

**THE
DISPLACED PERSONS
(LAND SETTLEMENT) ACT
[XLVII OF 1958]**

[Dated 23rd September 1958]

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An Act to provide for the permanent Settlement of displaced persons on land and for matters incidental thereto or connected therewith

No. F. 32[7(58). Legis., dated 23 September, 1958 Gazette Extraordinary, dated 23 September 1958].

The following Act passed by the National Assembly of Pakistan on 8th September, 1958, received the assent of President on the 23rd September, 1958, and was published for General information in the Gazette.

Preamble. Whereas it is expedient to provide for the permanent settlement of displaced persons on land in order to compensate them for the losses suffered by them on account of expropriation by the Government of India of their rights in property in India or any area occupied by India rights in property in India or in any area occupied by India, and for matters incidental thereto or connected therewith.

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Chapter I

PRELIMINARY

1. Short title, extent and commencement. (1) This Act may be called the Displaced Persons (Land Settlement) Act, 1958.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(1) "**Allotment**". Allotment means an allotment of Agricultural Land made to a displaced person under this Act or under any Scheme, in lieu of any claim registered and verified, or deemed to have been registered and verified under any of the following enactments, namely: –

- i. The West Punjab Refugees (Registration of Land Claims) Act, 1949 (W.P. Act V of 1949);
- ii. The Refugee (Registration of Land Claim) (Capital of the Federation) Ordinance, 1949 (XII of 1949);
- iii. The North-West Frontier Province Refugees (Registration of Land Claims) Act, 1949, (N.W.F.P. Act X of 1949);
- iv. The Bahawalpur State Refugees (Registration of Land Claims) Act No. 14 of 1949;
- v. The Sind Refugees (Registration of Land Claims) Act, 1950 (Sindh Act II of 1950);
- vi. The Khairpur State Refugees (Registration of Land Claims Ordinance No. 4 of 1952);
- vii. The Refugees (Registration of Land Claims) (Baluchistan) Regulation, 1950 (III of 1959); and
- viii. The Registration of Claims (Displaced Persons) Act, 1956 (III of 1956).

(2) "**Displaced Persons**". "Displaced Persons" means any person who, on account of the setting up of the Dominions of Pakistan and India, or on account of Civil disturbances or the fear of such disturbances in any area now forming part of or occupied by India has, on or after the first day of March, 1947, left, or been displaced from, his place of residence in such area and has subsequently become a Citizen of Pakistan, or is residing therein, and includes any person who, being a resident of any territory outside India, is for that reason unable to manage,

supervise, or control any property belonging to him in India or in any area occupied by India and also includes the successor-in-interest of any such person.

(3) "**Land**". "Land" means evacuee property consisting of land held for agricultural purposes or for purposes subservient to agriculture or for pasture including gardens, unsurveyed land and trees or building and other structures standing thereon and includes all rights of evacuee in such land, but does not include: --

- a) Property as defined in sub-clause (b) of clause (2) of Section 2 of the Registration of Claims (Displaced Persons) Act, 1956 (III of 1956); or in sub-clause (d) thereof; or
- b) Such evacuee land as may be declared by the Chief Settlement Commissioner as a building site.

(4) "**Prescribed**". "Prescribed" means by rules made under this Act.

(5) "**Rehabilitation Authority**". "Rehabilitation Authority" means a Rehabilitation Commissioner, or an Additional Rehabilitation Commissioner, or a Deputy Rehabilitation Commissioner, or an Assistant Rehabilitation Commissioner, appointed or deemed to have been appointed under the Pakistan Rehabilitation Act, 1956, (XLII of 1956).

(6) "**Settlement Authority**". "Settlement Authority" means the Chief Settlement Commissioner, or a Settlement Commissioner, or an Additional Settlement Commissioner, or a Deputy Settlement Commissioner, appointed under this Act, or any other officer appointed under any other law for the time being in force relating to the Settlement of displaced persons on land.

(7) "**Scheme**". "Scheme" means a Rehabilitation Settlement Scheme prepared under sub-section (1) of Section of the Pakistan Rehabilitation Act, 1956 (XLII of 1956) or Section 7 of the Baluchistan (Rehabilitation) Regulation, 1950 (II of 1950).

