



The East Punjab Evacuees (Administration of Property) Act, 1947

Act 14 of 1947

Keyword(s):

Custodian, Evacuee, Evacuee Property, Rehabilitation Authority, Lease, Allotment

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE EAST PUNJAB EVACUEES' (ADMINISTRATION OF
PROPERTY) ACT, 1947.

ARRANGEMENT OF SECTIONS

Sections :

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Custodians.
4. Vesting of Evacuee property in the Custodians.
5. Payment to Custodian of sums payable to evacuees.
- 5-A. Prohibition of certain transactions affecting evacuees' property.
- 5-B. Appeal and revision.
6. Custodian to take possession of evacuee property.
7. Inquiry into claims to evacuee property.
8. Exemption from attachment, distress and sale.
- 8-A. Protection of rights of Occupancy tenants and tenants for a fixed term.
9. Powers of Custodian in regard to management.
- 9-A. Grant and cancellation of leases.
10. Maintenance of accounts.
11. Fees.
12. Return of property.
13. Powers of Custodian holding enquiry.
14. Powers of Custodian to obtain information.
15. Other powers of Custodian.
- 15-A. Offences and penalties.
16. Certain officers to be public servants.
17. Orders not to be called in question.
18. Procedure.

- 18-A.
- 18-B.
- 19. Bar to legal proceedings.
- 20. Recovery of arrears.
- 21. Records under this Act to be public documents.
- 21-A. Notice to the Custodian.
- 22. Power to make rules.
- 23. Repeal of Ordinance No. IV of 1947.

**THE EAST PUNJAB EVACUEES' (ADMINISTRATION OF
PROPERTY) ACT, 1947.**

(East Punjab Act No. XIV of 1947)

[Received the assent of His Excellency the Governor General of India on the 12th December, 1947 and was published in the East Punjab Gazette, Extraordinary, dated the 13th December, 1947.]

Amended, repealed or otherwise affected by—

- 1. East Punjab Act No. XXVI of 1948.
- 2. East Punjab Act No. XLIX of 1948.
- 3. Adaptation of Laws Order, 1950.
- 4. A. O. 1968 published in R.H.P., dated 1st February, 1969 p. 158—161.
- 5. A.O. 1973 published in R.H.P. Extra, dated 20th January, 1973, p. 91—112.

An Act to provide for the administration of Evacuees property in East Punjab.

It is hereby enacted as follows :—

- 1. **Short title, extent and commencement.**—(1) This Act may be called the East Punjab Evacuees' (Administration of Property) Act, 1947.
- (2) It shall extend to [the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966].
- (3) It shall come into force at once.

1. Subs. for the words "the whole of the Province of East Punjab" by A.O. 1968.

2. **Definitions.**—In this Act unless there is anything repugnant in the subject or context,—

(a) "Custodian" includes ¹[an Additional Custodian of Evacuee Property], a Deputy Custodian of Evacuee Property and an Assistant Custodian of Evacuee Property under this Act ;

²(b) 'Evacuee' means a person ordinarily resident in or owning property or carrying on business within the territories comprised in the Province of East Punjab, who on account of civil disturbances, or the fear of such disturbances, or the partition of the country,—

(i) leaves, or has since the first day of March, 1947, left the said territories for a place outside India, or

(ii) cannot personally occupy or supervise his property or carry on business or watch his interests or enforce his rights].

(c) 'evacuee property' includes all property in which an evacuee has any right or interest but does not include any movable property in his immediate physical possession ;

(d) 'prescribed' means prescribed by rules made under this Act ; ³[**].

