who is in occupation of a Government built property which is an allottable property shall be paid compensation by the transfer of the property to him: -

Provided that where the value of the property exceeds in the case of a shop in a rural area or in a town other than those mentioned in Appendix X two thousand rupees and in the case of any other property five thousand rupees and such value is covered by the amount of net compensation payable to such person to the extent of 33-1/3 per cent of the value of the property:

Provided further that where the provisions of preceding proviso do not apply and the value of the property is covered by the amount of net compensation payable to such persons to the extent specified below.

(i) in the case of property situated in A class colony 33-1/3 per cent of the value of the property;

(ii) in the case of the property situated in B class colony 25 per cent of the value of the property;

(iii) in the case of property situated in C class colony 20 per cent of the value of the property;

(2) Where the net compensation payable to such displaced person is less than that specified in sub-rule (1) the deficiency may be made good in cash and thereafter the balance of the purchase price shall be payable-

(i) where the value of the property does not exceed in the case of a shop in any rural area or in any town other than those specified in Appendix X two thousand rupees and in the case of any other property five thousand in four equal installments ; and

(ii) where the value of the property exceeds the limits specified in clause (ii) or where the property consist of a shop situated in the town specified in Appendix X in two equal annual installments;

Provided that the displaced person may, at his option, pay the balance with interest at the rate specified in clause D of the rule 28, in seven equated annual installments:

Provided further that if the value of the Government built property is more than rupees ten thousand but does not exceed rupees fifteen thousand, the displaced person shall be required to pay the balance together with interest at the rate specified in rule 28, in three equal installments;

(2) For the purpose of this rule, the value of a Government built property which is an allottable property shall be determined by the Settlement Officer having regard to the market value of the site and the cost of superstructure.

Explanation-In the case of a semi-permanent or temporary structure, depreciation may be allowed according to the age of building, the quality of construction and the standard of maintenance of the property.

41A. Transfer of Govt. built property :-

Without prejudice to the provisions of sub-rule (3) of rule 4, an allottable Government built property may, irrespective of the class of colony where it is situated, be transferred to a claimant, who is an authorised, allottee, in lieu of the net compensation payable to him provided that (a) if such net compensation is 20 per cent or more of the value of the property, the whole of such compensation shall be adjusted against this value, and (b) if such net compensation is less than 20 per cent of the value of the property, the difference between 20 per cent of such value and the net compensation due to him shall be paid by him in cash. The balance left thereafter with interest at the rate specified in clause (d) of rule 28 shall be paid in seven equated annual installments:

Provided that if the value of the Government built property is more than rupees ten thousand but does not exceed rupees fifteen thousand, the displaced person shall be required to pay the balance together with interest at the rate specified in rule 28, in three equal annual installments.

42. Government residential property in occupation of non-claimant :-

Where a displaced person who does not hold a verified claim is in occupation of a Government built property which is an allottable property may be transferred to him if he makes the initial payment of:

(i) 33-1/3 per cent of value of the property.

(a) where the property consist of a shop situated in a town specified in Appendix X; or

(b) where the value of the property in the case of a shop situated in any rural area or in any town other than specified in Appendix X exceeds two thousand rupees and in any other case exceeds five thousand rupees.

(ii) where the value of the property does not exceed the limits specified in clause (b).

(a) 33-1/3 per cent of the property if the property is situated in an A class colony.

(b) 25 per cent of the value of the property is the property situated in a B class colony.

(c) 20 per cent of the value of the property if the property is situated in a C class and agrees to pay the balance of the purchase price;

(1) in case of falling under clause (i) above in two equal annual installments; and

(2) in case of falling under clause (ii) above in four equal annual installments;

Provided that the displaced person may, at his option, make an initial payment of 20 percent of the value of the property in cash and agree to pay the balance of the purchase price of the property with interest at rate specified in clause (d) of rule 28, in seven equated annual installments.

Provided further that if the value of the Government built property

is more than rupees ten thousand but does not exceed rupees fifteen thousand, the displaced person shall be required to pay the balance together with interest at the rate specified in rule 28, in three equal annual installments.

43. Certain Rules in Chapter V to apply to transfer under this Chapter :-

The provisions of Rules 25 to 34 shall so far as may be apply to the transfer of any government built property or government plot under this Chapter.

CHAPTER 7 Payment of compensation for rural houses and shops left in West Pakistan

44. Allotment of acquired evacuee house in a rural area in lieu of compensation :-

(1) Where a verified claim relates to a house or a shop left in rural area in West Pakistan, the claimant may be allotted in lieu of compensation payable to him for such house or shop acquired evacuee house of the appropriate grade according to the scale specified in sub rule (3) in any rural area in India :

Provided that where a house of the appropriate grade is not available, the claimant may be allotted one or more houses of the lower grade.

(2) The value of the house or houses which may be allotted under sub-rule (1) shall subject to the availability of such house or houses approximately as nearly as possible to the amount of net compensation payable to the claimant in respect of the rural house or shop left in West Pakistan and allotment of such house or houses, the claim of the claimant for such compensation shall be deemed to have been fully satisfied.

(3) For the purposes of this rule the Settlement Commissioner shall classify acquired evacuee houses in rural areas in India into the various grades specified in column 1 of the table below according to the value mentioned in the corresponding entry in column 2 thereof :

The Table

Grades Value

(1) (2)

A Rs.50,000 or above

B Rs.30,000 and above but below Rs.50,000

C Rs.20,000 and above but below Rs.30,000

D Rs.10,000 and above but below Rs.20,000

E Rs.5,000 and above but below Rs.10,000

F Rs.2,500 and above but below Rs.5,000

G Rs.1,000 and above but below Rs.2,500

H Below Rs.1,000

(4) Nothing in this rule shall apply to any house which has been allotted in the State of Punjab or Patiala and East Punjab States Union under the quasi-permanent allotment scheme published in the notification referred to in Section 10 of the Act.

45. Allotment of other property in occupation of claimant :-

Whether a displaced person having a verified claim in respect of house or a shop left in a rural area in West Pakistan is in occupation of-

(a) any acquired evacuee property which is an allottable property within the meaning of rule 22, or

(b) any Government built property which is an allottable property within the meaning of rule 36;

he may be allotted such property against the net compensation payable to him in respect of the rural house or shop and the provisions of Chapters V and VI relating to allotment of an acquired evacuee property or a Government built property, as the case may be; shall apply, accordingly.

46. Payment of compensation in case of mixed claims for Rural and Urban Property :-

(1) Where a person holds a verified claim in respect of an Urban Property and also in respect of a house or a shop in any rural area in West Pakistan, compensation shall, notwithstanding anything contained in rule 18, be calculated as follows :

(a) If such person is allotted any property of the nature referred to in rule 44, the compensation in respect of the verified claim for the rural house or shop left in West Pakistan shall be calculated separately from the urban property and set off against value of the property allotted to him.

(b) If such person is allotted any property of the nature referred to in rule 45, the assessed value of the claim both for the urban property and the rural house or shop shall be taken together for the purpose of calculating the compensation payable to him and the compensation so payable shall be adjusted against the value of the property allotted to him.

47. Payment of compensation under this Chapter subject to Rule 65 :-

Payment of compensation under this Chapter shall be subject to the provisions of Rule 65.

48. Saving :-

Nothing in this Chapter shall be deemed to prevent any person having a verified claim in respect of house or a shop left in any rural area in West Pakistan from purchasing any acquired evacuee property in any of the towns specified in Appendix X or any Government built property any A or B class colony within the meaning of rule 35 in accordance with the provisions of Chapter V or VI, as the case may be :

CHAPTER 8 Compensation in respect of verified claim for agricultural lands situated in rural area

49. Compensation normally to be paid in the form of land :-

Except as otherwise provided in this chapter, a displaced person having verified claim in respect of agricultural land, shall, as far as possible, be paid compensation by allotment of agricultural land. Provided that where any such person wishes to have his claim satisfied against property other than agricultural land, he may purchase such property by bidding for it at an open auction or by tendering for it and in such a case the purchase price of the property shall be adjusted against the compensation due on this verified claim for agricultural land which shall be converted into cash at the rate specified in rules 56.

Explanation-In this rule and in the other rules of this Chapter, the expression "agricultural land" shall mean the agricultural land situated in a rural area.

50. Fixation of value of land :-

The Settlement Commissioner shall fix the value of any agricultural land which is intended for allotment in terms of standard acres.

51. Scale of compensation in the form of land :-

The scale for the allotment of land as compensation in respect of a verified claim for agricultural land shall be the same as in the quasi-permanent Land Allotment Scheme in the State of Punjab and Patiala and the East Punjab States Union as set out in Appendix XIV.