(8) "**Settlement**". "Settlement" means conferment on a displaced person of any permanent right in, or title to any land under this Act, whether such right or title be proprietary, occupancy tenancy or of any other kind.

(9) "**Verified**". "Verified" means, as respects claims Registered under the Regulation of Claims (Displaced Persons) Act, 1956 (III of 1956) verified under that Act, and as respects claims registered under any of the enactment mentioned in clause (1) verified in accordance with the provisions of that enactment; and

(10) All other words and expressions used but not defined in this Act and defined in the Registration of claims (Displaced Persons) Act, 1956 (III of 1956), the Pakistan Rehabilitation Act, 1956 (XLII of 1956), the Pakistan Administration of Evacuee Property Act, (XII of 1957) or the Displaced Persons (Compensation & Rehabilitation) Act, 1958 (XXVIII of 1958) shall have the same meaning as assigned to them in those Acts.

3. Information relating to certain land to be furnished. (1) As soon as may be after the commencement of this Act, but not later than 90 days therefrom, every person who is in possession, supervision or management of any land which he knows or has reason to believe to be concealed evacuee property shall submit to the Rehabilitation Authority, of the area concerned full information relating to such land, including the date since when, or the period for which, he has been in possession, supervision or management thereof.

(2) Any such property as is referred to in sub-section (1) shall, notwithstanding the provisions of Section 3 of the Pakistan (Administration of Evacuee Property) Act, 1957 be treated as Evacuee Property and shall vest and be deemed to have vested in the custodian in accordance with the provisions of sub section (1) of Section 7 of that Act.

Chapter II

ACQUISITION OF LAND

4. Power to acquire land. (1) The Central Government may, for any of the purposes of this Act by notification in the official Gazette, acquire any land within the Islamabad Capital Territory, ^[1][any such land in any Province which is attached to a charitable, religious or educational trust or institution.]

(2) ^[2][The Provincial Government may, for any of the purposes of this Act, by notification in the official Gazette, acquire any land within the province.]

(3) On the publication of a notification under sub-section (1) or sub-section (2), the right, title and interest of any evacuee or persons claiming through him in the land specified in the notification shall, with effect from the date of such publication, be extinguished and the land shall vest wholly and absolutely in the Central Government ^[3][or as the case may be, the Provincial Government] free from all encumbrances.

^[4][(4) In respect of land acquired under sub-section (1) the Central Government, and in respect of land acquired under sub-section (2) the Provincial Government, shall prescribe the extent to which, and the period within which any charge created by a custodian on such land.]

(5) Notifications under sub-section (1) and sub-section (2) may be issued from time to time and may relate to: --

- (a) All land generally; or
- (b) Any class of land; or
- (c) All land situated in a specified area; or
- (d) Any particular land.

CHAPTER III

CONSTITUTION OF COMPENSATION POOLS

5. COMPENSATION POOLS. (1) For the purpose of granting compensation to displaced persons whose claims have been verified one or more compensation pools consisting of the following shall be constituted, that is to say: --

- (a) Land which has been acquired under Section 4 including the proceeds of sale by auction or otherwise of such land;
- (b) Sale proceeds of any land lying with the custodian, compensation paid or payable to the custodian by the Central or Provincial Government on the acquisition of land under any other law for the time being in force, and consideration money paid or payable to him on confirmation of the sale of land;
- (c) Government land allotted for rehabilitation purposes and exchanged with land with the consent of the Government concerned; and
- (d) Rents realized from land;
- ^[5][(e) All profits and income derived from any land lying with the custodian, the Central or Provincial Government or any other authority:]
- (f) Any other amount received or recoverable in respect of land; and

Provided that land attached to Charitable, Religious or Educational Trusts or Institutions shall not form part of any pool constituted under this section.

^[6][(2) If a question arises whether any land is a Charitable, Religious or Educational Trust or Institution or not, it shall be referred to the Chief Settlement Commissioner whose

decision thereon shall be final and shall not except, as provided in sub-section (3) be questioned in any Court.

(3) Any person aggrieved by an order under sub-section (2) may within 30 days of such order prefer an appeal to the High Court.]

