

The Displaced Persons (Verification of Claims) Supplementary Rules, 1954

UNION OF INDIA

India

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Rule

THE-DISPLACED-PERSONS-VERIFICATION-OF-CLAIMS-SUPPLEMEN of 1954

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2066.

[In exercise of the power conferred by Section 12 of the Displaced Persons (Claims) Supplementary Ordinance, 1954 (Ordinance No. 3 of 1954), the Central Government hereby makes the following rules, namely] [Rules framed under the Ordinance were saved by Section 13 of Act 12 of 1964.]:

Chapter I Preliminary

1. Short title.

- These rules may be called the Displaced Persons (Verification of Claims) Supplementary Rules, 1954.

2. Definitions.

(1) In these rules-(i)"claimant" means a person whose claim has been registered under the principal Act, and includes a person who has migrated to India from any tribal area and has submitted a claim

to any authority under the principal Act ;(ii)"form" means a form specified in the Schedule ;(iii)"legal practitioner" means an advocate, vakil or attorney of any High Court, or a pleader or a revenue agent and includes any person who has at any time practised before any Court ;(iv)"legal representative" means a person who in law represents the estate of a deceased claimant, or on whom such estate devolves on the death of the claimant;(v)"the Ordinance" means the Displaced Persons (Claims) Supplementary Ordinance, 1954 (Ordinance No. 3 of 1954) ;(vi)"proceeding" means-(a)the hearing of a claim under Section 4 for the purpose of its verification, and(b)the hearing of an application for revision under the proviso to sub-section (3) of Section 4 or an application for special revision under Section 5, or the initiation of any proceeding by the Chief Settlement Commissioner of his own motion under any of the aforesaid sections, and includes all steps taken under the Ordinance or these rules in pursuance of such claim or application for revision or special revision as the case may be ;(vii)"revising authority" means the Chief Settlement Commissioner and includes any officer to whom all or any of the functions of the Chief Settlement Commissioner may be delegated under sub-section (2) of Section 10 ;(viii)"Schedule" means a Schedule annexed to these rules; and(ix)"section" means a section of the Ordinance.(2)All words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Ordinance or in the principal Act.

3. Additional powers of the Chief Settlement Commissioner and other officer appointed under Section 3.

- The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner and every Settlement Commissioner, Additional Settlement Commissioner and Settlement Officer, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908), when trying a suit in respect of the following matters, namely : (a)ordering the substitution of the legal representative or legal representatives for a claimant in the event of the death of such claimant and the continuance of the proceeding;(b)ordering, with the consent of the claimants concerned, consolidation of proceedings in two or more cases in which the evidence adduced on behalf of the claimants may be similar and common questions of law and facts are involved ;(c)correcting any clerical or arithmetical mistakes in any order or proceeding, or errors arising therein from any accidental slip or omission ;(d)reviewing an order on any of the following grounds, namely : (i)the discovery of any new or important matter or evidence which after the exercise of due diligence was not within the knowledge of, or could not be produced by, the claimant at the time when the claim was verified ; or(ii)on account of some mistake or error apparent on the face of the record; or(iii)for any other sufficient reason ;(e)ordering the deposit of postal and other charges for the summoning of witness within a time to be specified in the order.

Chapter II

Procedure for Verification

4. Power of Chief Settlement Commissioner to transfer claims to Settlement Officer for verification.

- Subject to the provisions of rule 5, any claim transferred by the Chief Settlement Commissioner to a Settlement Officer, may be verified by such Settlement Officer :Provided that the claim so transferred had remained unverified for reasons other than the default of the claimant [* * *]
[Omitted by S.R.O. 1155, dated 31st March, 1954.].

5. Classes of property in respect of which claims may be verified.

- The classes of property in respect of which claims may be verified under these rules shall be the same as under the principal Act and the rules made thereunder, that is to say-(1)any immovable property situated within an urban area in West Pakistan;(2)any immovable property in West Pakistan, which forms part of the assets of an industrial undertaking and is situated in any area other than an urban area;(3)any other immovable property in West Pakistan comprising of a building situated in any area other than an urban area :Provided that where a claimant has been allotted any agricultural land in India and that-(a)where the agricultural land so allotted exceeds four acres, the value of the building in respect of which the claim is made shall not, according to the present estimated cost of construction, be less than Rs. 20,000;(b)where the agricultural land so allotted does not exceed four acres, the value of the building in respect of which the claim is made, shall not, according to the present estimated cost of construction, be less than Rs. 10,000;Explanation I.- In this rule, the expression "building" includes-(a)any structure in the immediate vicinity of a building without which the building cannot be conveniently occupied or enjoyed;(b)any garden, ground, enclosure and out-houses, appurtenant to such building.Explanation II.- For the purposes of this rule, a person shall be deemed to have been allotted any agricultural land in India if he is allotted such land in any manner whatsoever, whether on temporary or quasi-permanent basis.(4)any agricultural land in any part of West Pakistan other than the province of West Punjab, owned by a claimant not being a person of Punjabi extraction, and in respect of which agricultural land, no allotment has been made under any scheme for the time being in force relating to the quasi-permanent allotment of lands in the State of Punjab and the Patiala and East Punjab States Union.Explanation.-The expression "a person of Punjabi extraction" means a land-holder who or whose ancestor migrated in 1901 or at any time thereafter as a colonist from the Punjab to the province of the North West Frontier, Sind or Baluchistan or to any State adjacent to any of the aforesaid provinces acceding to the Dominion of Pakistan.