(e) 'property' includes any right or interest in movable and immovable property in any shop or business established or any factory or workshop or undertaking or in any debt or actionable claim other than a mere right to sue ⁴[but does not include cash deposits in banks];

⁵(f) 'Rehabilitation Authority' includes Financial Commissioner, Rehabilitation, the Commissioner of Division, a Director General, Rehabilitation, Deputy Commissioner, Additional Deputy Commissioner and Deputy Commissioner, Rehabilitation of a district, Assistant Collectors of the first and second grades and a District Urban Resettlement Officer ;

(g) 'lease' means a lease of evacuee property granted by the Custodian, or a Rehabilitation Authority, or by any person duly authorised by the Custodian in this behalf ; and

1. Added by East Punjab Act No. XXVI of 1948.

2. Subs. by East Punjab Act No. XXVI of 1948 and later by East Punjab Act No. XLIX of 1948.

3. Word 'and' del. by East Punjab Act No. XLIX of 1948.

4. Added by East Punjab Act No. XXVI of 1948.

5. Added by East Punjab Act XLIX of 1948.

(h) 'allotment' means the grant by the Custodian or a Rehabilitation Authority or any other person duly authorised by the Custodian in this behalf, of a temporary right of use and occupation of evacuee property to any person otherwise than by way of lease.]

3. **Appointment of Custodians.**—With a view to preserve and provide for the management of evacuees' property, the ¹[State Government] may appoint a Custodian of Evacuee Property, ²[one or more Additional Custodians of Evacuee Property] and either by name or designation, one or more Deputy Custodians of Evacuee Property and Assistant Custodians of Evacuee Property for such local area as may be specified, and may by general or special order, provide for the distribution or allocation of the work to be performed by them under this Act or the rules framed thereunder.

4. **Vesting of evacuee property in the Custodian.**—All evacuee property situated within ³[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966], shall vest in the Custodian for the purposes of this Act and shall continue to be so vested until⁴ [it is returned to the owner in accordance with the provisions of section 12].

5. **Payment to Custodian of sums payable to evacuees.**—(1) Any sum ⁵[not being a cash deposit in a bank] payable to any evacuee in respect of any contract or loan or otherwise, howsoever shall be paid to the Custodian by the person liable to pay such sum.

(2) Any payment made otherwise than in accordance with sub-section (1) shall not be deemed to discharge the obligation, and shall not affect the right of the Custodian to enforce such obligation.

²[5-A. **Prohibition of certain transactions affecting Evacuees' Property.**—

(1) No sale, mortgage, pledge, lease, exchange or other transfer of any interest or right in or over any property made by an evacuee or by any person in anticipation of his becoming an evacuee, or by the agent, assign or attorney of the evacuee or such person, on or after the fifteenth day of August, 1947 shall be effective so as to confer any rights or remedies on the parties to such transfer or on any person claiming under them unless it is confirmed by the Custodian.

(2) An application for confirming such transfer may be made by any person claiming thereunder or by any person lawfully authorised by him.

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word "Provincial" by Adaptation of Laws Order, 1950

2. Added by East Punjab Act No. XXVI of 1948.

3. Subs. by A. O. 1968.

4. Subs. for "the Provincial Government by Notification otherwise directs" by East Punjab Act XLIX of 1948.

5. Ins. by East Punjab Act No. XLIX of 1948.

(3) The Custodian shall reject any application made after the thirty-first day of March, 1948, or after the expiration of two months from the date the transaction was entered into, whichever is later.

(4) The Custodian shall hold summary inquiry into an application, which is not rejected under sub-section (3), and may decline to confirm the transaction if it appears to the Custodian that —

(a) the transaction was not a bona fide one for valuable consideration ;
or

(b) the transaction is in the opinion of the Custodian prejudicial to the prescribed objects ; or

(c) for any other reason, to be given by the Custodian in writing, the transaction ought not to be confirmed.

(5) If the Custodian confirms the transaction, he may confirm it unconditionally or subject to such conditions and terms as he may consider proper.

(6) The Custodian, if the order is not pronounced in the presence of the applicant, shall forthwith give notice in writing to the applicant of any order passed by him under sub-sections (3), (4) or (5).