^[7]**[Explanation.** In this sub-section and in Section 14, "Evacuee Trust Property Board" means the Board constituted under the Scheme for the Management and Disposal of Property attached to Charitable, Religious or Educational Trusts or Institutions.]

5A.Trust Pool. For the purpose of the administration, maintenance, management and disposal of land attached to Charitable, Religious or Educational Trusts or Institutions, a trust pool, consisting of the following shall be constituted namely: --

- (a) All such land acquired under Section 4,
- (b) Sale-proceeds of any such land lying with the custodian, Compensation paid or payable to the custodian by the Central or Provincial Government on the acquisition of any such land under any law for the time being in force, and consideration money paid or payable on the sale of any such land;
- (c) Government property or any other property exchanged with any such land;
- (d) All profits and income received or derived from any such land and lying with the custodian the Central Government or any other authority;
- (e) Rents and any other amount received or recoverable in respect of any such land,; and
- (f) Sale proceeds of any land disposed of under a scheme prepared under sub-section (2) of Section 14.

6. Exemption of the compensation pools from processes. Nothing which forms part of any of the compensation pool constituted under Section 5 shall be liable to be proceeded against for any claim in any manner whatsoever in execution of any decree or order by any process of Court or other authority.

7. Management of the compensation and trust pools. (1) For the effective utilization of the compensation pools and trust pool in pursuance of the provisions of this Act or the rules made thereunder or for the administration of any property in the pools, the Central Government may take such steps for the custody, management and disposed of the pools as it consider necessary.

(2) Subject to such orders as the Central Government may make under sub-section (1), the Chief Settlement Commissioner may take such measures as he consider necessary or expedient for the purpose of securing, administering, preserving or managing any property in the pool and may, for any such purpose as aforesaid do all acts and incur all expenses necessary or incidental thereto and may, in suitable cases, create a charge on any such property.

8. Recovery of arrears. Any amount due to the custodian in respect of land acquired under this Act for any period prior to the date of its acquisition, or to the Central Government ^[8][or Provincial Government] in respect of any land in any of the pools shall be recoverable as arrears of land revenue.

Chapter IV

APPOINTMENT OF SETTLEMENT AUTHORITIES AND THEIR DUTIES & FUNCTIONS

9. Appointment of Chief Settlement Commissioner etc. (1) The Central Government may, by notification in the official Gazette, appoint a Chief Settlement Commissioner and such number of Settlement Commissioners, Additional Settlement Commissioners, Deputy Settlement Commissioners and Assistant Settlement Commissioners as may be necessary for the performance of duties and functions assigned to them by or under this Act and may, by general or special order provide for the distribution or allocation of work to be performed by them.

(2) Subject to the provisions of this Act, the Chief Settlement Commissioner shall discharge his functions and perform his duties under the general superintendence and control of the Central Government.

(3) Subject to the provisions of this Act and to such order as may, from time to time, be made by the Central Government in this behalf, the Settlement Commissioners, Additional Settlement Commissioners, the Deputy Settlement Commissioners shall perform the duties and exercise the functions assigned to them by or under this Act, under the general superintendence and control of the Chief Settlement Commissioner.

(4) Pending the appointment of the Chief Settlement Commissioner, the Central Government may appoint any officer to discharge such functions and perform such duties of the Chief Settlement Commissioner as the Central Government may from time to time specify.

10. Power of Chief Settlement Commissioner to cancel allotment. If the Chief Settlement Commissioner is satisfied that an allotment has been obtained by any person by means of fraud or false representation then without prejudice to any other penalty to which such person may be liable, the Chief Settlement Commissioner may pass an order cancelling the allotment, or reducing the area of the land allotted or such other order as he may deem fit.

11. Powers of Chief Settlement Commissioner to cancel or terminate allotment or to amend or vary terms of allotments. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, but subject to the provisions of this Act and the

rules made thereunder, the Chief Settlement Commissioner, may, for reasons to be recorded in writing, cancel or terminate any allotment or lease made under a Scheme or under this Act, or amend or vary the terms of any such allotment or lease:--

Provided that no order under this sub-section shall be passed by the Chief Settlement Commissioner, without giving the person affected thereby a reasonable opportunity of being heard.

