

Ord. No. XII of 1949

Expired

Ord. XI of 1949

Ordinance (IX) No. 7 of 1949
being contained in the
other law for the time

or before the 30th day
3rd day of April, 1949,
Court, Bombay, con-
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THE ADMINISTRATION OF EVACUEE PROPERTY (CHIEF COMMISSIONERS' PROVINCES) ORDINANCE, 1949 (XII OF 1949).

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Administration of Evacuee Property
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ORDINANCE No. XII of 1949

Expired

ORD. XII OF 1949 published in the Gazette of India Extraordinary, dated the 13th June, 1949.)

ordinance to provide for the administration of evacuee property in the Chief Commissioners Provinces and for certain matters incidental thereto.

✓ **WHEREAS** an emergency has arisen which makes it necessary to provide for the administration of evacuee property in the Chief Commissioners' Provinces and for certain matters incidental thereto;

Now, **THEREFORE**, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

CHAPTER I.

Preliminary.

1. Short title, extent and commencement.—(1) This Ordinance may be called the Administration of Evacuee Property (Chief Commissioners' Provinces) Ordinance, 1949.

(2) It extends to all the Chief Commissioners' Provinces.

(3) It shall come into force at once in the Provinces of Ajmer-Merwara and Delhi, and in any other Province on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

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

(a) "allotment" means the grant by the Custodian or any other person duly authorised by the Custodian in this behalf of a temporary right of use and occupation of any immovable property of an evacuee to any person otherwise than by way of lease;

(b) "Custodian" means the Custodian for the Province, and includes any Additional, Deputy or Assistant Custodian of evacuee property appointed for that Province;

(c) "evacuee" means any person,—

(i) who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, leaves or has, on or after the 1st day of March, 1947, left, any place in the Province for any place outside the territories now forming part of India, or

(ii) who is resident in any place now forming part of Pakistan and who for that reason is unable to occupy, supervise or manage in person his property in the Province or whose property in the Province has ceased to be occupied, supervised or managed by any person or is being occupied, supervised or managed by an unauthorised person, or

(iii) who has, after the 1st day of March, 1947, acquired in any manner whatsoever any right to, interest in or benefit from any property which is treated as evacuee property under any law for the time being in force in Pakistan;

(d) "evacuee property" means any property in which an evacuee has any right or interest or which is held by him under any deed of trust or other instrument, but does not include—

(i) any movable property in his immediate physical possession;

(ii) any property belonging to a joint stock company the head office of which was situated in any place now forming part of Pakistan before the 15th day of August, 1947, and continues to be so situated after the said date ;

(e) "prescribed" means prescribed by rules made under this Ordinance;

(f) "property" means property of any kind, and includes any right or interest in such property, but does not include a mere right to sue or a cash deposit in a bank ;

(g) "unauthorised person" means any person (whether duly empowered in this behalf by the evacuee or otherwise) who, after the 14th day of August, 1947, has been occupying, supervising or managing the property of an evacuee without the approval of the Custodian.

3. Ordinance to override other laws.—The provisions of this Ordinance and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

Custodians and their rights, powers, duties and liabilities.

4. Appointment of Custodians, etc.—(1) For the purpose of carrying into effect the provisions of this Ordinance, the Central Government may appoint for any Province a Custodian and as many Additional, Deputy or Assistant Custodians of evacuee property as may be necessary, and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Ordinance or the rules framed thereunder.

(2) Subject to the provisions of this Ordinance and the orders made by the Central Government from time to time, Additional, Deputy or Assistant Custodians shall discharge the duties imposed on them by or under this Ordinance under the general superintendence and control of the Custodian.

5. Vesting of evacuee property in the Custodian.—(1) Subject to the provisions of this Ordinance, all evacuee property situate in a Province shall vest in the Custodian for that Province.

(2) Where immediately before the commencement of this Ordinance any evacuee property in a Province had vested in any person exercising the powers of a Custodian under any corresponding law in force in that Province immediately before such commencement, the evacuee property shall, on the commencement of this Ordinance, be deemed to have vested in the Custodian appointed for the Province under this Ordinance.