5-B. Appeal and revision.—(1) If the original order under section 5-A is passed by an Assistant or Deputy Custodian of Evacuees' Property—

(a) any person aggrieved by such order may appeal within sixty days from the date of the order to the Custodian of Evacuee Property who may dispose of the appeal himself or make it over for disposal to the Additional Custodian of Evacuee Property ;

(b) The Custodian or Additional Custodian may at any time on his own motion or on application made to him call for the records of the proceedings in which such order was passed for the purpose of satisfying himself as to the legality or propriety of such order, and may pass any orders in relation thereto as he may think fit :

Provided that the Custodian or Additional Custodian shall not under this clause pass an order revising or modifying such order and affecting any person without giving such person an opportunity of being heard :

Provided further that if one of the officers aforesaid takes action under this clause the other shall not be competent to do so ;

(2) Subject to the decision of the Custodian or, as the case may be, of the Additional Custodian, under clause (a) or (b), the order passed by the Deputy or Assistant Custodian of Evacuee Property and any original or der passed by the Custodian or Additional Custodian of Evacuee Property, shall be final and conclusive.]

¹[6. **Custodian to take possession of evacuee property.**—(1) Subject to the provisions of this Act a Custodian may by general or special order with reference to the location or description of a specific or any class of evacuee property assume possession of or control over the property mentioned in the order which shall be published in the Official Gazette. From the date of the order, the holder of such property, if any, shall be deemed to be holding it on behalf of the Custodian and shall on demand surrender possession of it to the Custodian or a person authorised by him in this behalf.

²[(2) If the holder of such property refuses or fails to vacate the property, the Custodian may evict such person and use all force necessary thereto, and may after giving reasonable warning and facility to any woman not appearing in public to withdraw, remove or open any lock or bolt or break open any door or do any act necessary for taking possession.]

(3) The Custodian shall proceed to take possession of the property in the presence of not less than two residents of the locality, at least one of whom if possible shall be a member of the community to which the evacuee owner belongs, and shall prepare a record, in duplicate, of the proceedings which shall be signed by him and each of the witnesses.

(4) When the Custodian takes possession of movable property (including the stock-in-trade or plant or machinery of any undertaking), he shall prepare an inventory, in duplicate, of all such movable property in the presence of not less than two residents of the locality and at least one of whom if possible shall be a person belonging to the community to which the evacuee owner belongs, and also a record of his proceedings, in duplicate, and each copy shall be signed by him and each of the witnesses.

(5) On the conclusion of the proceedings under sub-section (2) or sub-section (3), the Custodian shall forward one copy of the record and inventory to the District Court for record.

7. Inquiry into claims to evacuee property.—Any person claiming any right to or interest in any property of which the Custodian has taken possession under section 6 may prefer such claim to the Custodian by an application within

1. Subs. by East Punjab Act No. XXVI of 1948.

2. Subs. by East Punjab Act No. XLIX of 1948.

¹[thirty] days from the date on which the possession ²[or assumed control] of the property was taken.

(2) The Custodian may, after summary inquiry, reject the application if it appears to him that the claim is untenable.

(3) If upon such inquiry it appears to the Custodian that the applicant has a right to or interest in the property, he may make such order as he considers proper in order to give effect to such right or interest consistently with the objects of this Act :

Provided that if the Custodian is satisfied that the property is not evacuee property and that the applicant is entitled to the exclusive possession of the property, he may deliver possession of the property to the applicant.

(4) The Custodian shall record an order setting out his findings and the reasons therefor.

³(4-A) The Custodian or Additional Custodian may, at any time on his own motion or on application made to him, call for records of any proceedings under this section pending before or disposed of by an Assistant or Deputy Custodian, for the purpose of satisfying himself as to the legality or propriety of any order passed in the aforesaid proceedings and may pass any orders in relation thereto as he may think fit :

Provided that the Custodian or Additional Custodian shall not under this sub-section pass an order revising or modifying such order and affecting any person without giving such person an opportunity of being heard :

Provided further that if one of the officers aforesaid takes action under this sub-section, the other shall not be competent to do so ;]

(5) Any person aggrieved by an order made under sub-section (4) ⁴[or sub-section (4-A)] may appeal to the District Judge within one month of the making of the order ⁵[***]

⁶(6) The High Court may on its motion or on application made to it call for the record of any proceedings relating to an evacuee property whether pending or disposed of under sub-sections (4), ⁴[(4-A)] or (5), for the purpose of satisfying itself as to the legality or propriety of any order passed in the aforesaid proceedings, and may pass such orders in relation thereto as it may think fit.