Explanation-If any public dues are recoverable, the allotable area shall be reduced correspondingly.

52. Manner of allotment of land :-

The Central Government may, from time to time, having regard to the availability of land, determine the maximum area of land which may be allotted in the first instance to a person having re-verified claim for agricultural land. Such area shall be the area permissible under the scheme referred to in rule 51 or thirty standard acres whichever is less:

Provided that the balance, if any, of the area permissible for allotment according to the scale referred to in Rule 51 shall be given later in installments as and when more land becomes available for allotment.

53. Part of compensation in cash in certain cases :-

(1) Where a displaced person having a verified claim in respect of agricultural land has settled in an area other than an urban area, he may be paid one-third of the compensation due to him in cash, subject to a maximum of Rs.1,000 :

Provided that no such person holding a verified claim for more than thirty standard acres shall be paid any part of his compensation in

cash.

(2) If any land requiring reclamation is allotted to any such person or a group of such persons, part of the aggregate compensation due to such person or group of persons may, at the discretion of the Settlement Commissioner, be given in cash so as to cover the whole or part of the estimated cost of the reclamation, and a corresponding reduction shall be made from the agricultural land allottable to such person or group of persons.

54. Certain persons under disability may be paid compensation in cash :-

(1) The following classes of persons having a verified claim in respect of agricultural land may, at the discretion of the Settlement Commissioner, be paid compensation in cash subject to the limit prescribed in rule 17, if such compensation converted in terms of standard acres in eighteen standard acres or less.

(a) widows,

(b) minors.

(c) persons who on account of age or infirmity are incapable of cultivating the land personally.

(d) Blind and other disabled person.

(e) Persons who have settled outside India.

(2) Where the compensation payable to any displaced person having verified claim in respect of agricultural land converted in terms of standard acres in two standard acres or less, such compensation may be paid in cash.

(3) A displaced person who is paid compensation in cash under this rule shall not be paid compensation separately in respect of his verified claim for any rural building if in respect of such building he is not entitled to receive such compensation under rule 65, but shall be given, at the discretion of the Settlement Commissioner, a house or a site (or if it considered inexpedient to give a site its commuted value) and building grant in accordance with the provisions contained in rule 57, subject to the condition that the total payment under this rule read with rule 57, shall not exceed eight thousand rupees.

55. Compensation in respect of agricultural land to be set off against the price or the allottable property :-

Where a displaced person having a verified claim in respect of agricultural land is in occupation of an allottable property other than agricultural land or has purchased any Government built property in the compensation pool and the amount recoverable from him including the value of such property is in excess of the compensation payable to him in respect of his verified claim, if any, for any urban property or for any rural building, the Settlement Commissioner may set off the excess amount against the compensation payable to him in respect of his verified claim for agricultural land. If after the amount has been so set off there is any balance of compensation payable to him, it shall be paid in accordance with the provisions of this Chapter.

56. Conversion of standard acres into cash :-

For the purposes of payment of compensation under rules 51 and 53 to 55 each standard acre of land may be converted into cash: -

(a) where the compensation converted in terms of standard acres does not exceed fifty standard acres , at the rate of Rs.450/- per standard acres;

(b) where the compensation converted in terms of standard acres exceeds fifty standard acres,

(i) in respect of the first fifty standard acres at the rate of Rs.450/- per standard acre,

(ii) in respect of the remaining standard acres, at the rate of Rs.350/- per standard acre.

57. Allotment of house in addition to agricultural land :-

A displaced person having a verified claim in respect of agricultural land who has settled in a rural area and to whom agricultural land has been allotted, may be allotted a house in addition to such land in accordance with the following scale :-

(1) Claimants allotted land upto ten standard acres.....Grade (H),

(2) Claimants allotted land exceeding ten standard acres but not exceeding fifty standard acres.....Grade (G),

Provided that if such person holds a verified claim in respect of any rural building and that claim has been satisfied wholly or partially before the allotment of such land, the provisions of rule 65 shall not be applicable in his case but he shall not be entitled to the allotment of a house or a site and building grant in lieu thereof.

Explanation 1-Where no house is available in the same village, an allottee may be granted: -

(a) if he has been allotted agricultural land not exceeding ten standard acres, a site measuring 400 square yards and a building grant of Rs.400/-; and

(b) if he has been allotted agricultural land exceeding ten standard acres but not exceeding 50 standard acres, a site measuring 600 square yard and a building grant of Rs.600.

Explanation II-The reference to grades of houses in this rule is to the grades of houses specified in rule 44.

58. Possession of allotted agricultural land :-

Where any person is allotted agricultural land under these rules, he shall, subject to the provision of any local or special law fixing the ceiling of, or otherwise regulating agricultural holdings, be granted vacant possession of such land.

59. Composite agricultural land :-

Where any agricultural land available for allotment is composite property within the meaning of the Evacuee Interest (Separation) Act of 1951 (XLIV of 1951) any undivided portion of the land may, with the consent of the Custodian and the other owner and the claimant, be allotted to the claimant.

60. Acceptance of allotment of land :-

Where any person is offered allotment of agricultural land under these rules he shall communicate his acceptance of the allotment to the Settlement Commissioner within such period being not less

than one month as may be fixed by the Settlement Commissioner. If no reply is received within the period fixed by the Settlement Commissioner, allotment shall be deemed to have been accepted.

61. Consequences of refusal of acceptance of allotment :-

Where any person refuses to accept the allotment of any agricultural land offered to him the claim for compensation of the allottee shall be deemed to have been satisfied to the extent of the value of the allotted land and such land shall be available for allotment to any other claimant.

62. Agricultural land allotted before commencement of these rules :-

Where any person has been allotted any agricultural land before the commencement of these rules in respect of his verified claim relating to agricultural land left in West Pakistan, the following provisions shall apply :

(a) If land allotted to such person is less than the area which should have been allotted to him under these rules, an additional area of land may, if available, be allotted to him to make up the deficiency.

(b) If the land allotted to such person exceeds the area which should have been allotted to him under these rules and if the allottee wishes to retain the excess land, he shall be required to pay the value of the excess land in such installments as the Settlement Commissioner may determine:

Provided that if such person holds a verified claim in respect of any other property, the net compensation in respect of such property may be adjusted against the value of the excess land.

Explanation-For the purpose of this rule and the next succeeding rule, the value of land shall be determined at the rate mentioned in rule 56.

63. Land allotted to non :-

claimants-Where any land has been allotted to a displaced person who does not hold any verified claim in respect of agricultural land,

such land, may be transferred to such person if he

(a) makes an initial payment of 10 percent of land at the time of transfer of the land, and

(b) agrees to pay the balance of the value of the land in fifteen equal annual installments :

Provided that if such person holds a verified claim in respect of any other property, the compensation payable in respect of such property may be adjusted against the value of such land :

Provided further that if such person had filed any claim in respect of any rural building which was rejected as a result of the Notification of the Government of India in the Ministry of Rehabilitation No.3(25) Gen./50 dated the 13th September, 1950 (amending Notification No. 3(14) Gen./50/11 dated the 27th May, 1950) issued under the Displaced Persons (Claims) Act, 1950 (44 of 1950) or under Rule 65; he may be permitted to adjust the price of such land and other public dues against the amount which would have been payable to him, if his claim had not been so rejected the amount so adjusted being treated as a rehabilitation grant paid under Section 11 of the Act.

Provided further that where such person has had a multiple allotment, the Settlement Commissioner may cancel the allotment and may allot the land to some other person who holds a verified claim in respect of agricultural land.

64. Punjabi and persons of Punjabi extraction who have been allotted land outside the State of Punjab and Patiala and East Punjab States Union :-

Any land owner whose claim was registered under the East Punjab Refugees (Registration of Claims) Act, 1948 (East Punjab Act VII of 1948) or under the Patiala Refugees (Registration of Local Claims) Ordinance 2004 BK (Ordinance No. X of 2004 BK) and who has been allotted land outside the State of Punjab or Patiala and East Punjab State Union shall be governed by the provisions hereinafter contained in this rule :

(a) If such person had refused allotment of land made to him in the

State of Punjab or the Patiala and East Punjab States Union, he shall be treated as a displaced person having no claim in respect of agricultural land accordingly the provisions of rules 62 and 63 shall apply to him.

Provided that any person who surrendered any land allotment to him in the State of Punjab or Patiala and East Punjab States Union before the 31st December, 1955 may, on production of a certificate issued by the authorised officer of the Government of Punjab or Patiala and East Punjab States Union, as the case may be, evidencing such surrender be allowed to retain the land allotted to him in the district of Ganganagar in the State of Rajasthan on condition that if he is in possession of any area in excess of that which should have been allotted to him in the State of Punjab or Patiala and East Punjab States Union, he had either surrender such excess area or pay the price therefore at the rate mentioned in rule 56.

