

Transfer of Evacuee Deposits Rules, 1955

UNION OF INDIA

India

Transfer of Evacuee Deposits Rules, 1955

Rule TRANSFER-OF-EVACUEE-DEPOSITS-RULES-1955 of 1955

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1722.

S.R.O. 2056, dated the 16th September, 1955. - In exercise of the powers conferred by section 13 of the Transfer of Evacuee Deposits Act, 1954 (15 of 1954) the Central Government hereby makes the following rules, namely:

1. Short title.

- These rules may be called the Transfer of Evacuee Deposits Rules, 1955.

2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Transfer of Evacuee Deposits Act, 1954 (15 of 1954).(b)"authorised officer or authority in Pakistan" means an officer or authority in Pakistan specified by the Central Government in a notification issued under sub-section (1) of section 4 or under sub-section (1) of section 5, as the case may be;(c)"court" means a civil court or revenue court or a court of wards situated in an area to which the Act applies or the manager exercising jurisdiction in any such area, as the case may be, according as the context in each case may require;(d)"form" means a form appended to these rules; and(e)"section" and "sub-section" mean, respectively, a section and sub-section of the Act.(2)All words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Terms and conditions of service of the Custodian, Assistant Custodians and other officers.

(1)The Custodian, the Assistant Custodians and all other officer appointed to assist the Custodian or the Assistant Custodians for the purposes of the Act shall subject to any special contract to the contrary, be governed by the Central Civil Services Rules applicable to the appropriate class or grade of officers to which the Custodian or an Assistant Custodian or any other officer belongs.(2)If any question arises as to the class or grade of officers to which the Custodian or an Assistant Custodian or any other officer belongs, the decision of the Central Government thereon shall be final.

4. Local Limits of jurisdiction.

(1)The Custodian shall exercise jurisdiction within the limits of the whole of the territories to which the Act extends subject to the general superintendence and control of the Central Government.(2)Subject to the other provisions of these rules, the local limits of jurisdiction of an Assistant Custodian shall be such as may, from time to time, be determined by the Central Government.

5. Distribution of work between Custodian and Assistant Custodians.

(1)The Custodian shall be the principal officer responsible for the exercise and discharge of the powers and duties conferred and imposed on him by or under the Act.(2)An Assistant Custodian shall discharge the duties imposed on him by or under the Act under the general superintendence and control of the Custodian who shall provide for the distribution of the work among the Assistant Custodians subject to such general or special orders as the Central Government may from time to time issue in this behalf.(3)The records relating to transferable deposits, other than the records relating to such deposits as are in the custody of the court, and the work involving the reception of any deposits from Pakistan and the records, relating thereto, shall be in the exclusive charge of the Custodian.

6. Transfer of work.

- Subject to such orders as the Central Government may make, the Custodian may transfer any work from one Assistant Custodian to another Assistant Custodian or from any Assistant Custodian to himself or from himself to any Assistant Custodian.

7. Manner in which deposits and records relating thereto may be transferred to Pakistan under sub-section (2) of Section 4.

(1)With a view to satisfying itself that all persons interested in a deposit proposed to be transferred to Pakistan are evacuees, the court shall cause a notice of such deposit in Form I to be published on the notice board of the court and at such other places and in such newspapers as the court thinks fit and any objections or suggestions which may be received from any person with respect to the said

deposit within a period of fifteen days of the date of publication of the notice shall be duly considered by the court before it passes any order directing the transfer of the deposit to Pakistan. A copy of every notice published under this sub-rule by the Court shall forthwith be forwarded by it to the Custodian.(2)Where after the publication of a notice under sub-rule (1) and hearing the parties, if any, the court is satisfied that a deposit should be transferred to Pakistan, it shall transfer the deposit along with the records relating thereto the authorised officer or Authority in Pakistan in such manner as the Custodian may by general or special order direct :Provided that where such deposit represents cash, the deposit together with the records relating thereto shall be transferred by the court to the Custodian for transmission to the authorised officer or authority in Pakistan.(3)A list of the deposits, whether cash or otherwise, transferred to Pakistan by the court, shall be furnished by it to the Custodian in Form II.

8. Manner of inquiry under sub-section (2) of section 5.

(1)Where either on a request received from the authorised officer or authority in Pakistan or on any other information available to him, the Custodian, after the inspection of the records relating to a transferable deposit, is satisfied that an inquiry should be held to determine whether that deposit together with the records relating thereto should be transferred to Pakistan, he shall cause a notice thereof in Form III to be published on his own notice board and on the notice board of the appropriate court and at such other places and in such newspapers as he may think fit and also cause a copy of the notice to be served on such persons, other than any evacuee, as appear to him to be interested in such deposit.(2)Where a notice has been duly served, and the persons called upon to show cause why the deposit should not be transferred to Pakistan fail to appear on the date fixed for the hearing, the Custodian may proceed ex parte, and pass such order on the materials before him as he thinks fit.(3)Where any such party appears and contests the transfer of the said deposit to Pakistan, the Custodian may, after recording the substance of the evidence submitted before him, proceed to determine the question whether the deposit is a transferable deposit, and if so, whether any person other than an evacuee has any interest in such deposit. Where he decides that a person other than an evacuee has any interest in the deposit, he shall refer the matter to the principal civil court of original jurisdiction for determining the extent of the right or interest which the evacuee or any other person has in such deposit.

