

## DISPLACED PERSONS (VERIFICATION OF CLAIMS) SUPPLEMENTARY RULES, 1954

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#### SCHEDULE 1 :- SCHEDULE

## DISPLACED PERSONS (VERIFICATION OF CLAIMS) SUPPLEMENTARY RULES, 1954

S.R.O. 407, dated the 29th January, 1954. 1 In exercise of the power conferred by Sec. 12 of the Displaced Persons (Claims) Supplementary Ordinance, 1954 (Ordinance No. 3 of 1954), the Central Government hereby makes the following rules, namely :

#### CHAPTER 1 PRELIMINARY

##### **1. Short title :-**

These rules may be called the Displaced Persons (Verification of Claims) Supplementary Rules, 1954.

##### **2. Definitions :-**

(2) All words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Ordinance or in the principal Act.

##### **3. Additional powers of the Chief Settlement Commissioner and other officer appointed under Sec. 3 :-**

The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner and every Settlement Commissioner, Additional Settlement Commissioner and Settlement Officer, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908), when trying a suit in respect of the following matters, namely :

- (a) ordering the substitution of the legal representative or legal representatives for a claimant in the event of the death of such claimant and the continuance of the proceeding;
- (b) ordering, with the consent of the claimants concerned, consolidation of proceedings in two or more cases in

which the evidence adduced on behalf of the claimants may be similar and common questions of law and facts are involved ;

(c) correcting any clerical or arithmetical mistakes in any order or proceeding, or errors arising therein from any accidental slip or omission ;

(e) ordering the deposit of postal and other charges for the summoning of witness within a time to be specified in the order.

#### CHAPTER 2

#### PROCEDURE FOR VERIFICATION

#### **4. Power of Chief Settlement Commissioner to transfer claims to Settlement Officer for verification :-**

Subject to the provisions of rule 5, any claim transferred by the Chief Settlement Commissioner to a Settlement Officer, may be verified by such Settlement Officer:

#### **5. Classes of property in respect of which claims may be verified :-**

The classes of property in respect of which claims may be verified under these rules shall be the same as under the principal Act and the rules made thereunder, that is to say

(1) any immovable property situated within an urban area in West Pakistan;

(2) any immovable property in West Pakistan, which forms part of the assets of an industrial undertaking and is situated in any area other than an urban area;

#### **6. Notice to claimants :-**

At least 15 days before the date of the hearing of a claim, the Settlement Officer shall cause to be sent to the claimant a notice in Form "A" informing him about the date of hearing.

#### **7. Appearance before Settlement Officer :-**

Subject to the provisions of rule 21, a claimant may appear before a Settlement Officer either in person or through an agent duly authorised by him in writing to appear on his behalf:

Provided that where the claimant is a minor or other person under a disability, he may appear through a guardian or a next friend.

#### **8. Ex parte determination of claims in the event of non-appearance of claimants :-**

Where a claimant, after a notice under rule 6 has been duly served upon him, fails to appear either in person or through a duly authorised agent on the date of hearing, the Settlement Officer shall determine the claim ex parte :

Provided that the Settlement Officer may, on application made to him within 60 days of the ex parte order, reopen the case if he is satisfied that there was sufficient cause for non-appearance of the claimant on the date fixed for the hearing.

#### **9. Witness and assessors :-**

(1) A party to any proceeding, who wants any witnesses to be summoned, shall file a list of witnesses with their complete addresses and shall also deposit a sum of money sufficient to cover the diet money and travelling expenses of the witnesses. A list in duplicate of documents which any witness is called upon to produce shall also be filed.

(2) Summons to witnesses shall issue in Form "B", and summons to assessors in Form "C" and all the provisions of Order XVI of the Code of Civil Procedure, 1908 (Act 5 of 1908) shall, so far as may be, apply to such summons.

#### **10. Persons abroad or in Armed Forces, etc. :-**

(2) The Commanding Officer or the representative of Indian or such nominated officer, as the case may be, shall forward to the Settlement Officer conducting the proceeding, the statements recorded, together with documents, if any, that may be produced by the claimant, and the depositions of the claimant and the documents produced by him shall form a part of the record of the case, notwithstanding anything contained in rule 8.