(3) Where any property in a Province belonging to a joint stock company has vested in any person exercising the powers of a Custodian under any corresponding law in force in that Province immediately before the commencement of this Ordinance, then, nothing contained in clause (d) of section 2 shall affect the operation of sub-section (2), but the Central Government may, by notification in the official Gazette, direct that the Custodian shall be divested of any such property in such manner and after such period as may be specified in the notification.

6. Notification of evacuee property.—(1) The Custodian may, from time to time, notify, either by publication in the Gazette of India or in such other manner as may be prescribed, evacuee properties which have vested in him under this Ordinance.

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(2) Where, after the vesting of any evacuee property in the Custodian, any person in possession of any such property, he shall be deemed to be holding it on behalf of the Custodian and shall on demand surrender possession of it to the Custodian or any other person duly authorised by him in this behalf.

7. Power of Custodian to take possession of evacuee property vested in him.—If any person in possession of any evacuee property refuses, or fails on demand to surrender possession thereof to the Custodian or any person duly authorised by him in this behalf, the Custodian may use such force as is necessary for taking possession of such property and may for this purpose, after giving reasonable warning and facility to any woman not appearing in public to withdraw, remove or break open any lock, bolt or any door or do any other act necessary for the said purpose.

3. Claims by interested persons.—(1) Any person claiming any right to, or interest in, any property which has been notified under section 6 as evacuee property, or in respect of which a demand requiring surrender of possession has been made by the Custodian may prefer a claim to the Custodian on the ground that—

(a) the property is not evacuee property; or

(b) his interest in the property has not been affected by the provisions of this Ordinance.

(2) Any claim under sub-section (1) shall be preferred by an application in writing made within thirty days from the date on which the property was notified or the demand requiring surrender of possession thereof was made by the Custodian:

Provided that the Custodian may for sufficient reasons to be recorded entertain the application even if it is made after the expiry of the aforesaid period.

(3) On receiving an application under sub-section (2), the Custodian shall hold a summary inquiry in the prescribed manner, and after taking such evidence as may be produced, shall pass an order (stating the reasons therefor) either rejecting the application or allowing it wholly or in part.

9. Powers and duties of the Custodian generally.—(1) The Custodian may take such measures as he considers necessary or expedient for the purposes of administering, preserving and managing any evacuee property which has vested in him and may, for any such purpose as aforesaid, do all acts and incur all expenses necessary or incidental thereto.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Custodian may, for any of the purposes aforesaid,—

(a) carry on the business of the evacuee;

(b) appoint a manager for the property of the evacuee or for carrying on any business or undertaking of the evacuee and authorise the manager to exercise any of the powers of the Custodian under this section;

(c) enter or authorise any other person to enter on any land or premises to inspect any evacuee property;

(d) take all such measures as may be necessary to keep any evacuee property in good repair;

(e) complete any building which has vested in him and which requires to be completed;

(f) require any person to furnish such returns, accounts or other information in relation to any evacuee property and to produce such documents as the Custodian considers necessary for the discharge of his duties under this Ordinance;

(g) take such action as may be necessary for the recovery of any debt due to the evacuee.

(h) institute, defend or continue any legal proceeding in any civil or revenue Court on behalf of the evacuee or refer any dispute between the evacuee and any other person to arbitration or compromise any claims, debts or liabilities on behalf of the evacuee;

(i) raise on the security of the evacuee property such loans as may be necessary;

(j) incur any expenditure including the payment of taxes, duties, cesses, and rates to the Government or to any local authority or of any amounts due to any employee of the evacuee or of any debt due by the evacuee to any person;

(k) pay to the evacuee or to any member of his family or to any other person as in the opinion of the Custodian is entitled thereto any sums of money;

(l) transfer in any manner whatsoever any evacuee property, notwithstanding anything contained in any law or agreement to the contrary relating thereto;

Provided that the Custodian shall not sell any immovable property or any business or other undertaking of the evacuee, except with the previous approval of the Central Government;

(m) invest any money held by him in any of the securities approved by the Central Government or in the prescribed manner;

(n) delegate, by general or special order, all or any of his functions under this Ordinance to such officers or persons as he thinks fit.