1. Subs. for "fifteen" by East Punjab Act No. XXVI of 1948.

2. Ins. by East Punjab Act No. XLIX of 1948.

3. Ins. by Act *ibid.*

4. Added by East Punjab Act No. XLIX of 1948.

5. Omitted by East Punjab Act No. XXVI of 1948.

6. Ins. by East Punjab Act *ibid.*

(7) Subject to the decision of the District Judge on appeal or the High Court in revision, the order of the Custodian, ¹[under sub-section (4) or (4-A)] shall be final and conclusive.]

²[8. **Exemption from attachment, distress and sale.**—(1) All property which vests in the Custodian shall be exempt from attachment, distress or sale in execution of the decree of a Civil or Revenue Court or in pursuance of the order of any other authority.

(2) All subsisting attachments of Evacuees' property effected after 13th September, 1947, under orders of a Civil or Revenue Court or officer or other authority shall cease to have any effect and all sales, leases or other forms of alienation by any court, officer or authority of such property effected after the above-mentioned date shall be liable to be set aside at the instance of the Custodian on an application filed before the court, officer or authority which ordered the sale, ³lease or alienation, as the case may be, within three months of the coming into force of East Punjab Evacuees' (Administration of Property) (Second Amendment) Ordinance, 1948, or the date of the sale, lease or alienation, whichever is later].

³[8-A. **Protection of rights of occupancy tenants and tenants for a fixed term.**—Notwithstanding anything contained in the Act XVI of 1887 (Punjab Tenancy Act, 1887), or any other law for the time being in force, the right of occupancy in any land of an evacuee which has vested in the Custodian shall not be extinguished or be deemed to have been extinguished, nor shall an evacuee or the Custodian whether as an occupancy tenant or a tenant for fixed term in any land be liable to be ejected or be deemed to have been so liable, on any ground whatsoever for any default of the Custodian before such land is allotted or leased under this Act and the allottee or lessee, as the case may be, takes over possession thereof in pursuance of the allotment or lease.]

9. **Powers of the Custodian in regard to management.**—(1) The Custodian may take or authorise the taking of such measures as he considers necessary or expedient for preserving the property of ⁴[or over which he has assumed possession or control] and for the proper management thereof.

(2) Without prejudice to the generality of the foregoing provision, the Custodian may for the said purposes —

(i) carry on the business of the evacuee ;

(ii) take action for the recovery of any money due to the evacuee ;

1. Added by East Punjab Act No. XLIX of 1948.

2. Subs. by East Punjab Act No. XLIX of 1948.

3. Ins. by Act *ibid.*

4. Ins. by East Punjab Act No. XXVI of 1948.

- (iii) make any contracts or execute any documents in the name and on behalf of the evacuee ;
- (iv) institute, defend or continue any legal proceedings in a civil or revenue court on behalf of the evacuee, refer any dispute to arbitration and compromise any claims, debts or liabilities ;
- (v) raise on the security of the property such loans as may be necessary;
- (vi) incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or other authority, and of any wages and salaries, pensions or provident fund contributions to or in respect of any employee of the evacuee and the payment of any debt due by the evacuee to any person ;
- (vii) transfer by way of sale or mortgage or lease or otherwise howsoever any property of the evacuee ;

Provided that the Custodian shall not sell any immovable property or any shop or business establishment or any undertaking except on the orders of the ¹[State Government] ;

- (viii) invest any money held by him in any of the securities approved by the ¹[State Government] ;
- (ix) make payments for the maintenance of the evacuee or his family;
- (x) where any house vesting in him is through imminent danger of collapse or for any other reason a source of danger to persons residing or carrying on business in the vicinity to have it demolished, and in such case to sell the materials ;
- (xi) appoint a Manager for the property of the evacuee or any shop or business establishment or undertaking and authorise him to exercise any of the powers of the Custodian under this section, and, subject to the orders of the ¹[State Government], fix remuneration payable to such Manager ; and
- ²[(xii) delegate by general or special order to a Rehabilitation Authority or such officers and persons as he considers necessary any of his functions under this Act].