6. Notice to claimants.

- At least 15 days before the date of the hearing of a claim, the Settlement Officer shall cause to be sent to the claimant a notice in Form "A" informing him about the date of hearing.

7. Appearance before Settlement Officer.

- Subject to the provisions of rule 21, a claimant may appear before a Settlement Officer either in person or through an agent duly authorised by him in writing to appear on his behalf :Provided that where the claimant is a minor or other person under a disability, he may appear through a guardian or a next friend.

8. Ex parte determination of claims in the event of non-appearance of claimants.

- Where a claimant, after a notice under rule 6 has been duly served upon him, fails to appear either in person or through a duly authorised agent on the date of hearing, the Settlement Officer shall determine the claim ex parte :Provided that the Settlement Officer may, on application made to him within 60 days of the ex parte order, reopen the case if he is satisfied that there was sufficient cause for non-appearance of the claimant on the date fixed for the hearing.

9. Witness and assessors.

(1)A party to any proceeding, who wants any witnesses to be summoned, shall file a list of witnesses with their complete addresses and shall also deposit a sum of money sufficient to cover the diet money and travelling expenses of the witnesses. A list in duplicate of documents which any witness is called upon to produce shall also be filed.(2)Summons to witnesses shall issue in Form "B", and summons to assessors in Form "C" and all the provisions of Order XVI of the Code of Civil Procedure, 1908 (Act 5 of 1908) shall, so far as may be, apply to such summons.(3)Witnesses and assessors who attend any proceeding shall be paid diet money and travelling allowances-(a)in the case of witnesses, in accordance with the scale prescribed in this behalf for civil suits in the locality where the proceeding is being conducted;(b)in the case of assessors, in accordance with the scale prescribed for assessors in a Sessions case by the High Court of the State where the proceeding is held.

10. Persons abroad or in Armed Forces, etc.

(1)A claimant serving in the Armed Forces or residing outside India may in lieu of appearing in a proceeding either personally or through an authorised agent make a statement on oath-(a)in the case of a claimant serving in the Armed Forces, before the Commanding Officer of his Regiment;(b)in the case of a person residing in a country outside India, before the representative of the Government of India in that country or an officer nominated by such representative for the purpose.(2)The Commanding Officer or the representative of Indian or such nominated officer, as the case may be, shall forward to the Settlement Officer conducting the proceeding, the statements recorded, together with documents, if any, that may be produced by the claimant, and the depositions of the claimant and the documents produced by him shall form a part of the record of the case, notwithstanding anything contained in rule 8.

11. Public to have right of access at the hearing of claims.

- A Settlement Officer shall hold every proceeding under these rules in an open place to which the public may generally have access so far as the same can conveniently be done :Provided that the Settlement Officer may, if he so thinks fit, order at any stage of the proceeding of any particular case, that the public generally or any particular person shall not have access to, or be, or remain in the room or building used by the Settlement Officer for the purpose of hearing the claim.

Chapter III

Application for Revision

12. Application for revision.

(1)A claimant may within one month of the date of any order made by a Settlement Officer make an application for revision of that order to the Chief Settlement Commissioner.(2)Every such application for revision shall be accompanied by a copy of the order of the Settlement Officer against which it has been filed and shall set forth concisely and under distinct heads the ground of objection to such order with any argument or narrative.(3)Every such application shall be accompanied by a treasury receipt or a crossed Indian Postal Order payable to the Chief Settlement Commissioner for a sum of one rupee :Provided that where the applicant resides outside India, the application may be accompanied by a receipt of the amount of fee granted by any officer authorised in this behalf by the representative of India in the country in which the applicant resides.

13. Presentation.

- An application for revision may be presented either in person or through an agent duly authorised in writing in this behalf by the applicant, or may be sent by registered post.

