

"Repealed by Act 86 of 1956"

THE DISPLACED PERSONS (COMPENSATION AND REHABILITATION) AMENDMENT ORDINANCE, 1956

(Published in the Gazette of India Extraordinary, Part II, Section I, dated the 22nd October, 1956)



No. 7 OF 1956

Promulgated by the President in the Seventh Year of the Republic of India.

An Ordinance to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Displaced Persons (Compensation and Rehabilitation) Amendment Ordinance, 1956. Short title and commencement.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 8. Act 44 of 1954 to be temporarily amended.

3. In section 2 of the principal Act,—

(i) in clause (d), in sub-clause (iii), for the words 'by the Central Government or a State Government of any property or any interest therein;', the following shall be substituted, namely:—

Amendment of section 2.

of any property or interest therein by—

(a) the Central Government; or

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(b) any State Government; or

(c) any body corporate or other authority or person financed by the Central Government or a State Government for the purpose of the acquisition, development or construction of any immovable property for the rehabilitation of displaced persons;”;

(ii) in clause (e), for the words ‘but does not include’, the following shall be substituted, namely:—

“and includes any claim registered on or before the 31st day of May, 1953, under the East Punjab Refugees (Registration of Claims) Act, 1948, or under the Patiala Refugees (Registration of Land Claims) Ordinance, 2004, and verified by any authority appointed for the purpose by the Government of Punjab, the Government of Patiala or the Government of Patiala and East Punjab States Union, as the case may be, which has not been satisfied wholly or partially by the allotment of any evacuee land under the relevant notification specified in section 10 of this Act, but does not include—”.

East Punjab
Act XII
1948.
Ord. 10
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Amendment
of section 11.

4. In section 11 of the principal Act, sub-section (2) shall be omitted.

Amendment
of section 19.

5. In section 19 of the principal Act, in sub-section (2), after the words ‘acquired under this Act’, the following words shall be inserted, namely:—

“or where any person is otherwise in unauthorised possession of any such property or any other immovable property forming part of the compensation pool—”.

Amendment
of section 20.

6. In section 20 of the principal Act, in clause (d) of sub-section (1), after the words ‘to a displaced person’, the following words shall be inserted, namely:—

“or any association of displaced persons, whether incorporated or not, or to any other person”.

Insertion of
new section
20A.

7. (1) After section 20 of the principal Act, the following section shall be inserted, namely:—

Utilisation of
compensation
pool in
connection
with restoration
of evacuee property
in certain
cases:

“20A. (1) Where any evacuee or his heir has made an application under section 16 of the Evacuee Property Act and the Central Government is of opinion that it is not expedient or practicable to restore the whole or any part of such property to the applicant by reason of the property or part thereof being

in occupation of a displaced person or otherwise, then, notwithstanding anything contained in the Evacuee Property Act and this Act, it shall be lawful for the Central Government—

(a) to transfer to the applicant in lieu of the evacuee property or any part thereof, any immovable property in the compensation pool or any part thereof, being in the opinion of the Central Government as nearly as may be of the same value as the evacuee property or, as the case may be, any part thereof, or

(b) to pay to the applicant such amount in cash from the compensation pool in lieu of the evacuee property or part thereof, as the Central Government having regard to the value of the evacuee property or part thereof, may, in the circumstances deem fit.

Explanation.—The provisions of this sub-section shall apply, whether or not, a certificate for the restoration of the evacuee property has been issued to the applicant under sub-section (1) of section 16 of the Evacuee Property Act, as in force before the commencement of the Administration of Evacuee Property (Amendment) Ordinance, 1956, if the evacuee property has not in fact been restored to the applicant.

(2) Where in pursuance of sub-section (1) any evacuee or his heir has been granted any immovable property from the compensation pool or has been paid any amount in cash from the compensation pool, his application under section 16 of the Evacuee Property Act for the restoration of the evacuee property shall be deemed to have been disposed of and his right, title and interest in such evacuee property shall be deemed to have been extinguished but such extinguishment shall not affect the power of the Central Government to acquire the evacuee property under section 12 of this Act.

(3) In this section—

(a) 'Evacuee Property Act' means the Administration of Evacuee Property Act, 1950;

(b) the expressions 'evacuee' and 'evacuee property' have respectively the same meanings as in the Evacuee Property Act."

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8. For section 21 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 21.

“21. (1) Any sum payable to the Government or to the Custodian in respect of any evacuee property, under any agreement, express or implied, lease or other document or otherwise howsoever, for any period prior to the date of acquisition of such property under this Act, which has not been recovered under section 48 of the Administration of Evacuee Property Act, 1950, and any sum payable to the Government in respect of any property in the compensation pool, may be recovered in the same manner as an arrear of land revenue.

Recovery of
certain sums
as arrears of
land revenue.

31 of 1950.

(2) If any question arises whether a sum is payable to the Government or to the Custodian within the meaning of subsection (1) in respect of any property referred to therein, it shall be referred to the Settlement Commissioner within whose jurisdiction the property is situated, and the Settlement Commissioner shall, after making such inquiry as he may deem fit and giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Settlement Commissioner shall, subject to any appeal or revision under this Act, be final, and shall not be called in question by any court or other authority.

(3) For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act, 1908, or any other law for the time being in force, relating to limitation of actions.”

9 of 1908.

RAJENDRA PRASAD,

President.

64 of 1950.

37 of 1956