(2) If any allottee, lessee, holder or occupant of any land acquired under this Act by reason of lack of a valid allotment order or lease or on account of an order made under sub section (1) is not, or ceases to be, entitled to the possession of such land, he shall, when so required by the Chief Settlement Commissioner, surrender, the possession thereof to the Chief Settlement Commissioner, or to any person authorized by the Chief Settlement Commissioner in this behalf.

(3) If any person required under Section (2) to surrender possession of land, fails to do so, the Chief Settlement Commissioner, or any person authorized by the Chief Settlement Commissioner in this behalf may notwithstanding anything to the contrary contained in any other law for the time being in force, eject such person and take possession of the land and may use or cause to be used such force as may be necessary for the purpose.

12. Power to transfer land etc. from compensation pools. Subject to the provisions of this Act and the Rules made thereunder, the Chief Settlement Commissioner, may transfer or dispose of any land or other property out of the Compensation pools:--

- (a) By Settlement of Land on a displaced persons; or
- (b) Sale of land, whether by means of auction or otherwise, or;
- (c) By disposal of property other than land in such manner as may be prescribed.

13. Disposal of building sites. Any evacuee land declared by the Chief Settlement Commissioner to be a building site in pursuance of sub-clause (b) of clause (3) of Section 2 shall be disposal of ^[9][in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1958] and, --

- (a) In case the land is situated within the limits of a Municipal Corporation, a Municipal Committee, a Sanitary Committee or a Cantonment, as such limits exist on the commencement of this Act, the sale proceeds thereof shall be credited to the compensation pool constituted under Section 4 of the Displaced Persons (Compensation and Rehabilitation) Act, 1958, (XXVIII of 1958); and

- (b) In other cases, the sale proceeds shall be credited to one or more of the compensation pools constituted under Section 5.

Chapter V

SCHEMES FOR SETTLEMENT

14. Allotment and disposal of land. ^[10][(1) Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner, or any other officer specially empowered by the Federal Government in this behalf, shall prepare one or more schemes for allotment of land to displaced persons against their verified claims of land in the compensation pools constituted under Section 5 or for payment to them of compensation at such rate as may be provided in any such scheme, in cash or in the form of negotiable interest free Government Bonds redeemable after three years.]

^[11][1-A] Where, at any time before or after the commencement of the Evacuee Property and Displaced Persons Law (Amendment) Act, 1973 (LV of 1973), any person has furnished or furnishes information about any bogus or fraudulent allotment of land and the information has been or is proved to be correct and such land has been or is resumed by competent authority upon the cancellation of the allotment of such land, the informant shall be entitled,--

- (a) If he is a claimant, to allotment of the resumed land to the extent of his claim pending for allotment in the same Province or, if the resumed land has already been allotted to some other person, to the allotment, to the said extent, of any other land of his choice available for allotment in the same Province; and
- (b) In any other case, to a cash award of such amount as the Chief Settlement Commissioner may decide.]

(2) The ^[12][Chairman, Evacuee Trust Property Board] or any other officer specially empowered by the Central Government in this behalf, shall prepare one or more schemes for the disposal of land attached to charitable, religious or educational trusts or institutions referred to in the proviso to Section 5 and notwithstanding anything to the contrary contained in any law for the time being in force, or in any instrument of trust or other document, such schemes may provide, --

- (a) For the appointment of new trustees on fresh terms and conditions if necessary; or
- (b) For the transfer of such land to suitable institution; or

- (c) For the transfer of Government or to any local authority of such land for any charitable, religious or educational purpose.

^[13][(3) Any scheme prepared under sub-section (1) or sub section (2) shall not be executed without the proper approval in writing of the Federal Government, and if such approval is neither refused nor communicated within two months of the receipt of the scheme by the Federal Government, it shall be presumed to have been duly communicated.]