1. Subs. by A. O. 1968 and 1973.

2. Subs by East Punjab Act No. XLIX of 1948.

1[9-A. **Grant and cancellation of leases.**—(1) All leases granted or any other orders passed by a Rehabilitation Authority before the 30th July, 1948, the date of coming into force of East Punjab Evacuees' (Administration of Property) (Second Amendment) Ordinance, 1948, shall be deemed to have been duly made by or on behalf of the Custodian under this Act.

(2) Notwithstanding anything contained in any enactment for the time being in force, the Custodian or a Rehabilitation Authority or any other person duly authorised by the Custodian in this behalf, may cancel any allotment or terminate or amend the conditions of any lease or may amend the terms of any agreement on which any evacuee property is held or occupied by any person, whether such lease or agreement was entered into before or after the coming into force of East Punjab Evacuees' (Administration of Property) Ordinance, 1948.

(3) If any person is in unauthorised possession of any evacuee property, the Custodian or a Rehabilitation Authority may at his option treat such person as a tenant, on such terms and conditions as he may deem fit, or treat him as trespasser.

(4) On the expiry of the lease or the earlier cancellation or termination under sub-section (2) of any allotment or any lease, the tenant and the person who is treated as trespasser under sub-section (3) shall, on demand by the Custodian or a Rehabilitation Authority, surrender possession of such property to the Custodian or Rehabilitation Authority or any other person duly authorised by the Custodian in this behalf, and if the possession is not surrendered on demand as aforesaid the Custodian, Rehabilitation Authority or any other such person may, notwithstanding anything contained in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), eject such person or secure possession of such property from him in the manner provided in sub-section (2) of section 6.]

10. **Maintenance of accounts.**—(1) The Custodian shall maintain a separate account of the property of each evacuee of which he has taken possession under section 6, and shall cause to be made therein entries of all receipts and payments.

(2) The accounts shall be maintained in such form and manner as the 2[State Government] may prescribe.

(3) The Manager of any property shall maintain the accounts and records relating to the property in his charge, and shall submit such accounts to the Custodian at least once a month.

(4) The 2[State Government] shall cause such accounts to be inspected at such intervals and by such persons as it shall determine.

1. Ins. by Act *ibid.*

2. Subs. by A.O. 1968 and 1973.

11. **Fees.**—(1) The ¹[State Government] may prescribe the fees payable to the Custodian for the management of the property of which he takes possession under section 6.

(2) Such fee shall be payable out of the income of the property and shall be a first charge on the property.

12. **Return of property.**—(1) On being satisfied that evacuees have returned or are returning to the Province, the ¹[State Government] may by notification in the Official Gazette authorise return of ²[their immovable property] to the owners in accordance with this section.

(2) Any person claiming to be entitled to any such property may apply in writing to the Custodian, who shall after giving public notice hold a summary inquiry into the claim, and make a formal order declaring the person to whom the possession of the property may be delivered.

(3) The delivery of the property to the person named in such order shall absolve the Custodian of all responsibility in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled to by due process of law to enforce against the person to whom possession of the property is so delivered :

Provided that every lease validly granted by the Custodian shall have effect as against the owner until determined by lapse of time or operation of law.

(4) The Custodian shall deliver or cause to be delivered to the person named in the order referred to in sub-section (2) a statement containing an abstract of the account of the management of the property and, if any sum be due and outstanding to the Custodian in respect of the excess expenses or fees, a notice requiring that person to pay such sum with interest at the rate of six per centum per annum from the date of the notice ; and if the sum be not paid within time specified in the notice it will be recoverable as provided in section 20.

³[(5) The Custodian may direct return of part or whole of the movable property to the owner at any time on such conditions and terms as he deems fit.]