9. Procedure under sections.

(1)On receipt of any deposit transferred from Pakistan, the Custodian shall cause a notice in Form IV to be served on the persons interested in such deposit and on any other persons whom he considers to be interested in such deposit, or whose evidence is in his opinion, likely to be helpful in determining the ownership of the deposit.Provided that where the address of the persons interested in the deposit are not known, the Custodian shall cause a notice to be published on his notice board and in such newspapers as he thinks fit.(2)Where a notice has been duly served and all the persons called upon to prove their interest in the deposit to appear on the date fixed for the hearing, or where all such persons appear but do not agree as to the person or persons entitled to the deposit or to the manner of its distribution among them, the Custodian shall forward the deposit and the records relating thereto to the principal civil court of original jurisdiction within whose jurisdiction

all or the largest number of persons reside, or where the persons residing within the jurisdiction of two or more courts are equal in number, to the court, which in the opinion of the Custodian, could best serve the convenience of such persons.(3)The court or the Custodian may make payment of any deposit to any persons claiming to be entitled to such payment on their executing bonds, with or without sureties, for rendering an account of the payment received by such persons and for indemnifying any other persons who may thereafter be found to be entitled to the whole or any part of such payment.

10. Manner of service or publication of notice, summons or order.

(1)Service or publication of any notice, summons or order under the Act or under these rules shall be effected in one or more of the following modes namely : (a)by giving or tendering it to the person concerned or his manager or agent, if any, (b)by leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family, (c)by sending the notice, summons or order by registered post, (d)by affixing the notice, summons or order on some conspicuous part of the premises occupied by the person concerned or at the last known place of business or residence of the persons concerned or by publication in a daily or weekly newspaper or by proclamation by beat of drum in the locality.(2)Any notice, summons, or order served or published under sub-rule (1) shall be deemed to be conclusive proof of the service or publication of the matter contained therein.

11. Manner in which certified copies of any records may be prepared under this Act, and the fees, if any, which may be levied in respect of such certified copies.

(1)The following fees shall be payable by a person desirous of obtaining any copy from any records maintained by the Custodian, namely:

- | | |
|---|----------|
| (i) Copy of an order passed by the Custodian | Re. 8/- |
| (ii) Copy of any application, objection, petition, affidavit or statement made by a party or witness. | Re. 1/- |
| (iii) Any other document. | Re. 1 /- |

(2)Any person interested in any deposit transferable to Pakistan may with the permission of the Custodian or court inspect the record relating to such deposit on payment of Fee of Rs. 2.(3)The Custodian may authorise a person inspecting to take short notes (not verbatini) in pencil.(4)A fee of Rs. 8/- shall be payable on every application made to the Custodian under the Act or these rules.(5)The fees payable under this rule may be paid in such manner as the Central Government may, from time to time, determine.(6)A register shall be maintained in the office of the Custodian showing the fee, if any, paid in respect of issue of certified copies.

12. Seal.

- The Custodian and the Assistant Custodian shall each have a seal which bear the words "Custodian of Deposits" or "Assistant Custodian of Deposits", as the case may be.

13. Maintenance of Records and Registers.

- The following records and registers shall be maintained by the Custodian and by officers authorised to act on his behalf, namely: (a) Index Register of Displaced Persons. - The names of displaced persons whose deposits are received from Pakistan shall be arranged in the Index Register in Form V in alphabetical order. References to the pages of other registers in which the transactions of the displaced persons are recorded shall be given against the relevant entry in this register. (b) Index Register of Evacuees. - The Index Register which shall be maintained in Form VI shall show the names of evacuees whose deposits are transferred to Pakistan. The names shall be arranged in alphabetical order. References to the pages of the other registers in which the transactions of the evacuees are recorded shall be given against the relevant entry in this register. (c) Register of deposits received from Pakistan. - The deposits received from Pakistan shall be entered in a register which shall be maintained in Form VII and shall show the names of displaced persons together with the particulars of their deposits received from Pakistan and the subsequent disposal of such deposits in India. (d) Registrar of deposits transferred to Pakistan. - The deposits transferred to Pakistan shall be entered in a register which shall be maintained in Form VIII and shall show the names of evacuees together with particulars of their deposits transferred to Pakistan. (e) Register of Valuables. - All particulars of account books, documents, jewellery and other valuables in possession of the Custodian or officers authorised to act on his behalf shall be noted in the Register of Valuables which shall be maintained in Form IX. (f) Cash Book. - A cash book shall be maintained in Form X to show all transactions of receipts and payments relating to the deposits in the custody of the Custodian and his subordinate officers acting on his behalf. Amounts received or paid on account of these deposits shall be entered in the Cash Book, on the dates on which they are received or paid. The Cash Book shall be closed at the end of each day and the entries therein shall be checked and initiated daily by the Custodian or a gazetted officer authorised by him in this behalf. All cash in hand shall be deposited promptly into the treasury and verified at the end of each month by the Custodian or by the officer so authorised who shall record a signed and dated certificate to this effect in the Cash Book. (g) Receipt Book. - Any person authorised to receive money on behalf of the Custodian shall issue a receipt in Form XI. The receipt shall be prepared by carbon process by using double-sided carbon paper. All receipts shall be signed by the Custodian or by an officer authorised by him in this behalf. (h) Personal account of displaced persons. - A personal account in Form XII shall be maintained in respect of each displaced person in a bound register with an index arranged in alphabetical order. Sufficient number of pages shall be assigned for each displaced person. The transactions of receipts and payments shall be posted in the personal account of each displaced person.