14-A. Allotment of certain lands under mortgage etc. (1) Notwithstanding anything contained in any law for the time being in force or in any judgment of any Court, where a person has been allotted, under any scheme prepared under Section 14, any land which was at any time before the commencement of this Act subject to a mortgage created by an evacuee, the allotment shall be deemed to be valid:

Provided that:--

The mortgage money due to the mortgagee shall be charged on such land;

(2) The Settlement Authority may declare that the land which is subject to a mortgage shall remain subject to a charge until the mortgage is redeemed, and any such charge shall be deemed to be a charge created by the custodian under sub-section (4) of Section 4.

(3) The Collector of the district within which the land referred to in sub-section (1) is situated or, if any such land is situated in more than one district such Collector as the Chief Settlement Commissioner, may direct shall, with the assistance of such Revenue Officers as the Collector may think fit, assess the amount of the charge referred to in sub-section (2):

Provided that if the amount of any such charge has, before the commencement of the aforesaid Ordinance, been determined by the custodian or any competent authority, such amount shall be deemed to be the amount validly assessed.

^[14]**[14-B. Certain Provincial laws to apply.** Notwithstanding anything contained in any other law, the provisions of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), and the (North-West Frontier Tenancy Act, 1950) (N.W.F.P. Act XXXV of 1950), relating to the extinction or determination of occupancy tenancies and acquisition of proprietary rights and the provisions of the North-West Frontier Province (Validation and Extension of Period for Payment of Compensation) Ordinance, 1969 (West Pakistan Ordinance No. XXX of 1969), and the Punjab Tenancy (Validation and Extension of Period for Payment of Compensation) Ordinance, 1969 (West Pakistan Ordinance No. XXXI of 1969), shall apply to land on which a person has been permanently settled under this Act with rights of occupancy therein or which is in the

possession of a person, not being a displaced person, with rights of occupancy but nevertheless the proprietary rights in which from part of the compensation pool:

Provided that any compensation payable by an occupancy tenant to the landlord under either of the said Acts shall,--

- (a) In respect of land on which a person has been permanently settled under this Act, be paid to the landlord by the Chief Settlement Commissioner from out of the compensation pool;
- (b) In respect of land the proprietary rights in which form part of the compensation pool, be paid by the occupancy tenants to the Chief Settlement Commissioner for being credited to the compensation pool; and
- (c) Be paid before such date as the Federal Government may, by notification the official Gazette, specify on this behalf from time to time].

15. Permanent settlement on land. (1) A Settlement Authority specially empowered by the Chief Settlement Commissioner in this behalf, shall in respect of such verified claims against which no allotment has been made before the commencement of this Act, proceed to make an allotment to the displaced person concerned in accordance with any of the schemes executed under Section 14.

(2) Subject to the provisions of sub-section (1) of Section 11, an allotment to a displaced person under sub-section (1) shall be made on the basis of the entitlement as determined under this Act, or the rules made thereunder.

(3) A displaced person to whom any land has been allotted by a Rehabilitation Authority before the commencement of this Act under a scheme as denied in clause (7) of Section 2 or by a Settlement Authority under sub-section (1), shall be settled permanently on that land in such manner and on payment of such fees as may be prescribed by the Central Government:

Provided that no order of permanent settlement shall be passed in cases where:--

- (a) The land held by the allottee concerned is the subject-matter of an appeal, revision or review before a Rehabilitation Authority; or
- (b) The land has been allotted in lieu of rights as a mortgagor or mortgagee and the allottee had not fulfilled the prescribed terms and conditions; or
- (c) The land has been allotted provisionally on the basis of inconclusive data.

16. Title of displaced person on land. Notwithstanding anything contained in any other law for the time being in force, the land on which a displaced person is permanently settled under this Act shall vest absolutely in such person.

17. Debts or dues outstanding against evacuee owner. No person who is permanently settled on any land under this Act, shall be liable to pay any debt or dues outstanding against the evacuee owner of the land.

Chapter VI

APPEAL, REVISION AND REVIEW

^[15]**18. Appeals.** (1) Save as otherwise provided in this Act, any person aggrieved by an order under this Act may prefer an appeal to: --

- (a) The Deputy Settlement Commissioner where an order has been passed by an Assistant Settlement Commissioner;
- (b) The Additional Settlement Commissioner where an order, not being an order, passed in appeal under clause (A) has been passed by the Deputy Settlement Commissioner; and
- (c) The Settlement Commissioner where an order, not being an order passed in appeal under clause (b) or revision under sub-section (3) of Section 19 has been passed by an Additional Settlement Commissioner;
- (d) The Chief Settlement Commissioner where an order, not being an order passed in appeal under clause (b) or in revision under sub-section (3) or Section 19 has been passed by an Additional Settlement Commissioner.