10. Power to vary or cancel leases or allotments of evacuee property.—

(1) Notwithstanding anything contained in any other law for the time being in force, the Custodian may cancel any allotment or terminate any lease or amend the terms of any such lease or of any agreement under which any evacuee property is held or occupied by any person, whether such allotment, lease or agreement was granted or entered into before or after the commencement of this Ordinance.

(2) Where, by reason of any action taken under sub-section (1), any person has ceased to be entitled to possession of any evacuee property, he shall on demand by the Custodian surrender possession of such property to the Custodian or any person duly authorised by him in this behalf.

(3) If any person fails to surrender possession on demand under sub-section (2), the Custodian may, notwithstanding anything contained in any other law for the time being in force, eject such person and take possession of such property in the manner provided in section 7.

11. Payments to Custodian to be valid discharge.—

(1) Any amount due to any evacuee in respect of any property which has vested in the Custodian or in respect of any transaction entered into by the evacuee shall be paid to the Custodian by the person liable to pay the same.

(2) Any payment made otherwise than in accordance with sub-section (1) shall not be deemed to discharge the person paying it from his obligation to pay the amount due, and shall not affect the right of the Custodian to enforce such obligation against such person.

12. Expenditure by Custodian how to be recouped.—

Subject to the provisions of section 56, any expenditure incurred by the Custodian in the exercise of any power conferred by this Ordinance shall, in relation to any evacuee property in respect of which it has been incurred, be a charge on such property and shall have priority over all other charges on the property, and such expenditure may be met or recouped by the Custodian out of the income accruing from such property or the sale proceeds thereof.

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13. Maintenance of accounts by Custodian.—(1) The Custodian shall maintain a separate account of the property of each evacuee of which he has taken possession, and shall cause to be made therein entries of all receipts and expenditure in respect thereof.

(2) The accounts shall be maintained in such form and in such manner as may be prescribed.

(3) The Central Government shall cause such accounts to be inspected and audited at such intervals and by such persons as may be prescribed.

14. Restoration of property.—(1) The Custodian may, on application made to him in writing in this behalf by an evacuee or any person claiming to be the heir of such evacuee, restore, subject to such terms and conditions as he may think fit to impose, the evacuee property to which the evacuee or other person would have been entitled if this Ordinance were not in force :

Provided that the applicant produces in support of his application a certificate from the Central Government or from any person authorised by it in this behalf to the effect that the evacuee property may be so restored if the applicant is otherwise entitled thereto.

(2) On receipt of an application under sub-section (1), the Custodian shall cause public notice thereof to be given in the prescribed manner and, after holding a summary inquiry into the claim in such manner as may be prescribed, may—

(i) make a formal order declaring that the property shall be restored to the applicant ; or

(ii) reject the application ; or

(iii) refer the applicant to a civil Court for the determination of his claim and title to the property :

Provided that no order for restoration shall be made under this section unless provision has been made in the prescribed manner for the recovery of any amount due to the Custodian in respect of the property or the management thereof.

(3) Upon the restoration of the property to the evacuee or his heir, the Custodian shall stand absolved of all responsibilities in respect of the property so restored, but such restoration shall not prejudice the rights, if any, in respect of the property which any other person may be entitled to enforce against the person to whom the property has been so restored :

Provided that every lease granted in respect of the property by or on behalf of the Custodian shall have effect against the person to whom restoration is made until such lease is determined by lapse of time or by operation of law.

(4) The Custodian shall, on demand, furnish to the evacuee or his heir, as the case may be, a statement containing an abstract of the account of the income received and expenditure incurred in respect of the property.

CHAPTER III.