13. **Powers of the Custodian holding ⁴[**] inquiry.**—While holding ⁴[**] an inquiry under this Act, the Custodian shall have all the powers of a civil court for the purposes of receiving evidence, administering oaths, enforcing attendance

1. Subs. by A. O. 1968 and 1973.

2. Subs. by East Punjab Act No. XXVI of 1948 for the words "the property".

3. Ins. by Act *ibid*.

4. Word "summary" omitted by East Punjab Act No. XXVI of 1948.

of witnesses, compelling the discovery and production of documents, and shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

14. Power of the Custodian to obtain information.—(1) The Custodian may by an order in writing require any person to furnish any information or produce any document possessed by such person relating to any property referred to in section 4 or otherwise necessary for carrying into effect the objects of this Act.

(2) Whoever fails to comply with a direction under sub-section (1) or submits information which is false or which he either knows or has reasonable cause to believe to be false or does not believe to be true, shall be punishable with imprisonment extending to six months and shall also be liable to fine.

15. Other powers of the Custodian.—(1) The Custodian may, if it appears to him to be necessary to do so to secure compliance with this Act or otherwise to carry into effect the objects of this Act—

(a) inspect or cause to be inspected any books of account or other document ; and

(b) enter and search or authorise any person to enter and search any premises ;

(2) Whoever obstructs the Custodian or any person acting under his direction in the exercise of the powers conferred under sub-section (1) shall be punishable with imprisonment which may extend to six months or with fine or with both.

15-A. Offences and Penalties.—(1) Any person who fails to comply with an order under sub-section (1) of section 6 to surrender possession or to vacate any property shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Any person whose lease or allotment has been cancelled or otherwise put an end to or who is otherwise in unlawful possession of any evacuee property and who after having been required to vacate the property fails or refuses to do so, shall be punishable with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(3) Whoever makes a false declaration or statement for the purpose of obtaining an allotment or lease of any evacuee property shall be punishable with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

1. Ins. by East Punjab Act No. XXVI of 1948 and subs. by Act No. XLIX of 1948.

(4) Whoever wilfully destroys or causes damage to any evacuee property or unlawfully converts it to his own use shall be punishable with imprisonment of either description for a term which may extend to five years or with fine, or with both.

(5) Whoever abets any of the offences mentioned in sub-sections (1), (2), (3) or (4) shall be liable to the imprisonment prescribed for the offence.

(6) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (V of 1898), may if such magistrate or bench of magistrates think fit, on application in this behalf made by the prosecution, try any offence under this Act in accordance with the provisions contained in sections 262 to 265 of the said Code.]

16. **Certain officers to be public servants.**—The Custodian and every person duly appointed by any authority to discharge any functions under this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1861 (XLV of 1861).

17. **Orders not to be called in question.**—¹[(1)] Except as provided in this Act no order made ²[or action taken] in exercise of any power conferred by this Act shall be called in question in any court.

²[(2) In particular and without prejudice to the generality of the foregoing provisions, no Civil Court shall—

- (i) entertain any suit for declaration or for any other relief with regard to evacuee property or with regard to any order of cancellation, termination or modification of lease or to any order demanding surrender of possession ;
- (ii) issue an injunction or other order in relation to any act done or intended to be done by the Custodian or a Rehabilitation Authority or any person duly authorised by the Custodian in this behalf ;
- (iii) be competent to prevent or delay the ejection or dispossession of a person against whom an order of ejection or dispossession has been passed by the Custodian or a Rehabilitation Authority or any person duly authorised by the Custodian in this behalf ;
- (iv) be competent to eject or dispossess a person to whom any evacuee property has been allotted or leased out by the Custodian or a

1. Reimbursed by East Punjab Act No. XLIX of 1948.

2. Added by Act *ibid.*

Rehabilitation Authority or any person duly authorised by the Custodian in this behalf.

(3) All injunctions against any evacuee property subsisting on the date of coming into force of East Punjab Evacuees' (Administration of Property) (Second Amendment) Ordinance, 1948, shall cease to operate on and after that date and shall be deemed to be vacated.]