(Note. This clause (d) has been omitted by virtue of Displaced Persons Laws Amendment Ordinance, 1964 (XII of 1964) published in Gazette of Pakistan, Extraordinary on 28th December, 1964),

(2) The appeal shall be presented within sixty days of the date of the order appealed against, in such form and manner as may be prescribed.

19. Revision. (1) (*omitted*) The Chief Settlement Commissioner may of his own motion within nine months, or on an application made in that behalf within sixty days, call for the record of any case or proceeding under this Act in which a Settlement Commissioner or an Additional Settlement Commissioner or a Deputy Settlement Commissioner or an Assistant Settlement Commissioner has passed an order for the purpose of satisfying himself as to correctness, legality or propriety of such order, and may pass such order in relation thereto as he thinks fit:

Provided that in case of an application under this sub section, no petition for revision shall be entertained unless accompanied by a certificate from the Settlement Commissioner or the Additional Settlement Commissioner concerned that the case involves a question of law.

(Note. This sub-section (1) was omitted by virtue of Displaced Persons Laws Amendment Ordinance 1964 (XIII of 1964) on 28 December, 1964 by virtue of which the revisional powers of the Chief Settlement Commissioner were withdrawn).

(2) A Settlement Commissioner specially empowered in this behalf by the Chief Settlement Commissioner may of his own motion within nine months, or on application made in that behalf within 60 days, call for the record of any case or proceeding under this Act, in which an Additional Settlement Commissioner or a Deputy Settlement Commissioner or an Assistant Settlement Commissioner under his jurisdiction has passed an order for the purpose of satisfying himself as to the correctness, legality or propriety of such order and may pass such order in relation thereto as he thinks fit.

(3) **(Omitted clause).**

An Additional Settlement Commissioner specially empowered in this behalf by the Chief Settlement Commissioner may on an application made in that behalf within sixty days call for the record of any case or proceedings under this Act in which a Deputy Settlement Commissioner or an Assistant Settlement Commissioner under his jurisdiction has passed an order, for the purpose of satisfying himself, as to the correctness, legality or propriety of such order and may pass such order in relation thereto as he thinks fit.

Note. This sub-section (3) was also omitted by virtue of Displaced Persons Laws Amendment Ordinance, 1964 (XIII of 1964) on 28th December 1964 by virtue of which the revisional powers of Additional Settlement Commissioner were withdrawn.

(4) A Settlement Commissioner, shall not pass an order under this Section revising or modifying an order affecting any person without giving such person an opportunity of being heard.

Note. The above sub-section (4) was also omitted by Virtue of Section 9 (ii) of the Displaced Persons Laws Amendment Ordinance 1964 (XIII of 1964). The sub-section (4) before its amendment was as under:--

"The Chief Settlement Commissioner or a Settlement Commissioner or an Additional Settlement Commissioner shall not pass an order under this Section revising or modifying an order affecting any person giving such person an opportunity of being heard".

The amendment was only to the extent of deletion of the words "The Chief Settlement Commissioner" and "The Additional Settlement Commissioner".

20. Review. (1) Omitted (*This subsection omitted vide Displaced Persons Laws (Amendment), Ordinance, 1964, XII OF 1964 dated 28th December, 1964*).

The Chief Settlement Commissioner or a Settlement Commissioner or an Additional Settlement Commissioner or a Deputy Settlement Commissioner may of his own motion within nine months, or on an application made in that behalf, within sixty days, review and on so reviewing modify, reverse or confirm an order passed by himself or by any of his predecessor in office:

Provided that:--

- (a)
 - i. A Settlement Commissioner shall not review an order passed by his predecessor-in-office without first obtaining the sanction of the Chief Settlement Commissioner.
 - ii. An Additional Settlement Commissioner shall not review an order passed by his predecessor-in-office without first obtaining the sanction of the Settlement Commissioner of the area concerned.
 - iii. A Deputy Settlement Commissioner shall not review an order whether passed by himself or by his predecessor-in-office without first obtaining the sanction of the Additional Settlement Commissioner of the area concerned.
- (b) An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard, and
- (c) An order against which an appeal or a petition for revision has been preferred shall not be reviewed.