(a) If such person had been allotted land in the State of Punjab or Patiala and East Punjab States Union as well as in any other State, he shall be allowed to retain the land allotted to him in the State of Punjab or Patiala & East Punjab State Union and shall be required to surrender the land allotted to him in any other State.

(b) If such person had not been offered allotment of any land in the State of Punjab or Patiala and East Punjab State Union, he may be allowed to retain the allotment of agricultural land other than a grove, in any other State, and any area in excess of that which should have been allotted to him in the State of Punjab or Patiala and East Punjab States Union, shall be surrendered by him, or any deficiency, as the case may be, shall be made good.

(c) If such person had been allowed land in the area which on and from 1st November, 1956 is comprised in the Union Territory of Himachal Pradesh or Delhi, after surrendering his claim for allotment of land in the territory which formed part of the State of Punjab or Patiala and East Punjab States Union as it existed on 31st October, 1956, he may be allowed to retain the land allotted to him in the said area on condition that if the extent of land in his possession in the said area is in excess of that which should have been allotted to him in the said part, he surrenders such extent in excess.

Provided that any such person may be permitted to retain the excess area if he pays the price therefore at the rate mentioned in rule 56.

Explanation-A displaced persons whose allotment of agricultural land outside the State of Punjab or Patiala and East Punjab State Union has been cancelled and who has not been allotted any land in any of those States, may, subject to the availability of land, be allotted agricultural land in either of those States.

65. Separate compensation for rural building not to be paid in certain cases :-

(1) Any person to whom more than four acres of agricultural land have been allotted shall not be entitled to receive compensation separately in respect of his verified claim for rural building the assessed value of which is less than Rs.20,000/-.

(2) Any person to whom four acres or less of agricultural land have been allotted, not be entitled to receive compensation separately in respect of his verified claim for any rural building the assessed value of which is less than Rs.10,000/-.

66. Preference to residents of a State :-

(1) Agricultural land available for allotment in any State shall be allotted in the first instance to persons having verified claim in respect of agricultural land, who are domiciled in the State.

Explanation- For the purpose of this rule, preference in their matter of allotment of land shall be given to persons having similar claims.

(2) If after compliance with sub-rule (1) there is any surplus area of land available for allotment, it may be allotted to any other claimant who may apply for it or to claimants in such other States as the Central Government may, from time to time, determine.

(3) If the land available for allotment in any State is less than the area required for allotment to the claimant in the State, they may be allotted land in such other State as the Central Government may determine.

67. Disposal of agricultural lands not allotted :-

Any agricultural land which is not required for allotment may, at the discretion of the Settlement Commissioner, be disposed by sale or otherwise.

67A. Compensation to displaced persons from West Punjab etc. in respect of agricultural land :-

Notwithstanding anything contained in this Chapter a displaced persons from West Punjab or displaced person who was originally domiciled in the undivided Punjab but who before the partition of India had settled in North West Frontier Province Baluchistan, Bahawalpur or Sind, whose verified claim in respect of agricultural land has not been satisfied or has been satisfied only partially by the allotment of evacuee land under the relevant notification specified in Section 10 of the Act shall not be paid compensation in any form other than the transfer of acquired evacuee agricultural land and rural houses and sites in the State of Punjab or Patiala and East Punjab States Union in accordance with the scales specified in the quasi-permanent allotment scheme operating in those States.

Provided that the displaced person applies for payment of compensation in such for not later than 31st day of December, 1963;

Provided further that if any person has been allotted land in a State other than Punjab and his land claim has not been satisfied fully, he may for the remaining claim either be allotted land due to him in that case or issued a statement of Account which he may utilise for purchase of property forming part of the Compensation pool or for adjustment of public dues.

Scope and Applicability- Rule 67-A applies only to cases where the allottees were definitely unsatisfied claimants and had not made any application for allotment of land. It is not applicable to those cases where an application existed on record and that application had not been rejected.

68. Grant of Sanad for transfer of agricultural land :-

Where any agricultural land is transferred to any person under

these rules, the transferee shall be granted a Sanad in the form specified in Appendix XV with such modifications as may be necessary in the circumstances of any particular case or the transfer may be effected in any other manner in conformity with the provisions of any local or special law relating to transfer of agricultural land in force in the area where such agricultural land is situated.

68A. Grant of Sanad for transfer of alternative property under section 20-A (1) (a) of the Act :-

Where any immovable property is the compensation pool of any part thereof, situated in a rural area, is transferred to any person under clause (a) sub-section (1) of Section 20-A of the Act, a deed of transfer in the form specified in Appendix XV-A with such modifications as may be necessary in the circumstances of the case.

69. Saving :-

Nothing in this Chapter shall apply to agricultural land allotted in the States of Punjab and Patiala and East Punjab States Union under Section 10 of the Act.

CHAPTER 9 Allotment and sale of groves, and gardens outside the States of Punjab and Patiala and East Punjab States Union

70. Allotment and sale of groves and gardens :-

(1) The following classes of groves and gardens which are acquired evacuee properties may, unless the Central Government otherwise directs, be sold :-

(a) grove and gardens situated in urban areas or within a distance not exceeding five miles from the limits of any urban area;

(b) grove and gardens valued at Rs.1,000/- or more, and

(c) groves and gardens of the value of less than Rs.1,000 which are vacant or have been allotted to persons other than displaced persons.

(2) Any other groves and gardens which are acquired evacuee properties may, unless the Central Government otherwise directs, be allotted.

(3) Any grove or garden which has been allotted before the commencement of these rules to any displaced person may be transferred to such person provided he is willing to pay the value thereof as fixed by the Settlement Commissioner either in cash or by adjustment against the net compensation payable to him in respect of his verified claim for any immovable property.

(4) The value of a grove garden shall be determined by the Settlement Commissioner having regard to;

(a) the market price of the land including any house, well or other permanent structure existing on the land;

(b) the average sale proceeds from the fruit; and

(c) the timber value of the trees.

(5) If a grove or garden is to be allotted to a displaced person having a verified claim in respect of agricultural land, the net area to which he is entitled shall be calculated in standard areas as provided in rules 50 and 51 and the cash value of the net area to which he is entitled shall be determined at the rate mentioned in rule 56.

CHAPTER 10 Payment of compensation under Section 10 of the Act

71. Declaration by the Allottee :-

(1) Every person to whom any immovable property has been allotted by the Custodian under any notification specified in Section 10 of the Act (hereinafter referred to as the allottee) shall file in person or through an authorised agent a declaration in the form specified in Appendix XIV at any time in the office of the Settlement Officer or before the authorised officer in the village concerned on the date and place notified under sub-rule (4).

(2) If the allottee has a verified claim in respect of property other than agricultural land and has separately filed a compensation application in respect of such claim, the declaration under sub-rule (1) shall state the registration number of such application and be accompanied by a true copy of the assessment order in respect of

such verified claim.

(3) If the allottee has any such verified claim but has not separately filed a compensation application in respect of such claim, the declaration under sub-rule (1) shall be accompanied with the provisions of these rules.

(4) The date and place for filing a declaration under sub-rule (1) shall be notified by publication of a notice in the village concerned.

(5) If the allottee fails to file a declaration under sub-rule (1) on the date specified under sub-rule (4) or on such other date as may be fixed, the settlement Officer or the authorised officer, may at his discretion proceed with the enquiry referred to in the succeeding rules of this Chapter and issue the Sanad as provided therein.

72. Enquiry where the Allottee has no verified claim :-

(1) Where the allottee has no verified claim in respect of property other than agricultural land the Settlement Officer shall, on receipt of a declaration under Rule 71, verify the particulars specified therein in the presence of allottee or his authorised agent, and determine the public dues outstanding against such allottee.

(2) If the Settlement Officer is satisfied that the allotment is in accordance with the quasi-permanent allotment scheme, he may pass an order transferring the property allotted to the allottee in permanent ownership as compensation and shall also issue to him a Sanad in the form specified in Appendix XVII or XVIII as the case may be with such modification as may be necessary in circumstances of any particular case granting him such rights;

Provided that before posting any order under this sub-rule, the allottee shall be required to pay the entire amount of public dues outstanding against him which have fallen due and which have not been paid and if he fails to pay the said amount, the Settlement Commissioner may pass an order that the land to be allotted to the allottee be reduced in proportion to the amount due from the allottee.

Provided further than the amount of public dues outstanding against allottee which have not fallen due shall be a first charge on

the land transferred to him and shall be payable by him in accordance with the terms of the bonds and agreement executed by him for the repayment of such dues or in the absence of such bonds of agreements in four equal annual installments, failing which the amount shall be recoverable as arrears of land revenue. Such charge shall also be enforceable against the successor-in-interest of the original transferee or the person to whom the land has been subsequently transferred, as the case may be and the person concerned shall be deemed to have acquired the land subject to such charge.