14. Registration of applications for revision.

- Every application for revision made under rule 12 and every case in which a revising authority suo motu exercises the power of revision conferred by the proviso to sub-section (3) of Section 4 shall be registered in a register to be maintained for the purpose in Form "D".

15. Hearing of application for revision.

(1)The revising authority after sending for the record of the case, and if necessary, after giving the applicant an opportunity of being heard, may pass such order on the application as it thinks fit.(2)Where a Settlement Officer has disposed of a claim on a preliminary point of law or fact and the revising authority disagrees with the opinion of the Settlement Officer, the revising authority shall remand the case to the Settlement Officer with the direction that the claim may be decided on its merits :Provided that where the Settlement Officer who originally decided the case is not

available, the revising authority may send the case to such other Settlement Officer as it may deem fit.(3)Where the order of the revising authority affects more than one claimants, the revising authority may vary the order of a Settlement Officer in the case of all such claimants.

16. Procedure to be followed in disposing of applications for revision.

- Subject to the provisions of rules in this Chapter, the provisions of rules in Chapter II shall, so far as may be, apply in relation to the disposal of applications for revision under this Chapter as they apply in relation to the disposal of claims under Chapter II.

Chapter IV

Special Power of Revision of Claims Verified Under the Principal Act

17. Procedure to be followed by the Chief Settlement Commissioner in exercise of the special revisionary powers under Section 5.

- Except as provided in rule 18, the provisions of rules in Chapters II and III shall, so far as may be, apply in relation to the disposal of applications for special revision under Section 5 as they apply in relation to the disposal of application for revision under Chapter III.

18. Special revision of verified claims under Cl. (b) of sub-section (1) of Section 5.

- The Chief Settlement Commissioner may, while exercising the powers of special revision conferred on him by Cl. (b) of sub-section (1) of Section 5, call for the record of any verified claim and may pass any order in revision in respect of such verified claim in such manner as he thinks fit, if he is satisfied that such order should be passed on one or the other of the following grounds, namely : (i) the discovery of any new matter or documentary evidence which after the exercise of due diligence was not within the knowledge of or could not be produced by the claimant at the time when the claim was verified; or (ii) correction of any clerical or arithmetical mistake apparent on the face of the record; or (iii) gross or material irregularity or disparity in the valuation of the claim; or (iv) any other sufficient reason : [Provided that the Chief Settlement Commissioner shall not entertain or take into consideration any application or representation made to him under this rule by any claimant, if such application or representation is made after the 30th day of April, 1954] [Substituted by S.R.O. 1155, dated 31st, March, 1954.]

Chapter V

Miscellaneous

19. Service of Notice or Order.

(1) Every notice or order under these rules shall be served upon the claimant by prepaid registered post with an acknowledgement due, at the address mentioned in the claim file or at such other address as may be supplied by the claimant. (2) Every notice or order sent as aforesaid, shall be deemed to have been served upon the person to whom it is addressed at the time when the letter containing the same would be delivered to him in the ordinary course of business.

19A. [Substituted service in case of untraceable claimants. [Inserted by S.R.O. 2865, dated 20th August, 1954.]

(1) Where a notice or order served on any claimant under rule 19 is returned undelivered before the date fixed for hearing, or where the Settlement Officer or Revising Authority is satisfied that there is reason to believe that the notice or order cannot be served in the manner provided in rule 19, the Settlement Officer, or the Revising Authority, as the case may be, shall order the notice or order to be served on the claimant by notice in Form E published in a newspaper circulating within the area in which the claimant is stated to have resided or to be carrying on business according to the address given in the claim file of such claimant. A copy of the notice shall also be served by affixing a copy thereof in some conspicuous place in the office of the Chief Settlement Commissioner at (Metcalf House), Delhi and also in the office of the officer hearing the claim. Such notice shall contain the name and address of the claimant, the index number of the claim, the place, time and date of hearing and the name and designation of the officer hearing the claim. (2) The date fixed for hearing the claim shall not be less than 60 days from the date on which the notice in Form E is first published in the newspaper. (3) A notice in Form E may be addressed to one or more claimants. (4) Where service of a notice or order is substituted by an order of the Settlement Officer, or a Revising Authority, under this rule, such service shall be as effectual as if it had been made on the claimant personally. (5) Where a claimant fails to appear either in person or through an authorised agent before the officer hearing the claim on the date fixed for hearing in response to the notice served upon him under this rule, the claim shall be determined ex parte.]

20. Certain provisions of the Limitation Act to apply.

- The provisions of Sections 5 and 12 of the Indian Limitation Act, 1908 (9 of 1908), so far as may be, apply to every proceeding in respect of which no period of limitation is prescribed under these rules.