#### **11. Public to have right of access at the hearing of claims :-**

A Settlement Officer shall hold every proceeding under these rules in an open place to which the public may generally have access so far as the same can conveniently be done :

Provided that the Settlement Officer may, if he so thinks fit, order at any stage of the proceeding of any particular case, that the public generally or any particular person shall not have access to, or be, or remain in the room or building used by the Settlement Officer for the purpose of hearing the claim.

#### CHAPTER 3

#### APPLICATION FOR REVISION

#### **12. Application for revision :-**

(1) A claimant may within one month of the date of any order made by a Settlement Officer make an application for revision of that order to the Chief Settlement Commissioner.

(2) Every such application for revision shall be accompanied by a copy of the order of the Settlement Officer against

which it has been field and shall set forth concisely and under distinct heads the ground of objection to such order with any argument or narrative.

(3) Every such application shall be accompanied by a treasury receipt or a crossed Indian Postal Order payable to the Chief Settlement Commissioner for a sum of one rupee : Provided that where the applicant resides outside India, the application may be accompanied by a receipt of the amount of fee granted by any officer authorised in this behalf by the representative of India in the country in which the applicant resides.

**13. Presentation :-**

An application for revision may be presented either in person or through an agent duly authorised in writing in this behalf by the applicant, or may be sent by registered post.

**14. Registration of applications for revision :-**

Every application for revision made under rule 12 and every case in which a revising authority suo mota exercises the power of revision conferred by the proviso to sub-section (3) of Sec. 4 shall be registered in a register to be maintained for the purpose in Form "D".

**15. Hearing of application for revision :-**

(1) The revising authority after sending for the record of the case, and if necessary, after giving the applicant an opportunity of being heard, may pass such order on the application as it thinks fit.

(3) Where the order of the revising authority affects more than one claimants, the revising authority may vary the order of a Settlement Officer in the case of all such claimants.

**16. Procedure to be followed in disposing of applications for revision :-**

Subject to the provisions of rules in this Chapter, the provisions of rules in Chapter II shall, so far as may be, apply in relation to the disposal of applications for revision under this Chapter as they apply in relation to the disposal of claims under Chapter II.

**CHAPTER 4**

**SPECIAL POWER OF REVISION OF CLAIMS VERIFIED UNDER THE PRINCIPAL ACT**

**17. Procedure to be followed by the Chief Settlement Commissioner in exercise of the special revisionary powers under Sec. 5 :-**

Except as provided in rule 18, the provisions of rules in Chapters II and III shall, so far as may be, apply in relation to the disposal of applications for special revision under Sec. 5 as they apply in relation to the disposal of application for revision under Chapter III.

**18. Special revision of verified claims under Cl. (b) of sub-section (1) of Sec. 5 :-**

The Chief Settlement Commissioner may, while exercising the powers of special revision conferred on him by Cl. (b) of sub-section (1) of Sec. 5, call for the record of any verified claim and may pass any order in revision in respect of such verified claim in such manner as he thinks fit, if he is satisfied that such order should be passed on one or the other of the following grounds, namely :

(i) the discovery of any new matter or documentary evidence which after the exercise of due diligence was not within the knowledge of or could not be produced by the claimant at the time when the claim was verified; or

(ii) correction of any clerical or arithmetical mistake apparent on the face of the record; or

(iii) gross or material irregularity or disparity in the valuation of the claim; or

**CHAPTER V**

**MISCELLANEOUS**

**19. Service of Notice or Order :-**

(1) Every notice or order under these rules shall be served upon the claimant by pre-paid registered post with an acknowledgment due, at the address mentioned in the claim file or at such other address as may be supplied by the claimant.

(2) Every notice or order sent as aforesaid, shall be deemed to have been served upon the person to whom it is addressed at the time when the letter containing the same would be delivered to him in the ordinary course of business.

**19A. Substituted service in case of untraceable claimants :-**

**1**

(2) The date fixed for hearing the claim shall not be less than 60 days from the date on which the notice in Form E is first published in the newspaper.

(3) A notice in Form E may be addressed to one or more claimants.