Explanation-For the purpose of reducing the area to be the value of the standard acre shall be computed in accordance with the provisions of rule 56.

(3) If the Settlement Officer finds from the inquiry referred to in sub-rule (1) that allottee has secured on allotment in excess of that due to him or that he was not entitled to any allotment or that the allotment was obtained by means of fraud, false representation or concealment of material facts, he shall after due enquiry and after giving the allottee a reasonable opportunity of meeting the objections records his finding as to the correctness or otherwise the allotment.

(4) A copy of the findings under sub-rule (3) shall be supplied free of cost to the allottee and the case along with the relevant record of evidence and documents shall then be sent with the recommendations of the Settlement Officer to the Settlement Commissioner who may pass such orders thereon as he may deem fit.

(5) The Sanads required to be issued by the Settlement Officer under this Rule but actually issued by the Managing Officers before the 28th February, 1958 shall be deemed to be as valid, as if they were issued by Settlement Officer.

73. Enquiry in cases where allottee has a verified claim :-

(1) Where the allottee has a verified claim in respect of property other than agricultural land, the Settlement Officer shall, on receipt of a declaration under Rule 71, make an enquiry in the manner specified in Rule 72, verify the particulars specified in the

declaration in the presence of the allottee or his authorised agent, determine the public dues outstanding against such allottee and shall thereafter send a copy of the declaration and other relevant papers to the Settlement Commissioner together with:

- (i) a report on the public dues payable by the allottee :
- (ii) recommendation whether having regard to all circumstances of the case, the allotment may be made permanent, cancelled or varied :

Provided that if it appears to the Settlement Officer that the public dues owing from the allottee do not exceed two-thirds of the compensation payable to him respect of property other than agricultural land, he shall pass an order transferring the property allotted to the allottee in permanent ownership as compensation and shall issue to him a Sanad in form specified in Appendix XVII or XVIII as the case may be with such modification, as may be necessary in the circumstances of any particular case granting him such rights.

(2) The compensation application shall be disposed of by the Settlement Commissioner according to the procedure prescribed in Chapters II, III and IV of these rules.

(3) The Settlement Commissioner may, after considering the recommendation of the Settlement Officer, direct the Settlement Officer-

- (i) to transfer to the allottee, the property allotted to him in permanent ownership and issue a Sanad to him in the form specified in Appendix XVII or XVIII as the case may be with such modification as may be necessary in the circumstances of any particular case granting permanent ownership rights;

Provided that before passing any order under this clause, the allottee shall be required to pay the entire amount of the public dues outstanding against him which have fallen due and which have not been paid and if he fails to pay the said amount, the Settlement Commissioner may pass an order that the land to be allotted to the allottee be reduced in proportion to the amount due from the allottee;

Provided further that if the amount of public dues outstanding against the allottee and which have not fallen due are in excess of the compensation due in respect of the verified claim the excess amount shall be intimated by the Settlement Commissioner to the Settlement Officer Collector or other appropriate authority who will enter the amount in the Sanad and other relevant records as a first charge on the land transferred to the allottee in accordance with the terms of the bonds and executed by him for the repayment of such dues or in the absence of such bonds or agreements, in four equal annual installments failing which the amount shall be recoverable as arrears of land revenue. Such charge shall also be enforceable against the successor-in-interest of the original transferee of the person to whom the land has been subsequently transferred as the case may be and the person concerned shall be deemed to have acquired the land subject to such charge.

Explanation-(i) For the purpose of reducing the area to be allotted, the value of the standard acre shall be computed in accordance with the provisions of rule 56.

(ii) to transfer of the allottee in permanent ownership less area than originally allotted to him unless the allottee is prepared to pay for the excess area either in cash or by adjustment against the compensation payable to him in respect of verified claim for any urban property or rural building; or

(iii) to cancel the allotment.

(3) A copy of every order under sub-rule (3) shall be supplied free of cost to the allottee.

(4) The Sanads required to be issued by Settlement Officers under this rule but actually issued by the Managing Officer before the 29th February, 1958 shall be deemed to be as valid as if they were issued by Settlement Officers.

74. Allotments which are the subject matter of dispute :-

No property in a rural area in respect of which any case is pending in a Civil Court or before a Deputy Custodian or Custodian General shall be transferred to the allottee.

75. Special provisions in regard to transfer relating to

garden colonies :-

Transfer of permanent ownership right in the case of plot in garden colonies shall be made only if the allottee has actually planted fruit trees in not less than 1/15 of the garden area of the plot allotted to him:

Provided that irrigation facilities were available.

76. Procedure in the case of deceased allottees :-

(1) Where the allottee is dead the ownership rights shall be conferred on his heirs according to their shares as determined by the competent authority and recorded in the mutation register. The charge, if any, on the property shall likewise be apportioned on the basis of such shares.

(2) The Settlement Officer may refer any dispute as to who are the successor-in-interest of a deceased allottee to the Settlement Commissioner *[--] for a decision in the manner provided in Rule 86.

*The words "or settlement officer as the case may be" omitted on 15-1-1957.

CHAPTER 10A Adjustment by association of claims and making of transfer deeds

76A. Adjustment of payment of price of properties or of public dues by association of claims :-

Notwithstanding anything contained in these rules the Central Government may, by general or special order made in this behalf allow, subject to such terms and conditions as may be specified in such order.

(i) payment of price of properties forming part of the compensation pool or any part of such price; or

(ii) payment of any public dues, by adjustment against the net compensation payable in respect of the verified claim of any displaced person.

76B. Deed of transfer to be made out :-

Where any person in occupation of a property forming part of the compensation pool has associated with himself any other displaced person having a verified claim whose net compensation is to be adjusted against the purchase price in pursuance of rule 76-A, the transfer shall be made out jointly in the name of all such persons specifying the extent of interest of each in the property :

Provided that where every such displaced person who has so associated himself sends an intimation in writing to the Settlement Commissioner that the deed of transfer may be made out in the name of person in occupation , or the deed of transfer may be made in the name of such persons.

CHAPTER 11 Payment of compensation of minors, Persons of unsound mind and other Person suffering from physical or mental disability

77. Minors :-

(1) Where compensation is payable to minor, the compensation shall be paid in accordance with the provisions of this rule.

Where the property of the minor vests in a Court of Wards under any law for the time being in force reliant to Court of Wards or in a guardian appointed under Guardians and Wards Act, 1890 (VIII of 1890), the compensation shall be paid to the Court of Wards or to such guardian, as the case may be.

Where the property of minor does not vest in a Court of Wards or in a guardian referred to in sub-rule (2)-

(a) if the compensation relates to the separated property of the minor left in West Pakistan, the compensation shall be paid to the natural guardian of the minor;

(b) if the compensation relates to the share of a minor in joint Hindu family property left in West Pakistan, the compensation shall be paid to the Karta of the joint Hindu Family :

Provided that before compensation is paid to the natural guardian of the minor or the Karta of the joint family he shall execute a

security bond in the form specified in Appendix XIX;

(c) in any other case to the Collector of the district within whose jurisdiction the minor resides and the Collector shall hold the amount of the benefit of the compensation on behalf of and for the minor until the minor attains majority.

Explanation-For the purpose of this rule, a natural guardian shall be deemed to be-

(a) in the case of male child or an unmarried girl, the father and after him the mother;

(b) in the case of married girl, the husband.

78. Other persons suffering from physical or mental disability :-

Where compensation is payable to a person who is deaf and dumb or is suffering from any physical or mental disability which renders him unfit to manage his property, the compensation shall be paid-

(a) if the property of such person vests in a Court of Wards under any law for the time being in force relating to Court of Wards or in a guardian appointed under the Guardians and Wards Act, 1890 (VII of 1890), to the Court of Wards or such guardian, as the case may be :

(b) in any other case, to the Collector of the district within whose jurisdiction such deaf and dumb person or person suffering from physical or mental disability, as the case may be, resides or to such other person as the Regional Settlement Commissioner may, having regard to the interest of the person or whom compensation is intended, deem fit, on such other person executing a security bond in a form prescribed in Appendix XX & the Collector or such other person shall hold the amount of the compensation on behalf of and for benefit of the person suffering from disability until such disability ceases to exist.