21. Legal practitioner not to appear except with permission.

- No legal practitioner shall appear in any proceeding under these rules except with the permission of, and for the reasons to be recorded in writing by, the officer conducting the proceeding.

22. Statement on oath.

- All statements made in any proceeding under these rules shall be on oath.

23. Return of original documents.

- A Settlement Officer may on application made by a claimant return any original document filed by the claimant if the claimant supplies at his own expense a true copy of such document made by any person under the direction of the Settlement Officer.[24. Fees. - (1) Where any application is made for the grant of a copy of any order passed under these rules or under the Displaced Persons (Verification of Claims) Rules, 1950, or of a copy of any deed, will, map, chart, or other document filed by any claimant for the purposes of verification of his claim, it shall be granted on the payment of the following fee, namely] [Substituted by G.S.R. 606, dated 16th May, 1959.]:

(i) in the case of a map or chart	Re. 1.00
(ii) in any other case—	
(a) where the order, deed, will, or other document contains not more than 200 words	Re. 1.00
(b) where the order, deed, will, or other document contains more than 200 words but does not contain more than 300 words	Rs. 1.50
(c) where the order, deed, will, or other document contains more than 300 words but does not contain more than 500 words	Rs. 2.00
(d) where the order, deed, will, or other document contains more than 500 words	Rs. 2.50

(iii) an additional fee of rupee one per copy shall be chargeable for copies urgently required.

(2) Where an applicant does not furnish Index No. of the claim along with the application for the grant of a copy under this rule, or furnishes an incorrect Index No., an additional fee of rupee one shall be chargeable as searching fee. (3) All fees chargeable under this rule shall be paid in the form of an Indian Postal Order for the amount of the fee crossed in the name of the Chief Settlement Commissioner. [24A. Fees for grant of copies of revenue records. - (1) The Chief Settlement Commissioner may, on an application made by a claimant himself or by any other person authorised by the claimant in this behalf or by the successor-in-interest of any deceased claimant, on payment of a fee as specified in the Schedule hereto annexed, supply a copy of the revenue record, namely,] [Inserted by S.R.O. 3965, dated 30th November, 1957.] jamabandis, numbershumaris and any document connected therewith as received from the Government of Pakistan in respect of agricultural land left by the claimant in West Pakistan. (2) Every such application shall contain full particulars of the record of which the copy is required and shall be accompanied by an Indian Postal Order of the value of Re. 1.00 duly crossed and payable to the Chief Settlement Commissioner. The fee of Re. 1.00 is payable for each separate record relating to a village or deh. (3) The fee shall not be refunded even if examination of the record shows no entry in the name of the applicant. In case where no entry in the name of the claimant exists, the applicant shall be informed accordingly. (4) On

receipt of the application under sub-rule (2) the Chief Settlement Commissioner, if the amount of fee sent by the applicant under that sub-rule is found inadequate, shall give notice to the applicant informing the applicant of the total fee payable and the manner in which it shall be made good. If the deficit is not so made good within a period of 30 days from the date of notice, the application shall be filed.(5)The copy when ready shall be delivered to the applicant personally or to his duly authorised agent or sent by post, if so desired by the applicant.(6)In the case of persons living in any country outside India, a receipt for the amount of fee issued by an officer authorised in this behalf by the representative of India in that country shall be sufficient evidence about the payment of fee provided such a receipt is enclosed with the application.

Rates for Fees

For copies of revenue records of lands situate in Bahawalpur, North-West Frontier Province, Baluchistan and connected Agencies -

- | | |
|---|-------------|
| 1. Minimum fee (non-refundable)along with application for a copy of a record for a village or adehpayable under sub-rule (2) | Re.
1.00 |
| 2.Jamabandi/Number-shumarientries in the same village ordeh - | |
| (a) fifty naye paise perkhata(khatauni)up to eight holdings and 12 naye paise for everyadditional holding covering up to eight pages. | |
| (b). where the copy exceeds eightpages, 50 naye paise per holding and 12 naye paise extra for eachadditional page. | |
| 3.Chhant jamabandis: 25naye paise per khata up to eight holdings and 12 naye paise forevery additional holding. | |
| 4. For a copy of mutation | Rs.
2.00 |

For copies of revenue records oflands situate in Sind -

- | | |
|--|-------------|
| 1. Minimum fee (non-refundable)along with application for a copy of a record payable undersub-rule (2) | Re.
1.00 |
| 2. For first 16 survey numbers | Re.
1.00 |
| 3. For every additional eight surveynumbers or less | Re.
0.50 |
| 4. For a copy of mutation | Rs.
2.00 |

In addition to above a fee of 50 naye paise shall be payable for every copy supplied.]