(Note. This sub-section (1) of Section 20 of the Displaced Persons Land Settlement Act, 1958 Act XLVII of 1958, has been omitted completely vide Displaced Persons Laws Amendment Ordinance XIII of 1964 dated 28.12.1964).

(2) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

Note. This sub-section (2) of Section 20 was also omitted completely by virtue of Displaced Persons Laws Amendments Ordinance XIII of 1964 dated 28th December, 1964).

(3) Clerical or arithmetical mistake in any order passed by an officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time, be corrected by such officer or authority or his successor-in-office.

^[16]**[21. Power of revisions by the High Court.** (1) Any person aggrieved by an order of the Chief Settlement Commissioner involving a question of law may, within sixty days of the order, file a petition for revision to the High Court.

(2) A petition filed under sub-section (1) shall be heard by a Bench of not less than two Judges of the High Court, and in respect of such petition the provisions of Section 98 of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as may be apply.]

22. Finality of orders. Subject to the foregoing provisions of this Chapter, any order made under this Act, shall be final, and ^[17][****] shall not be called in question in any Civil or Revenue Court.

Chapter VII

PROCEDURAL

23. Powers of Settlement Authority as Civil Court. (1) Every Officer appointed under this Act shall for the purpose of making any enquiry or hearing any appeal under this Act 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) Summoning and enforcing the attendance of any person and examining him on oath,
- (b) Requiring the discovery and production of any document,
- (c) requisitioning any public record from any Court or office,
- (d) issuing commissions for the examination of witnesses,

- (e) appointing guardians or next friends of person who are minors or of unsound mind;
- (f) adding legal representatives of deceased applicants or claimants;
- (g) restoration of cases dismissed for default;
- (h) substituting the names of the rightful claimants;
- (i) consolidation of cases;
- (j) any other matter which may be prescribed.

(2) Every officer appointed under this Act shall be deemed to be a Civil Court for the purposes of Section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before any such officer, shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Pakistan Penal Code, 1860 (Act XLV of 1860) and for the purpose of Sections 196, 199 and 200 thereof.

24. Officers appointed under the Act to be public servants. Every officer appointed under this Act shall be deemed to be a public servant within the meaning of Section 21 of Pakistan Penal Code, 1860 (Act XLV of 1860).

25. Bar of jurisdiction. Save as otherwise provided in this Act, no Civil or Revenue Court shall have jurisdiction in respect of any matter which the Central Government ^[18][or a Provincial Government] or an officer appointed under this Act is empowered by or under this Act to determine, and no injunction or process or order shall be granted by any Court or other authority in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.

26. Protection of action taken in good faith. No suit, prosecution or other legal proceedings shall lie against the Central Government or any person appointed under this Act, in respect of anything which in good faith is done or is intended to be done in pursuance of this Act, or of any rules or orders made thereunder

Chapter VIII

PENALTIES AND COGNIZANCE OF OFFENCES

27. Penalty for misrepresentation etc. Any person:--

(a) Who in an application for allotment of land under Section 14 or in any proceeding under this Act furnishes or abets the furnishing of, any information which he knows to be false, or does not believe to be true, or fraudulently conceals or misrepresents facts, or abets or such concealment or misrepresentation or;

(b) Who makes or abets the making of application to more than one Settlement Authority for settlement or for allotment of land in lieu of the same property; or

(c) Who does not comply with the provisions of Section 3, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

28. Penalty for unauthorized alteration in records etc. Any person who, with intent to evade the provisions of this Act, conceals, destroys, mutilates, defaces, or alters any book, record or other document relating to land, or knowingly allows such concealment, destruction, mutilation, defacement or alteration, to be caused, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

29. Cognizance of offences by Courts. No Court shall take cognizance of any offence punishable under this Act save upon a complaint in writing made by an officer appointed under this Act.