CHAPTER 12 Payment of Compensation to Person Residing in Homes & Infirmaries

79. Exercise of option by persons residing in Homes or

Infirmaries :-

Every inmate of a Home or Infirmary who holds a verified claim in his own name shall within fourteen days of the receipt of a communication in this behalf from the Settlement Commissioner, elect-

(a) either to receive compensation in respect of the verified claim in accordance with the provisions of these rules in which case he shall forthwith leave the Home or Infirmary, or

(b) to continue to stay in the Home or Infirmary in which case the compensation payable to him shall be set off against charges due from him in respect of such stay subject to a maximum of Rs.25 per head per mensem.

80. Payment of enhanced compensation in certain cases :-

Every inmate of a Home or Infirmary having a verified claim who was admitted into such Home or Infirmary on or before the 18th day of November, 1953 and who has continued to reside therein after that date shall be entitled to payment of compensation at the enhanced rates specified in Appendix IX.

81. Preference of allotment of agricultural Land :-

Every inmate of a Home or Infirmary having a verified claim for agricultural land only and for no other property and who is willing to leave the Home or Infirmary if agricultural land is allotted to him shall be given preference for allotment of such land.

82. Payment of Compensation to person admitted to Homes or Infirmaries after the commencement of these rules :-

Where a displaced person having a verified claim is admitted to a Home or Infirmary after the commencement of these rules, the compensation payable to him shall be set off against the charges payable by him in respect of his stay in such Home or Infirmary subject to a maximum of Rs.35 per head per mensem.

CHAPTER 13 Procedure for Settlement of disputes regarding payment of compensation

83. Dispute between joint claimants or members of a Joint

Hindu Family :-

All disputes between joint claimants or member of a Joint Hindu Family relating to the payment of any compensation under this Act shall be decided by the Regional Settlement Commissioner or the Settlement Officer, as the case may be as provided in Section 9 of the Act.

84. Procedure for enquiries under Section 9 of the Act :-

(1) Any person claiming a right or interest in any property left in West Pakistan in respect of which compensation is payable under the Act may make an application to the Regional Settlement Commissioner or the Settlement Officer, as the case may be for the determination of such right or interest.

Explanation.-A displaced person whose claim has been verified only in respect of right of residence in, or a charge for maintenance on a property left in West Pakistan may make an application under this rule for apportionment of his share of the compensation.

(1A) No application under this rule shall be entertained unless such application is made-

(a) in any case where the application for compensation has been made on or before the 31st December, 1958, but not later than the 30th April, 1959;

(b) in any other case, within 120 days from the date of the application for compensation:

Provided that such application may be entertained after the expiry of the time limit prescribed above if the Chief Settlement Commissioner is satisfied that the applicant was prevented by sufficient cause from filing the application within the said time-limit.

(2) Where the Regional Settlement Commissioner or the Settlement Officer, as the case may be, is satisfied that the applicant has established a prima facie case he shall make the applicant a party to the compensation:

Provided that any such application which is frivolous, vexatious may be rejected summarily.

85. Power of civil court :-

The Chief Settlement Commissioner, the Regional Settlement Commissioner and the Settlement Officer may for the purpose of deciding any dispute under Section 9 of the Act :

(a) determine after summary enquiry the title to any property;

(b) determine any dispute between joint or rival claimants and assess the share, if any, of each claimant in the compensation;

(c) bring on record the legal representatives of a deceased claimant;

(d) order consolidation of two or more cases which involve a common question of law of fact.

86. Proof by successor-in-interest :-

(1) On receipt of an application for compensation from any person claiming to be a successor-in-interest of any deceased claimant as provided in rule 4, the Regional Settlement Commissioner or the Settlement Officer, as the case may be take steps for the determination of his claim.

(1A) No claim as successor-in-interest of any deceased claimant shall be entertained unless an application for such claim is made on or before the 30th April, 1959, or within 120 days of the death of the deceased claimant whichever is later:

Provided that such claim may be entertained after the expiry of the time limit prescribed above if the Chief Settlement Commissioner is satisfied that the applicant was prevented by sufficient cause from filing the application within the said time-limit.

(2) The Regional Settlement Commissioner or the Settlement Officer, as the case may be, shall cause a proclamation to be made in the form specified in Appendix XXI and shall hear and dispose of the application on or after the date mentioned in the proclamation, a copy of which shall--

(a) be served on or near relatives of the deceased claimant and on any other person on whom the Regional Settlement Commissioner or the Settlement Officer as the case may be, is of opinion that such proclamation should be served;

(b) be affixed on some conspicuous place in the office of the Regional Settlement Commissioner or the Settlement Officer, as the case may be,

Provided that every such proclamation may, also in the discretion of the Regional Settlement Commissioner or the Settlement Officer, as the case may be, be published in such other manner as he may deem fit.

(2) After a copy of the proclamation has been served on the person referred to in sub-rule (3) the Regional Settlement Commissioner or the Settlement Officer as the case may be shall hear the applicant and after taking into consideration the compensation application and the documents referred to in sub-rule (3) of rule 4 and making such further inquiry as may be necessary, shall make such order on the application as he deems fit.

CHAPTER 14 Procedure for sale of property in the Compensation Pool

87. Mode of sale of property :-

Any property forming part of the compensation pool may be sold by public auction or by inviting tenders or in such other manner as the Chief Settlement Commissioner may, by general or special order direct.

88. Class of persons who may bid or offer tender :-

The Chief Settlement Commissioner may from time to time, determine the class of persons who shall be entitled to bid or to offer tenders in respect of the various kinds of properties in the compensation pool proposed to be sold.

89. Certain persons not eligible to purchase property :-

No officer or other person having any duty to perform in connection with the valuation or sale of any property shall either directly or

indirectly bid for or otherwise acquire or attempt to acquire any interest in such property.

90. Procedure for sale of property by public auction :-

(1) Where any property is to be sold by public auction-

(a) The property shall be sold through firms of repute who have been approved as auctioneer by the Chief Settlement Commissioner or through the officers appointed by the Central Government in this behalf;

(b) the terms and conditions on which auctioneers may be appointed shall, from time to time be determined by the Chief Settlement Commissioner.

(2) The Settlement Commissioner or other officer empowered to sell any such property shall cause a proclamation of the intended sale to be made in the language of principal civil court of the original jurisdiction where the property is situated.

(3) Notice of the intended sale shall be given at least fifteen days before the proposed sale and every such notice shall state the date, time and place of the proposal sale, the description of the property to be sold, its location and boundaries where possible, the terms and conditions of the sale and any other particulars which the Settlement Commissioner or other officer considered material. One copy of the notice shall be affixed on a conspicuous part of the property to be sold. It shall be within the discretion of the Settlement Commissioner or other officer to advertise the sale in newspaper and in such other manner he may deem fit.

(4) No sale shall take place until after the expiry of a period of fifteen days from the date of publication of the notice.

(5) Every auction of a property under these rules shall be subject to a reserve price fixed in respect of the property but such reserve price may not be disclosed.

(6) The officer conducting the auction may in his discretion withhold sale of any property without assigning any reasons therefore.

(7) The officer conducting the sale may, at his discretion, for reasons to be recorded in writing, adjourn the sale to a specified date and hour and an announcement to that effect shall be made at the time of the adjournment of the sale

Provided that where a sale is adjourned for a period exceeding fourteen days, a fresh notice shall be published.

(8) The person declared to be the highest bidder for the property at the public auction shall pay in cash or by a cheque drawn on a scheduled bank and endorsed "good for payment upto six months" or in such other forms as may be required by the Settlement Commissioner, immediately on the fall of hammer a deposit not exceeding 20 per cent of the amount of his bid to the officer conducting the sale and in default of such deposit the property may be resold.

NOTE-Rules 9 & 9A omitted on 13-8-1963.

(9)(B). Where the highest bidder, whose bid had been provisionally accepted, resiles from the bid before its approval is communicated to him, 5 per cent of the amount deposited by him under sub-rule (8) shall be forfeited to Government to defray incidental expenses incurred on the auction and the likely loss to Government.

(10) The bid in respect of which the initial deposit has been accepted shall be subject to the approval of the Settlement Commissioner or an officer appointed by him for the purpose.

Provided that no bid shall be approved until after the expiry of a period of seven days of the auction.

(11) Intimation of the approval of the bid or its rejection shall be given to the highest bidder (hereinafter referred to as auction purchaser) by registered post acknowledgement due and the auction purchaser shall where the bid has been accepted be required within fifteen days of the receipt of such intimation to send by registered post acknowledgement due or to produce before the Settlement Commissioner or any other officer appointed by him for the purpose a treasury challan in respect of the deposit of the

balance of the purchase money :

Provided that the Settlement Commissioner or other officer appointed by him in this behalf may, for reasons to be recorded in writing extend the aforesaid period of fifteen days by such period, not exceeding fifteen days as the Settlement Commissioner or such other officer may think fit.

Provided further that the period extended under the preceding proviso may further be extended (without any limit of time) by the Chief Settlement Commissioner.