25. Returns and statements.

- The Chief Settlement Commissioner, Joint Chief Settlement Commissioner, Settlement Commissioner or the Additional Settlement Commissioner may, from time to time, call for such returns and statements from any Settlement Officer as he may deem fit.

26. Provisions of the Code of Civil Procedure to apply where no specific provisions are made in these rules.

- In so far as these rules make no provision or make insufficient provision, in respect of any matter the appropriate provision of the Code of Civil Procedure, 1908 (Act 5 of 1908) shall, so far as may be, apply to that matter in relation to any proceeding under the Ordinance or these rules.

Schedule 2

Form ABy Registered Post/A.D. Notice to a claimant under Displaced Persons (Claims) Supplementary Ordinance, 1954, to appear and prosecute the claim (See rule

6) From.....(Name) Settlement

Officer.....(Station) To.....(Name and address of claimant)..... Sir, This is to inform you that your claim Reg. No.(Index No.) registered at(place) on(date) in respect of property(description of property), shall come up for verification and valuation before me at(address) in(town) on(date). Please arrange to be present in person or through an agent authorised in writing. You are required to produce or cause to be produced all documents or evidence available in respect of the said claim, on the said date and place. If you wish to summon any witness, you may within two days of receipt of this notice make an application either in person or by post to my office giving a list of witnesses and lists in duplicate of documents that you require the witnesses to produce. The diet money and travelling expenses of those witnesses should be deposited in, or remitted to, my office by Money Order. Given under the hand and seal of my office thisday of

19. Seal..... Full signature of the Settlement Officer. Form BBy

Registered Post/A.D. Summons to Witnesses [See rule 9

(2)] From.....(Name) Settlement

Officer.....(Station) To.....(Name and address of claimant)..... Sir, Whereas your attendance is required by..... (name of claimant) in the matter of verification and valuation of claims, you are hereby required to you are required only to produce documents appear before me [and to bring with you] [To be scored off, in case no document has been summoned from the witness.] [produce or cause to be produced] [To be scored off, in case no document has been summoned from the witness.] the documents mentioned in the attached list on(date) forenoon. You are required to appear at(address) in..... (town). A sum of Rs.has been provisionally deposited by the claimant towards your subsistence allowance, travelling expenses and other charges. If you fail to comply with the order without lawful excuse, you will be liable to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908. Given under the hand and seal of my office thisday of.....

19. Seal.....(Signature) Settlement Officer Form CBy Registered

Post/A.D. Summons to Assessor [See rule 9 (2)] From.....(Settlement

Officer).....(Station) To.....

D Register of Revisions (See rule 14)

Date when application received or notice issued	Sl. No.	Index No.	Name of address of applicant	Name and Settlement Officer who verified the claim	Date when file requisitioned from the office of the Chief Settlement Commissioner	Date when file received from the office of the Chief Settlement Commissioner	Amount	Dates claimed by applicant	Dates allowed in revision
A	B	C	D	Total					

Reference claim Registration No. Date of hearing.....

Index No.

Sir, For the purpose of assessing the correct value of the above claim filed by..... (name of claimant) in respect of property situated in(full description of property) you are hereby required to attend before me at(location and address) on(date) at(time). If you fail to comply with this order without lawful excuse, you will be liable to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908. Given under the hand and seal of my office thisday of19. Seal.....(Signature) Settlement Officer [Form E] [Inserted by S.R.O. 2865, date 20th August, 1954.] Notice under rule 19-A of the Displaced Persons (Verification of Claims) Supplementary Rules, 1954 [See rule 19-A(1)] Whereas the claimant/claimants described in the Table annexed hereto is/are untraceable and a notice/notices cannot be served on him/them in the manner laid down in rule 19, notice is hereby given that the claim of such claimant/claimants will come up for verification/revision before the officers mentioned in column 4 of the said Table on the date and at the time and place specified in column 5 thereof; Now, therefore, it is hereby ordered that unless the claimant/claimants concerned appears/appear in person or through an authorised agent on the date and at the time and place of hearing before the officers concerned along with the evidence, documentary or otherwise, on which they propose to rely his/their claim/claims shall be determined ex parte :Table

Name and address of the claimant/claimants	Index No. of the claim	For verification or revision	Name and designation of the officers having the claim	Date, time and place of hearing
1	2	3	4	5

(Signature of the) Settlement Officer or Revising Authority [Min. of Rehab. No. 23 (1)-SB/54]