¹[18. Procedure.—(1) All offences specified in section 15-A shall be cognizable but no prosecution for an offence under sub-sections (1), (2) or (3) of the said section, or abetment of such an offence, shall be instituted except with the sanction of the ²[State Government] or the Custodian or a District Magistrate or a Deputy Commissioner, Rehabilitation or any other officer authorised by the ²[State Government] by general or special order in this behalf.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), no person accused or convicted under sub-sections (2), (3) and (4) of section 15-A or of abetment of any such offence, shall, if in the custody, be released on bail or on his own bond, unless—

- (a) the prosecution has been given an opportunity to oppose the application for such release ; and
- (b) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence or abetment.]

³[18-A. Anything done or purported to have been done under this Act will not be invalidated or affected by reason only that at a material time—

- (a) some person who was or might have been interested in or over property and who was an evacuee had died or had ceased to be an evacuee, or
- (b) some person who was so interested and who was believed by the Custodian to be an evacuee was not an evacuee.

18-B. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith in any enactment other than this Act or in any instrument having effect by virtue of any such enactment.]

-
1. Sub. by East Punjab Act No, XLIX of 1948.
 2. Subs. by AO. 1968 and 1973.
 3. Ins. by East Punjab Act No. XXVI of 1948.

19. Bar to legal proceedings.—No suit, or prosecution or other legal proceedings shall lie against the ¹[State Government] or the Custodian ²[or a Rehabilitation Authority] or any person acting under their direction in respect of anything done or purported to have been done in pursuance of this Act.

20. Recovery of arrears.—Any arrear due from or sum payable by any person to the Custodian ²[or a Rehabilitation Authority] may on application to the Collector be realized as an arrear of land revenue.

21. Records under this Act to be public documents.—All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872 (1 of 1872), shall be presumed to be true until the contrary is proved.

³[21-A. Notice to the Custodian.]—(1) In any suit in which it appears to the Civil or Revenue Court that a question relating to the property of an evacuee is involved, the Court shall not proceed to determine that question until after notice has been given to the Custodian.

(2) The Court may at any stage of the proceedings order that the Custodian shall be added as a defendant in any civil or revenue suit involving a question relating to the property of an evacuee, if the Custodian, whether upon receipt of notice under sub-section (1) or otherwise, applies for such addition and the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question involved.

(3) In the application of this section to appeals the word 'defendant' shall be held to include a respondent and the word "suit" an "appeal".

22. Power to make rules.—(1) The ¹[State Government] may, by notification, in the Official Gazette make such rules as appear to it to be necessary or expedient for putting into effect the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for, or may empower any authority to make orders providing for all or any of the following matters, namely:—

(a) the terms and conditions of service of Custodians and other officers appointed under this Act, and for the furnishing of security by them;

(b) the forms of applications and the manner of their presentation;

1. Subs. by A.O. 1968 an 1973.

2. Ins. by East Punjab Act No. XLIX of 1948.

3. Ins. by East Punjab Act No. XXIV of 1948.

- (c) the forms of the notices to be issued, the orders to be made and the manner of their service and publication;
- (d) the manner in which appeals may be presented;
- (e) the procedure for holding summary inquiries and for the disposal of appeals;
- (f) the procedure governing the grant of leases or the sale of property by Custodians and the periods for which leases may be granted;
- ¹[(ff) the circumstances under which leases and allotments may be terminated or the terms thereof be varied and the conditions on which and the authority to whom an appeal or revision, if any, against any such order shall lie;]
- (g) the forms of and the manner in which the books of account and other records shall be maintained;
- (h) the classes of officers to be appointed by Custodians, their remuneration, designations, powers and functions and the extent of their jurisdiction;
- (i) the time and manner in which, and the authority by whom, the books of account and other records maintained under this Act shall be inspected and audited.

²[(3) Subject to the rule under this section a Custodian may refer any case which he is empowered to dispose of to a subordinate for investigation and report and may decide the case upon such report.]

23. Repeal of Ordinance No. IV of 1947.—The East Punjab Evacuees' (Administration of Property) Ordinance, 1947, is hereby repealed.

-
1. Ins. by East Punjab Act No. XLIX of 1948.
 2. Ins. by East Punjab Act No. XXVI of 1948.