

[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Evacuee Trust Properties (Management and Disposal) Act,
1975*

WHEREAS it is expedient further to amend the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Evacuee Trust Properties (Management and Disposal) (Amendment) Act, 2008.

(2) It shall come into force at once.

2. Amendment of section 3, Act XIII of 1975.- In the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), hereinafter referred to as the said Act, in section 3, for sub-section (3), the following shall be substituted, namely:-

“(3) The Board shall consist of a Chairman and four members appointed by the Federal Government by notification in the official Gazette:

Provided that the Chairman shall be a retired Judge of the Supreme Court or a High Court.”.

3. Amendment of section 8, Act XIII of 1975.- In the said Act, in section 8, -

(i) for the word “Chairman”, wherever occurring, the word “Board” shall be substituted; and

(ii) in sub-section (1), for the word “If”, occurring in the first line, the words, figure and comma “Subject to the provision of section 10, if” shall be substituted.

4. Substitution of section 10, Act XIII of 1975.- In the said Act, for section 10, the following shall be substituted, namely:-

"10. Validation of certain transfers.- (1) An immovable evacuee trust property, —

- (a) if situated in rural area and utilized under any Act prior to first of July, 1974, for allotment against the satisfaction of verified claims; and
- (b) if situated in urban area and utilized under any Act for transfer against the satisfaction of verified claims in respect of which Permanent Transfer Deeds were issued prior to first of July, 1974,

shall be deemed to have been validly transferred by sale to the Chief Settlement Commissioner, and the sales proceeds thereof shall be reimbursed to the Board and shall form part of the Trust Pool.

(2) All proceedings in which the *bona fides* or otherwise of any transaction before the first of July, 1974 is under adjudication with the Chairman shall abate forthwith."

5. Amendment of section 16, Act XIII of 1975.- In the said Act, in section 16, after paragraph (b), the following new paragraph (c) shall be added, namely:-

"(c) any person aggrieved by an order passed by the Board or the Chairman under section 8 may appeal to the High Court within thirty days of the passing of such order."

6. Amendment of section 22, Act XIII of 1975.- In the said Act, in section 22 after the word "fine", occurring at the end, the words "up to Rupees one hundred thousand", shall be inserted.

7. Amendment of section 25, Act XIII of 1975.- In the said Act, in section 25, for the words "use or cause to be used such force as may be considered necessary", occurring at the end, the words and commas "ask the Police force or Revenue Authorities to help him in ejecting the illegal occupant and the Police or, as the case may be, the Revenue Authorities shall provide the necessary force to effect the ejectment of unauthorized occupant" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of Pakistan in its judgment 2000 S.C.M.R.-1 titled as Federal Government of Pakistan Versus Mufti Iftikharuddin and an other had directed to suitably amend the Evacuee Trust Properties (Management and Disposal) Act, 1975 by inserting a provision providing Right of Appeal against the order passed under section 8 of the said Act and had also directed that such an appeal can be provided to lie before the High Court. This direction has not so far been complied with by the Federal Government of Pakistan. In order to comply with this direction the present Bill is being introduced. Moreover, under section 10 the transaction even before June, 1964 and June 1968 are being scrutinized under the cloak of their being *bona fide* or not . The persons who have been settled on the property even before that are called upon to prove the *bona fides* which is not justified and such cases must abate in order to provide protection to the people to whom the land or the property was allotted before the said dates. The third object of the Bill is to provide the aid of Police and Revenue Authorities to the Evacuee Trust Board for ejectment of unauthorized and illegal occupants. The fourth object of the Bill is that the Evacuee Trust Board must be headed by retired Judge of the Supreme Court or a High Court. With these objectives the present Bill is being introduced.

**CH. MUHAMMAD ANWAR BHINDER
MEMBER-IN-CHARGE**