(12) The balance of the purchase money may, subject to the other provisions of these rules be adjusted against the compensation payable to the auction purchaser in respect of any verified claim held by him. In any such case the auction purchaser shall be required to furnish within seven days of the receipt of intimation about the approval of bid, particulars of the compensation filed by him :

Provided that the Settlement Commissioner or any officer appointed by him in this behalf may, for reasons to be recorded in writing, extend the aforesaid period of seven days by such further period not exceeding fifteen days as the Settlement Commissioner or such other officer may deem fit :

Provided further that the period extended under the preceding proviso may further be extended (without any limit of time) by the Chief Settlement Commissioner.

(13) If the Regional Settlement Commissioner, on scrutiny of the compensation application of the auction purchaser finds that a further sum is due to make up the purchase price, he shall send an intimation to that effect to the auction purchaser calling upon him to deposit the balance in cash within fifteen days of the receipt of such intimation.

(14) If the auction purchaser does not deposit the balance of the purchase money within the period specified in sub-rule (11) or does not furnish particular of his compensation application as specified in sub-rule (12), or if the net compensation admissible to the auction purchaser is found to be less than the balance of the purchase

money and the auction purchaser does not make up the deficiency as provided in sub-rule (13), the initial deposit made by the auction purchaser in sub-rule (8) shall be liable to forfeiture and he shall not have any claim to the property.

(15) When the purchase price has been realised in full from the auction purchaser, the Managing Officer shall issue to him a sale certificate in the form specified in Appendix XXXII or XXXIII, as the case may be. A certified copy of the sale certificate shall be sent by him to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property to which the certificate relates is situated. If the auction purchaser is a displaced person and has associated with himself any other displaced person having a verified claim whose net compensation is to be adjusted in whole or in part against the purchase price, the sale certificate shall be made out jointly in the name of all such persons and shall specify the extent of interest of each in the property.

91. Procedure for sale of property by tender :-

(1) Where any property is to be sold by inviting tenders, the Settlement Commissioner, the Managing Officer or any other officer authorised by the Settlement Commissioner, for the purpose shall invite sealed tenders shall specify-

(i) the amount to be deposited by the tenders as earnest money:

Provided that such earnest money shall not be more than 20 per cent of the amount tendered:

(ii) a brief description of the property to be sold, its location and boundaries where possible and any other particulars which may be material;

(iii) the period within which tenders are to be received;

(iv) the date, time and places fixed for the opening of tenders;

(v) the terms and conditions of tenders as set forth in the provisions hereinafter appearing; and

(vi) Any other relevant information.

(2) The tenders shall be opened by the Settlement Commissioner, the Managing Officer or any authorised officer on the date and at

the time and place fixed for the opening of tenders in the presence of all those tenders who may wish to be present.

(3) The Settlement Commissioner shall not be bound to accept the highest or any other tender and shall not be bound to disclose his reasons therefor. Every tenderer shall be bound by his office and shall, if he resiles from such offer, be liable to forfeit his deposit of earnest money. The decision of the Settlement Commissioner with regard to the forfeiture of earnest money shall be final.

(4) When a tender has been accepted by the Settlement Commissioner or an officer empowered by him in this behalf the tender shall produce before the managing officer or other officer appointed by the Settlement Commissioner for the purpose within fifteen days of the intimation to him of the acceptance of the tender, a challan evidencing deposit into the treasury of the balance of the purchase money.

(5) The balance of the tender amount may be adjusted against the compensation due to the purchaser in the same manner as the balance of purchase money may be adjusted when a sale takes place by public auction under rule 90.

(6) The final acceptance of a tender shall be subject to approval of the Settlement Commissioner or an officer appointed by him for the purpose.

(7) The provisions of sub-rules 12, 13 and 14 or rule 90 shall as far as may be apply in relation to the sale of a property by tenders under this rule, as they apply in relation to the sale of a property by a public auction under that rule.

(8) Where any property purchased by any person under this rule and the full purchase price has been paid by him or adjusted against the compensation as provided in sub-rule(5) a deed of transfer shall be executed in the form specified in Appendix XXIV or XXV, as the case may be.

If the tenderer is a displaced person and has associated with himself any other displaced person having a verified claims whose net compensation is to be adjusted in whole or in part against the purchase price, the deed of transfer shall be made out jointly in the

name of all such persons and shall specify the extent of interest of each in the property.

92. Procedure for setting aside a sale :-

Where a person desires that the sale of any property made under rule 90 or 91 should be set aside because of any alleged irregularity or fraud in the conduct of sale (including in the case of a sale by public auction in the notice of the sale) he may make an application to that effect to the Settlement Commissioner or any officer, authorised by him in this behalf to approve the acceptance of the bid or tender, as the case may be.

(2) Every application for setting aside a sale under this rule shall be made-

(a) Where the sale is made by public auction, within seven days from the date of the acceptance of the bid;

(b) Where the sale is made by inviting tenders, within seven days from the tenders were opened.

(3) If after consideration of the facts alleged the officer to whom the application is made under this rule is satisfied that any material irregularity or fraud has been committed in the publication or the conduct of the sale, he may make an order that the property be re-auctioned or be resold by inviting fresh tenders as the case may be:

Provided that no sale can be set aside under this rule unless upon the facts proved such officer is satisfied that the applicant has sustained substantial injury by reason of the irregularity of fraud, as the case may be.

(4) Notwithstanding anything contained in this rule, the Settlement Commissioner may, of his own motion, set aside any sale under this chapter if he is satisfied that any material irregularity or fraud which has resulted in a substantial injury to any person has been committed in the conduct of the sale.

CHAPTER 15 Classes of evacuee property which may be acquired

93. Acquiring the property by State Government :-

The Central Government may acquire any property declared or deemed to have been declared as evacuee property under the Administration of Evacuee Property Act, 1950 (XXXI of 1950), (hereinafter in this rule referred to as the said Act), except any such property falling under any one or more of the following categories, namely :

(i) any such property--

(a) in respect of which proceedings are pending before any authority under the said Act, in which the question at issue is whether the property is or is not evacuee property; or

(b) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired;

(i) any such property in respect of which an application for the grant of a certificate under sub-section (1) of Section 16 of the Act is pending or in respect of which the period of limitation fixed for making such application has not expired;

(ii) any such property which has been restored under Section 16 of the said Act, or in respect of which an application under sub-section (2) of that Section for its restoration is pending or in respect of which a certificate under sub-section (1) of that Section has been granted but no application under sub-section (2) of that Section for its restoration has been made.

(iii) any such property which has been transferred and the transfer is effective under section 10 of the said Act, or in respect of which any proceedings are pending under that Section;

(iv) any property which is composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951);

(v) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not;

(vi) any such property which is being treated or is being managed

as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of Section 11 of the said Act;

(vii) any such property in respect of which a reference made by the Custodian to the Central Government for order under clause (iii) (d) of sub-rule (6) of the Administration of Evacuee Property (Central) Rules, 1950, is pending.

CHAPTER 16 Payment of Rehabilitation Grants

94. Payment of Rehabilitation grant to certain class of persons :-

Every person having a verified claim of less than fifty thousand rupees shall be paid a rehabilitation grant in accordance with the scale specified in Appendix VIII or IX as the case may be :

Provided that except for the purpose of making marginal adjustments such grant shall be payable to person who owned immovable property other than agricultural land in India of a value exceeding three thousand rupees, on the 31st day of March, 1947 and who holds a verified claim for an amount exceeding ten thousand rupees in respect of property other than agricultural land left in West Pakistan.

95. Rehabilitation grant to non-claimants :-

(1) The Central Government may from time to time-

(a) specify the classes of displaced persons having no verified claim to whom rehabilitation grant may be paid and the extent and manner of payment of such grants;

(b) issue a notification inviting applications in the form specified in Appendix XXVI for the payment of rehabilitation grant from the class of persons referred to in clause (a).

(2) Every application under sub-rule (1) by displaced person who has left immovable property in West Pakistan and who came to India before the 31st July 1952 shall be accompanied by -

(a) title deeds of the property for documentary evidence in respect of the title to the property left in West Pakistan in respect of which a claim could have been filed under the Displaced Persons (Claims)

Act, 1950 (XLIV of 1950).

(b) and affidavit giving particulars of such property;

(c) an affidavit containing reasons for the claim not having been filed in respect of such property under the Displaced Persons (Claims) Act, 1950;

(3) No application under this rule for the payment of rehabilitation grant shall be entertained unless it is made within ninety days from the date of publication of the notification inviting such application.

Provided that any such application may be entertained after the said date if the Settlement Commissioner is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

(4) Every application which is not made within time or which does not comply with the provisions of sub-rule (2) shall be rejected summarily.