(4) Where service of a notice or order is substituted by an order of the Settlement Officer, or a Revising Authority, under this rule, such service shall be as effectual as if it had been made on the claimant personally.

(5) Where a claimant fails to appear either in person or through an authorised agent before the officer hearing the claim on the date fixed for hearing in response to the notice served upon him under this rule, the claim shall be

determined exparte.]

1. Omitted by S.R.O. 1155, dated 31st March, 1954.

**20. Certain provisions of the Limitation Act to apply :-**

The provisions of Secs. 5 and 12 of the Indian Limitation Act, 1908 (9 of 1908), so far as may be, apply to every proceeding in respect of which no period of limitation is prescribed under these rules.

**21. Legal practitioner not to appear except with permission :-**

No legal practitioner shall appear in any proceeding under these rules except with the permission of, and for the reasons to be recorded in writing by, the officer conducting the proceeding.

**22. Statement on oath :-**

All statements made in any proceeding under these rules shall be on oath.

**23. Return of original documents :-**

A Settlement Officer may on application made by a claimant return any original document filed by the claimant if the claimant supplies at his own expense a true copy of such document made by any person under the direction of the Settlement Officer.

**24. Fees :-**

<sup>1</sup> ( 1 ) Where any application is made for the grant of a copy of any order passed under these rules or under the Displaced Persons (Verification of Claims) Rules, 1950, or of a copy of any deed, will, map, chart, or other document filed by any claimant for the purposes of verification of his claim, it shall be granted on the payment of the following fee, namely:

(2) Where an applicant does not furnish Index No. of the claim along with the application for the grant of a copy under this rule, or furnishes an incorrect Index No., an additional fee of rupee one shall be chargeable as searching fee.

(3) All fees chargeable under this rule shall be paid in the form of an Indian Postal Order for the amount of the fee crossed in the name of the Chief Settlement Commissioner.]

1. Omitted by S.R.O. 1155, dated 31st March, 1954.

**24A. Fees for grant of copies of revenue records :-**

(1) The Chief Settlement Commissioner may, on an application made by a claimant himself or by any other person authorised by the claimant in this behalf or by the successor-in-interest of any deceased claimant, on payment of a fee as specified in the Schedule hereto annexed, supply a copy of the revenue record, namely, jamabandis, number-shumaris and any document connected therewith as received from the Government of Pakistan in respect of agricultural land left by the claimant in West Pakistan.

(2) Every such application shall contain full particulars of the record of which the copy is required and shall be accompanied by an Indian Postal Order of the value of Re. 1.00 duly crossed and payable to the Chief Settlement Commissioner. The fee of Re. 1.00 is payable for each separate record relating to a village or deh.

(3) The fee shall not be refunded even if examination of the record shows no entry in the name of the applicant. In case where no entry in the name of the claimant exists, the applicant shall be informed accordingly.

(4) On receipt of the application under sub-rule (2) the Chief Settlement Commissioner, if the amount of fee sent by the applicant under that sub-rule is found inadequate, shall give notice to the applicant informing the applicant of the total fee payable and the manner in which it shall be made good. If the deficit is not so made good within a period of 30 days from the date of notice, the application shall be filed.

(5) The copy when ready shall be delivered to the applicant personally or to his duly authorised agent or sent by post, if so desired by the applicant.

(6) In the case of persons living in any country outside India, a receipt for the amount of fee issued by an officer authorised in this behalf by the representative of India in that country shall be sufficient evidence about the payment of fee provided such a receipt is enclosed with the application.

In addition to above a fee of 50 naye paise shall be payable for every copy supplied.]

**25. Returns and statements :-**

The Chief Settlement Commissioner, Joint Chief Settlement Commissioner, Settlement Commissioner or the Additional Settlement Commissioner may, from time to time, call for such returns and statements from any Settlement Officer as he may deem fit.

**26. Provisions of the Code of Civil Procedure to apply where no specific provisions are made in these rules :-**

In so far as these rules make no provision or make insufficient provision, in respect of any matter the appropriate provision of the Code of Civil Procedure, 1908 (Act 5 of 1908) shall, so far as may be, apply to that matter in relation to any proceeding under the Ordinance or these rules.