Certain consequences of property vesting in Custodian.

15. Exemption from attachment, sale, etc.—(1) Save as otherwise expressly provided in this Ordinance, no property which has vested in the Custodian shall be liable to attachment, distress or sale in execution of a decree or order of a Court or any other authority, and no injunction in respect of any such property shall be granted by any Court or other authority.

(2) Any attachment or injunction subsisting on the commencement of Ordinance in respect of any evacuee property which has vested in the Custodian, shall cease to have effect on such commencement, and any transfer of such property up to the orders of a Court or any other authority made after such date as may be specified in this behalf with reference to any Province by the Central Government, shall be set aside if an application is made to the Court or authority by or at the instance of the Custodian within three months of the commencement of this Ordinance.

16. Occupancy or tenancy right not to be extinguished.—Nothing contained in any other law for the time being in force shall be deemed to extinguish the right of occupancy in any land of an evacuee which has vested in the Custodian, and notwithstanding anything contained in any such law, neither the evacuee nor the Custodian, whether as an occupancy tenant or as a tenant for a fixed term of land, shall be liable to be ejected or deemed to have become so liable on ground whatsoever for any default of the Custodian.

CHAPTER IV.

Penalties and procedure.

17. Penalty for failure to surrender possession of evacuee property.—Any person who fails to comply with a notice or demand by or on behalf of the Custodian under the provisions of this Ordinance to surrender possession of any evacuee property shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

18. Penalty for causing damage to evacuee property.—Any person who wilfully destroys or causes damage to any evacuee property or unlawfully converts it to his own use shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

19. Penalty for false declaration in certain cases.—Any person who—

(i) for the purpose of obtaining an allotment or lease of any evacuee property makes a declaration or statement which is false or which he either knows or has reason to believe to be false or does not believe to be true, or

(ii) furnishes any return, account or information which is material for any of the purposes of this Ordinance and which is false or which he either knows or has reason to believe to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

20. Penalty for offences not expressly provided for.—Whoever contravenes any provision of this Ordinance or of any rule or order made thereunder or any direction given under this Ordinance or obstructs the lawful exercise of any power conferred by or under this Ordinance shall, if no express provision is made by this Ordinance for the punishment of such contravention or obstruction, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

21. Penalty for abetment.—Whoever abets any of the offences punishable under this Ordinance shall be punishable with the punishment provided for the offence.

22. Offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences under this Ordinance shall be cognizable.

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23. Cognizance of offences by Courts.—No Court shall take cognizance of any offence punishable under this Ordinance, save upon complaint in writing made by a public servant with the previous sanction of the Central Government or by an officer authorised by the Central Government by general or special order in this behalf.

24. Offences may be tried summarily.—Any Magistrate empowered to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may, if an application is made in this behalf by the complainant and the Magistrate thinks fit, try any offence under this Ordinance in accordance with the provisions contained in sections 262 to 265 of the said Code.

CHAPTER V.

Miscellaneous.

25. Restriction on transfer by evacuees.—(1) No transfer of any right or interest in any evacuee property, made in any manner whatsoever by or on behalf of an evacuee after such date as may be specified in this behalf with reference to any Province by the Central Government by notification in the official Gazette, 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 confirmation of such transfer may be made by the transferor or the transferee or any person claiming under, or lawfully authorised by, either of them to the Custodian within two months from the date of registration of the deed of transfer or within two months from the commencement of this Ordinance, whichever is later :

Provided that the Custodian may for sufficient reasons to be recorded entertain the application even if it is made after the expiry of the aforesaid period.

(3) The Custodian shall hold a summary inquiry into the application in the prescribed manner, and may reject the application if he is of opinion that—

- (a) the transaction has not been entered into in good faith or for valuable consideration, or
- (b) the transaction is prohibited under any law for the time being in force, or
- (c) the transaction ought not to be confirmed for any other reason.

(4) If the application is not rejected under sub-section (3), the Custodian may confirm the transfer either unconditionally or subject to such terms and conditions as he thinks fit to impose.