(5) Where the application is not rejected summarily under sub-rule (4), the Settlement Commissioner after holding such inquiry as may be necessary shall make such order thereon as he may deem fit;

Provided that Settlement Commissioner shall reject such application unless he is satisfied that the applicant was prevented by sufficient cause from filing a claim in respect of property left in West Pakistan under the Displaced Persons (Claim) Act, 1950 (XLV of 1950).

Provided further that no rehabilitation grant shall be payable in respect of any property other than agricultural land in any urban area which the applicant had failed to include in a claim filed in respect of other properties under the Displaced Persons (Claim) Act, 1950 (XLIV of 1950).

96. Rehabilitation grant to displaced persons who have arrived in India late :-

(1) A displaced person who has left immovable property in West Pakistan and who came to India from West Pakistan after 31st July, 1952, may make an application in the form prescribed in Appendix XXVI for the payment of a rehabilitation grant.

(2) Every application under sub-rule (1) shall be accompanied-

(i) in the case of a displaced person arriving in India after the introduction of the passport system, that is to say, the 15th day of October, 1952, by a true copy of the migration certificate or by a certificate issued by the only issued to the applicant.

(ii) in the case of any other displaced person by other satisfactory proof of arrival in India after the 31 st July , 1952; and

(iii) by an affidavit containing particulars of any property left in West Pakistan.

(3) No application for the payment of a rehabilitation grant under this rule shall be entertained unless it is made within ninety days from the date of the publication of a notification inviting such application;

Provided that any such application may be entertained after the said date if the Settlement Commissioner is satisfied that applicant was prevented by sufficient cause from filing the application in time.

97. Rehabilitation grant to allottees of Agricultural Land whose claim (or rehabilitation grant application either under rule 95 or 96) for rural property has been rejected :-

Any person who has been allotted four acres or less of agricultural land and whose claim (or rehabilitation grant application either under rule 95 or 96) in respect of rural buildings left in West Pakistan has by virtue of such allotment been totally rejected may be given a rehabilitation grant at the rate of Rs.450 per standard acre of the area allotted to him.

Provided that-

(a) he has not accepted such allotment of the agricultural land or such allotment has been cancelled;

(b) he does not hold a verified claim or rehabilitation grant application under rule 95 or 96 in respect of any other kind of

property, that is to say for any urban property or for any substantial rural building; and

Provided further that where any such person is given a rehabilitation grant under rule 97-A, he shall not be given a rehabilitation grant under this rule.

97A. Rehabilitation grants to persons allotted agricultural land upto two standard acres in Punjab, Patiala and East Punjab States Union :-

Any person who has been allotted two standard acres or less of agricultural land in the State of Punjab or Patiala and East Punjab States Union under any notification specified in Section 10 of the Act may be given a rehabilitation grant at the rate of Rs.450 per standard acres of the area allotted to him :

Provided that-

(a) he has not accepted such allotment of the agricultural land or such allotment has been cancelled :

(b) he does not hold a verified claim in respect of any other kind of property, that is to say, for any urban property or for any substantial rural building.

98. Scale of Rehabilitation grant under rules 95 and 96 :-

Rehabilitation grants under rules 95 and 96 shall be payable on the same scale as is applicable in respect of payment of compensation to persons holding a verified claim of the same value.

98A. Payment of Rehabilitation grant :-

The provisions of the rules in the other chapter shall, so far as may be apply to the displaced persons entitled to the payment of rehabilitation grant under rule 95 or rule 96 in the same manner as if they had verified claim of the same value.

99. Procedure for making enquiries :-

Subject to the provisions of rules 95 and 96, the procedure for making enquiry in respect of applications made under this Chapter shall be the same as is applicable to the security of claims under

the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954).

CHAPTER 17 Power of Managing Officers

100. Power to enter and inspect any property :-

A managing officer or a person authorised by a managing officer or by a managing corporation may enter and inspect between sunrise and sunset any property in the compensation pool entrusted to such managing officer or a managing corporation as the case may be :-

Provided that where the occupant is a purdانشin lady, a notice in writing of not less than twenty four hours shall be given.

101. Power to sell property :-

Subject to the provisions of these rules, a managing officer or a managing corporation may sell any property in the compensation pool entrusted to him or to it in pursuance of any general or special order issued by the Chief Settlement Commissioner.

102. Cancellation of allotments and leases :-

A managing officer or managing corporation may in respect of the property in the compensation pool entrusted to him or it, cancel an allotment or terminate a lease, or vary the terms of any such lease or allotment if the allottee or lessee as the case may be :-

(a) has sublet or parted with the possession of the whole or any part of the property allotted or leased to him without the permission of a competent authority, or

(b) has used or is using such property for a purpose other than that for which it was allotted or leased to him without the permission of a competent authority, or

(c) has committed any act which is destructive of or permanently injurious to the property, or

(d) for any other sufficient reasons to be recorded in writing :

Provided that no action shall be taken under this rule unless the

allottee or the lessee, as the case may be, has been given a reasonable opportunity of being heard.

CHAPTER 18 Procedure for Appeals, Review and Revision

103. Procedure for appeals :-

(1) A memorandum of appeal shall be presented in person, by registered post or through a duly authorised agent within thirty days of the date of the order appealed against.

(2). A memorandum of appeal shall be accompanied by a copy of the order appealed against and shall indicate clearly the grounds of appeal.

104. Procedure for revision :-

(1) A petition for revision under the Act shall be drawn up and presented in the same manner and within the same period as a memorandum of appeal and shall be accompanied by a copy of the order sought to be revised.

(2) For the purpose of giving any person a reasonable opportunity of being heard under sub-section (2) of Section 24 of the Act, a notice shall be issued to him in the form specified in Appendix XXVII.

105. Provisions of Order XLI of the Code of Civil Procedure apply to appeals and revisions :-

Except as otherwise expressly provided in the Act or in these rules, the procedure laid down in Order XLI of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as may be applicable, apply to the hearing and disposal of appeals and revisions under the Act :

Provided that in the case of revision under sub-section (4) of Section 24 of the Act, it shall not be necessary to give an oral hearing if, after sending for the record, if necessary and considering the petition for revision, the Central Government thinks fit to dismiss the revision.

106. Procedure for review application :-

An application for review of any order may be presented either in

person or through adult authorised agent or by registered post within thirty days of the date of order.

107. Notice of appeal, revision or review :-

A notice (in the form specified in Appendix XXXVII) of any appeal, revision and review may be given in addition to the person concerned, to any other person, who, in the opinion of the authority hearing the appeal, revision or review may be interested in the case.

108. Appeals, etc. from order passed before the commencement of these rules :-

Any order relating to the payment of compensation made before the commencement of these rules shall be subject to appeal, revision or review in the same manner as a similar order made after such commencement:

Provided that in the case of any such order the period of limitation of thirty days provided in this Chapter shall be computed from the commencement of these rules.

CHAPTER 19 Maintenance of Accounts and Records

109. Payment of compensation :-

(1) The payment of compensation shall be made by the Pay and Accounts Officer Ministry of Rehabilitation. The Regional Settlement Commissioner or a gazetted officer authorised by him in this behalf shall submit to Pay and Accounts Officer, bill for individual claimants. The Pay and Accounts Officer after pre-check of each bill, shall issue demand draft or cheques, as the case may be in respect of individual claimants and send them to the Regional Settlement Commissioner or the authorised officer, as the case may be, for delivery to them.

(2) The detailed Performa account of the transactions relating to the compensation pool including transaction on account of evacuee property transferred in kind shall be maintained by the Pay and Accounts Officer, Ministry of Rehabilitation. The account shall show separately the transactions on account of payment of compensation and the Rehabilitation Grants.

(3) In regular Government account the payment of major head 85-D compensation to Displaced Persons under the minor detailed indicated below:

Minor Head Detailed

Gross Payments Value of Government property transferred Loans etc. Adjusted as compensation. Other payments.

Deduct Amount financed Amount financed from sale proceeds etc. of

From the Revenue evacuee property transferred from Revenue.

(Amount of net capital outlay met from Revenue)

110. Cash receipt on account of sale proceeds etc. of acquired evacuee properties forming part of the compensation pool :-

The sale proceeds etc. realised in cash, in respect of evacuee properties forming part of the Compensation pool shall be credited to the Head XLVI Miscellaneous Receipt of Account on Displaced Persons Receipts forming part of the compensation pool- Receipts on account of acquired evacuee property.

111. Expenses on account of the Management and sale of acquired Evacuee property :-

Expenses incidental to the management and sale of acquired evacuee properties (including auction fees) forming part of the compensation pool, shall be debited to the account head: -

"57-Miscellaneous-Expenditure on Displaced Persons-Expenditure on management, sale etc. of acquired evacuee property."