Chapter IX

MISCELLANEOUS

30. Delegation of powers. (1) The Central Government may, by notification in the official Gazette, delegate any of its powers under this Act to a Provincial Government or the Chief Settlement Commissioner, subject to such conditions, if any, as may be specified in the notification.

^[19][(1-A) A Provincial Government may by order direct that any power delegated to it under sub-section (1) shall, in such circumstances, and under such conditions, if any, as may be specified in the direction, be exercised by an officer or authority subordinate to it.]

(2) The Chief Settlement Commissioner may by general or special order and subject to such conditions as may be laid down in the order, delegate all or any of his functions under this Act to any other Settlement Authority except the powers specified in Chapter VI of the Act.

^[20][(3) Any order passed by a Settlement Commissioner or an Additional, Deputy or Assistant Settlement Commissioner in exercise of any power delegated to him under sub-section (2) shall be and shall be deemed always to have been, subject to the provisions of Chapter VI the same manner and to the same extent as any other order passed by a Settlement Commissioner, Additional Deputy or Assistant Settlement Commissioner, as the case may be, is so subject.]

31. Power to transfer cases. The Chief Settlement Commissioner may, at any stage, by order in writing transfer any case pending before a Settlement Commissioner or an Additional, Deputy or Assistant Settlement Commissioner to another Settlement Commissioner or another Additional, Deputy or Assistant Settlement Commissioner as the case may be, and the officer to whom the case is so transferred may, subject to any special directions in the order of transfer, proceed from the stage at which it was so transferred.

32. Fees payable to settlement authority. (1) The Central Government may prescribe the fees payable to the Chief Settlement Commissioner for things done or services rendered in respect of land allotted to displaced persons or disposed of otherwise under this Act:

Provided that any fees levied and paid under Section 22 of the Pakistan Rehabilitation Act, 1956 (XLII of 1956), shall be deducted from the amount payable under this section:

Provided further that the total amount of the fees payable by a displaced person as settlement fees in connection with the settlement of his entire claim for land shall not exceed one half percent of the value of the land to be determined in such manner as may be prescribed.

(2) Such fees shall be a charge on such land and shall notwithstanding anything contained in any other law for the time being in force, have priority over all other charges on the land.

33. Appearance by counsel or agent. Any person who is entitled or required to attend before the Chief Settlement Commissioner, or any other authority in connection with any proceedings under this Act, otherwise than when called upon to attend personally for examination on oath or affirmation, may attend or be represented by his duly authorized agent and any application or memorandum in appeal, review or revision or otherwise may be presented by a counselor such agent.

34. Powers to make rules. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Rules made under this Section shall be laid before the National Assembly held next after the publication of the notification under sub-section (1).

References:

- [1] Added by Act XXVIII of 1972, PLD 1973 Cent. St. 34.
- [2] Subs. by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [3] Inst. by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [4] Subs. by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [5] Omitted by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [6] Added by Ordinance by XIII of 1964.
- [7] Added by Act XXVIII of 1972; PLD 1973 Cent. St. 34.
- [8] Inst. by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [9] Subs. by Ordinance I of 1972, PLD 1971 Cent. St. 363.
- [10] Subs. by XXXVI of 1974, PLD 1974 Cent. St. 258.
- [11] Subs. by XXXVI of 1974, PLD 1974 Cent. St. 258.
- [12] Subs. by Act XXVIII of 1972, PLD 1973 Cent. St. 34.
- [13] Subs. for sub-section (3) & (4) by Act XXVIII of 1972, PLD 1973 Cent. St. 34.
- [14] Inserted by XXXVI of 1974, PLD 1974 Cent. St. 258.
- [15] Omitted by XXXVI of 1974, PLD 1974 Cent. St. 258.
- [16] Omitted by Act, LV of 1973, PLD 1973 Cent. St. 596.
- [17] The word “save as provided in Section 21” omitted by Act LV of 1973, PLD 1973.
- [18] Inst. by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [19] Inst. by Ordinance I of 1972, PLD 1972 Cent. St. 363.
- [20] Added by Ordinance I of 1972, PLD 1972 Cent. St. 363.