26. Prohibition of transfers of immovable property generally in certain areas.—The Central Government may, by notification in the official Gazette, declare that in certain areas and for such periods as may be specified in the notification transfers of any immovable property or class of immovable property shall be prohibited, and where any such declaration has been made no transfer of any immovable property shall be made during the period in any such area except with the previous approval in writing of the Collector of the district in which the property or the greater part thereof is situate.

27. Custodian's right to take possession not affected by death of evacuee, etc.—Where in pursuance of the provisions of this Ordinance the Custodian has taken possession of any evacuee property, such possession shall not be deemed wrongful, nor shall anything done in consequence thereof be deemed to be invalid or affected by reason only that at the material time the evacuee who had a right or interest in the property had died or had ceased to be an evacuee.

28. Certain officers to be public servants.—The Custodian and every other person duly appointed to discharge any functions under this Ordinance or the rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

29. Powers of the Custodian while holding inquiry under this Ordinance.—While holding an inquiry under this Ordinance, the Custodian shall have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) when trying a suit, in respect of the following matters, namely :—

- (a) enforcing the attendance of any person and examining him on oath
- (b) compelling the discovery and production of documents ;
- (c) any prescribed matter ;

and the inquiry by the Custodian shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860) and the Custodian shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

30. Appeal, review and revision.—(1) Any person aggrieved by an order made under section 8, section 14, or section 25 may prefer an appeal—

- (a) to the Custodian, where the original order has been passed by a Deputy or an Assistant Custodian ;
- (b) to the High Court, where the original order has been passed by the Custodian, an Additional Custodian or an Authorised Deputy Custodian.

(2) The appeal shall be presented in such manner and within such time as may be prescribed.

(3) The Custodian to whom the appeal is preferred under clause (a) of sub-section (1) may dispose of it himself, or may make it over for disposal to an Additional Custodian or to a Deputy Custodian authorised by the Custodian in writing in the behalf (in this section referred to as the Authorised Deputy Custodian) :

Provided that no appeal from an order of a Deputy Custodian shall be made over for disposal to the Authorised Deputy Custodian.

(4) The Custodian, Additional Custodian or Authorised Deputy Custodian may at any time, either on his own motion or on application made to him in this behalf call for the record of any proceeding under this Ordinance which is pending before or has been disposed of, by an officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any order passed in the said proceeding and may pass such order in relation thereto as he thinks fit :

Provided that the Custodian, Additional Custodian or Authorised Deputy Custodian shall not under this sub-section pass an order revising or modifying an order 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, it shall not be competent for any other officer to do so.

(5) The Custodian, Additional Custodian or Authorised Deputy Custodian but not a Deputy or an Assistant Custodian, may, after giving notice to the parties concerned, review his own order.

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(6) Subject to the foregoing provisions of this section, any order made by the Custodian, Additional Custodian, Authorised Deputy Custodian, Deputy Custodian or Assistant Custodian shall be final and shall not be called in question in any Court by way of appeal or revision or in any original suit, application or execution proceeding.

31. Jurisdiction of civil Courts barred in certain matters.—Save as otherwise expressly provided in this Ordinance, no civil Court shall have jurisdiction—

(i) to entertain, or adjudicate upon, any question whether any property is or is not evacuee property or whether an evacuee has or has not any right or interest in any evacuee property; or

(ii) to question the legality of any action taken by the Custodian; or

(iii) in respect of any matter which the Custodian is empowered by or under this Ordinance to determine.

32. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Custodian or any person acting under his direction in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian or any other person in respect of any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder.

33. Recovery of arrears.—Any sum due to the Central Government or to the Custodian under the provisions of this Ordinance may be recovered as arrears of land revenue.

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

35. Notice to the Custodian.—(1) If in any suit 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) A Court may, at any stage of a suit or proceeding, either on its own motion or on application made in this behalf by the Custodian, make an order that the Custodian shall be added as a party to the suit or proceeding, if the Court is satisfied that such addition is necessary or proper for the satisfactory determination of the suit or proceeding.