112. Receipts on account of the sale proceeds etc. of Government built properties forming part of compensation pool :-

All receipts relating to the Government built properties forming part of compensation pool shall be credited to the head of the account corresponding to the one from which expenditure on such property was originally met viz-

(1) XLVI-Miscellaneous-Receipts on account of Displaced Persons-Receipt forming part of the compensation pool-Receipts on account of sale etc. Government property.

(In respect of properties the cost of which was debited to "57 - Miscellaneous").

(2) 81-Capital Account of Civil Works outside the Revenue account-Deduct Receipts and Recoveries on Capital Account-Recoveries on account of sale etc. of Government built properties forming part of compensation pool.

(In respect of properties the cost of which was debited to 81 Capital Account of Civil Works outside the Revenue Account).

(3) O-Loans and Advances by the Central Government (in respect of properties the cost of which was met by State Government and other authorities from loans from the Central Government. (See rule (2) of Rule 114 below).

113. Expenses incidental to the sale of Government built properties :-

Expenses incidental to the sale of Government properties (including auction fees) forming part of compensation pool, shall be debited to the account head :-

"57-Miscellaneous-Expenditure on Displaced Persons-Expenditure on management, sale, etc. of Government built property".

114. Accounting of deductions made from compensation :-

(1) (a) The cash balance of the Custodian transferred to the compensation pool in terms of clause (b) of sub-Section (1) of Section 14 of the Act shall be credited to the head XLVI-Miscellaneous-Receipt on account of Displaced Persons-Receipt forming part of the compensation pool under distinct detailed head-Cash balance of the Custodian transferred to the compensation pool. Amounts deducted from the compensation bill on account of rent, etc. (excluding sale proceeds) of evacuee property including acquired evacuee property, shall also be credited to the same head of account under a separate detailed head, viz- Receipts on account of rents etc., of Evacuee property.

(b) At the end of each financial year an amount equal to the total amount credited to the head XLVI Miscellaneous-Receipts on account of Displaced Persons-Receipts forming part of Compensation pool (Rules 110, 114 (1) (a) above) shall be transferred to the capital head-85-D Compensation to Displaced Persons-by debit to the head 57-Miscellaneous-Expenditure on Displaced Persons-Transfer of sale proceeds etc., of evacuee property to Capital Account outside the Revenue Account.

(2) The amount due from the displaced persons on account of loans granted to them and deducted out of the compensation, shall be credited to the head:-

O-Loans and Advances by the Central Government :

- (1) Advances to State Government,
- (2) R.F.A. Loans.
- (3) Other Bodies

(3) The amounts recovered from the displaced persons on account of loans granted by the State Governments and the Rehabilitation Finance Administration out of funds placed at their disposal by the Central Government from the compensation paid to them, shall be remitted by the Pay and Accounts Officer Ministry of Rehabilitation by cheques or demand draft to the respective State Accountant General in the case of loans granted by the Rehabilitation Finance Administration for credit under O-Loans and payment Advances by the Central Government. The credits by the State Accountant General shall be adjusted in the Central Section of their Accounts. The cheques or demand draft shall be supported by statement showing the details of recoveries. The State Accountant General ascertain from the State Government the particular loans from the Central Government against which the recoveries are to be adjusted. The Rehabilitation Finance Administration also shall furnish to the Accountant General, Central Revenues, this information in respect of loans granted by them. The State Accountant General and the Rehabilitation Finance Administration shall make the requisite adjustment in the State Section of their accounts and the Rehabilitation Finance Administration accounts respectively, so that the debit balances against the individual loanees and the credit balances in respect of the loans received by them from the Central Government are reduced. This amendment

shall be deemed to have come into force on the 1st April, 1959.

(4) The amounts deducted from the compensation bill under clauses (b) and (c) of sub-section (2) of section 7 of the Act shall be initially credited under the Head S Deposits and Advances--Part 11 Deposits not bearing interest-C Other Deposits Accounts--Department and Judicial Deposits--Civil Deposits-Deposits under D.Cs. (Debt Adjustment) Act, 1951.

115. Deposits of Fees referred to in Rule 122 :-

The fees realised in respect of appeals and applications made under the Act shall be credited to the head "XLVI-Miscellaneous--Receipts on account of Displaced Persons."

116. Certificate of payment of compensations :-

(1) When the claim of an application for compensation has been settled wholly or in part, there shall be issued to him a certificate of payment of compensation in the form specified in Appendix XXIX on his furnishing a receipt in the form specified in Appendix XXX.

(2) Any such certificate shall be preserved by the claimant for production on demand by any officer of the Central Government or State Government performing functions in relation to rehabilitation of displaced persons or the payment of compensation to him.

CHAPTER 20 Miscellaneous

117. Service of orders and notices :-

(1) Every order or notice made or issued under the Act or these rules shall be served by registered post acknowledgment due.

(2) Ordinarily a notice of at least fifteen days shall be given.

(3) The service of an order or notice under sub-rule (1) shall be deemed to have been effected if the order or notice has been properly addressed and despatched by registered post.

(4) The service of an order or notice shall, unless the contrary is proved, be deemed to have been effected on the date on which the order or notice, as the case may be would ordinarily have been

delivered through the registered post.

(5) When an order or notice has to be served on a person who has made an application for payment of compensation, it shall be despatched to him at the address supplied by him in the application for compensation unless an intimation of a change of address has been given.

(6) When by due diligence the address of the person concerned can not be known, the order or notice may be despatched to him at his last known address.

(7) Where an order or notice sent by post is returned undelivered, or where the Settlement Officer or other authority is satisfied that there are reasons to believe that the order or notice cannot be delivered in the ordinary course, the Settlement Officer or other authority may direct that the order or notice may be served either :

(a) by publication in one issue of a newspaper having circulation in the area in which the person concerned is known to have last resided or to have carried on business; or

(b) (i) by a fixture of a copy of the same on a conspicuous part of the property in relation to which the order or notice has been made or issued; and

(ii) by beat of drum at some place on or adjacent to such property.

(8) When an order or notice is served as specified in clause (a) or clause (b) of sub-rule (7), a copy of such order or notice shall also be affixed in the office of the Officer or Authority who made or issued the order or notice, as the case may be.

(9) When an order or notice is directed to be served as in the manner specified in clause (a) of sub-rule (7), the date fixed for hearing shall not be earlier than the date on which the order or a notice is published in the newspaper.

(10) Where an order or notice is directed to be served in the manner specified in clause (b) of sub-rule (7), the date fixed for hearing shall not be earlier than the date on which the requirements laid down in that clause have been complied with.

118. Stamp duty to be paid by Government :-

The stamp duty payable in respect of any document relating to the transfer of any property under these rules shall be payable by the Government.

119. Bar against appearance of legal practitioners :-

No legal practitioner shall be entitled to appear in any proceedings under the Act or these rules except in proceedings arising under any of the following Section of the Act, namely,

Section 5, Section 7, Section 9, Section 19, Section 21, Section 22, Section 23, Section 24, Section 25 and Section 30.

120. Improvement in acquired evacuee property :-

Where a person in lawful occupation of an acquired evacuee property has with the previous approval of the custodian in writing made any improvements in such property of a value exceeding Rs.500 the Settlement Commissioner may, at his discretion reimburse such occupant the amount spent by him on such improvements from the sale proceeds of the property is sold to a person other than the occupant.

121. Protection from ejection of person referred to in Section 20 of the Act :-

The period during which persons to whom the provisions of Sec. 9 apply, shall not be liable to be ejected from any immovable property other than agricultural land in lawful possession shall be two years in cases.

122. Fees :-

(1) The following fees shall be payable in respect of appeals and applications made under the Act:-

1. Appeals

(i) to the Chief Settlement Commissioner Rs. 15/-

(ii) to the Settlement Commissioner Rs. 15/-

2. Applications

(i) any application for revision under S. 24 of the Act Rs. 20/-

- (ii) any application for review under S.25 of the Act Rs. 1/-
- (iii) any application under Section 9 of the Act Rs.2/-
- (iv) any application in connection with the sale of property Rs.1/-
- (iv) any application for obtaining a copy of any order made under the Act or these rules Rs. 1/-
- (v) any other application not being an application for compensation under Section 4 of the Act Rs. 8/-

(3) Any fees payable under this rule shall be paid in the form of any Indian Postal Order for the amount of the fee crossed in the name of Chief Settlement Commissioner, Settlement Commissioner, or Settlement Officer as the case may be;

Provided that where the person liable to pay the fee resides outside India, a receipt for the amount of the representative of India in the country where such person reside shall be sufficient evidence about the payment of the fee.