36. Fees payable to the Custodian.—(1) The Central Government may prescribe the fees payable to the Custodian for the management or disposal of the property vested in him.

(2) Such fees shall be payable out of the income or sale proceeds of such property and shall be a first charge on the property.

37. Power to exempt.—The Central Government may, by notification, in the official Gazette, exempt any person or class of persons or any property or class of property from the operation of all or any of the provisions of this Ordinance.

38. Delegation of powers.—(1) The Central Government may, by general or special order, direct that the powers exercisable by it by or under this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by an officer subordinate to the Central Government.

(2) Subject to the provisions of this Ordinance and the rules and orders made thereunder, the Custodian may delegate all or any of his powers and functions under this Ordinance to any Additional, Deputy or Assistant Custodian subject to such conditions, if any, as may be specified by the Custodian.

39. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

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

(b) the work to be performed by the Custodian and the Additional, Deputy and Assistant Custodians;

(c) the manner in which evacuee properties which have vested in the Custodian may be notified;

(d) the manner in which possession of any evacuee property may be taken by the Custodian;

(e) the manner in which inquiries under this Ordinance may be held;

(f) the circumstances in which and the conditions subject to which the Custodian may sell any immovable property vested in him, and the procedure governing the grant of leases and the period for which leases may be granted;

(g) the circumstances in which leases and allotments may be cancelled or terminated or the terms of any lease or agreement varied;

(h) the securities in which the Custodian may invest any monies held by him;

(i) the form and manner in which books of account and other records shall be maintained by the Custodian, and the persons by whom and the times at which such books of account may be audited;

(j) the manner in which any monies due to the Custodian may be recovered;

(k) the nature of cases in which, and the circumstances in which, and the conditions subject to which, certificates for restoration of property under section 14 may be issued;

(l) the nature of cases and the circumstances in which the Custodian may refer an applicant under section 14 to a civil Court;

(m) the powers vested in a civil Court which may be exercised by the Custodian while holding any inquiry under this Ordinance;

(n) the nature of cases in which and the circumstances under which the Custodian may confirm or refuse to confirm a transfer under section 25;

(o) the form and manner in which, and the time within which, appeals and applications for revision may be preferred under section 30, and the fees payable in respect thereof;

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[ORD. XII

may, by general or
under this Ordinance
as may be specified
Central Government.

rules and orders made
powers and functions
Custodian subject to

may, by notification
in this Ordinance.

the foregoing power,
namely:—

and other officers
security by them;

Additional, Deputy

in the Cus-

erty may be taken

may be held;

to which the
the procedure

may be granted;

be cancelled or

monies held by

records shall

at the times at

recovered;

in which, and

property under

Custodian may

by the Cus-

under which the

section 25;

which appeals

and the fees

(p) the fees payable to the Custodian for the management and disposal of any property vested in him, and the manner in which such fees shall be paid;

(q) the form in which any notice under this Ordinance may be issued, the manner of its service and publication and the form in which any demand may be made by the Custodian;

(r) the delegation of powers and functions of the Custodian to the Additional, Deputy or Assistant Custodian;

(s) any other matter which has to be or may be prescribed under this Ordinance.

40. Repeal and saving.—(1) The East Punjab Evacuees' (Administration of Property) Act, 1947 (East Punjab Act XIV of 1947), as in force in Ajmer-Merwara and Delhi, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by the Act aforesaid shall, in relation to the Provinces of Ajmer-Merwara and Delhi, be deemed to have been done or taken in the exercise of the powers conferred by this Ordinance, and any penalty incurred or proceeding commenced under the said Act shall be deemed to be a penalty incurred, or proceeding commenced under this Ordinance as if this Ordinance were in force on the day when such thing was done, action taken, penalty incurred or proceeding commenced.

C. RAJAGOPALACHARI,

Governor-General.