14. [Form of application for claiming restoration of Court deposits received from Pakistan. [Inserted by G.S.R. 981, dated 10.7.1982]

- Every application for claiming payment of Court deposits received from Pakistan shall be in form XIII.]Form I[See Rule 7 (1)]NoticeIn the Court ofDatedWhereas a deposit /deposits of the person/persons specified in the Schedule annexed hereto is/are lying in this Court;Notice is hereby given that persons claiming interest in the said deposit may present their objections (with all material evidence on which they wish to rely) within a fortnight from the date of this notice, as to why orders should not be passed transferring the said deposit/ deposits together with the records relating thereto to Pakistan.Given under my hand and seal of the Court this..... day of.....19....(Seal of the Court)

Schedule

Serial No.	Name of the evacuee and his last known address in India	Brief description and amount of the deposit
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Copy of the Custodian of Deposits, Delhi.Form II[See rule 7 (e)]List Of Deposits Transferred/to Be Transferred To PakistanStateCourt

Sr. No.	No. of the case and other references for tracing the deposits and their records	Names of the parties, with address	Particulars of deposit	Remarks
		Names	Last known address in India	Address in Pakistan, if known Amount jewellery, etc.

Form III[See Rule 8 (1)]Office Of The Custodian Of

DepositsNoticeTo,.....Whereas information has been received that a deposit /deposits of person/persons specified in the Schedule hereto annexed has/have been lying in the Court ofCourt of Wards Manager.....Now I hereby call upon you to show cause (with all material evidence on which you wish to rely) why orders should not be passed ordering the transfer of the said deposit/ deposits together with the records relating thereto to Pakistan.

Schedule 2

Serial No. Name of parties Brief Description of the deposit Remarks

- 1.
- 2.
- 3.
- 4.

Given under my hand seal of my office this.....day of.....19.....Custodian of Deposits. Form IV[See Rule 9 (1)] Office of the Custodian of Deposits To, Shri Whereas the under mentioned deposit/ deposits has/ have been received from Pakistan and is/ are held in my custody under section 9 of the Transfer to Evacuee Deposits, Act 1954 (15 of 1954). And whereas it is desirable to hear you in person to determine the claim in respect of the said deposit; Now, THEREFORE, you are hereby called upon to show cause (with all material evidence on which you wish to rely) why orders should not be passed declaring Shri..... as the owner of the deposit. The hearing of this case is fixed before the undersigned on.....19 at.....

Description of Deposit	Name of the Depositor/ Depositors as intimated by the Pakistan Government	Court in Pakistan from which the deposit was received.
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Custodian of Deposits FORM V (See Rule 13) Index Register (for displaced persons)

Serial No.	Name and father's name of displaced person with address in Pakistan before evacuation	Firm's name, if any	Name of Register and page No.	Remarks
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FORM No. VI (See Rule 13) Index Register (for evacuees)

Serial No.	Name and father's name of evacuee with address in India before evacuation	Firm's name, if any	Reference to Register of deposits and page No.	Remarks
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Form NO. VII (See Rule 13) Register of Deposits received from Pakistan

Sl. No.	No. and date of the letter with which received	Court in Pakistan from which transferred	Nature of deposits (whether Court deposit, deposit of minors in guardianship)	Particulars of deposit	Initials of Custodian	No. and date of letter with which deposit entrusted to the	Date on which deposit was made over to owner/owners	The Court which deposit was transferred in the event of disagreement amongst claimants
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Form VIII(See Rule 13)Register of Deposits transferred to Pakistan

FORM IX(See Rule 13)Register of ValuablesFORM X

(See Rule 13)Cash book for the month20

Dr.	Receipts	Payments	Cr.
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Date	Sl. No.	Receipt No.	On what account and from whom received	Cash in	Remarks (Quote reference to page No. of the Register of deposits.)	Date	Sl. No.	Disbursement voucher No.	On what account and to whom paid	Amount paid at Treasury	Remarks
Rs.	As.	Ps.									

Form XI(See Rule 13)Custodian of DepositsBook No.....Receipt No.....DateReceived from.....Rs.Receipton account of.....Form XII(See Rule 13)Ledger account of

Month	Particulars of Receipts	Amount	Intials	Remarks	Particulars of Expenditure incurred. Disbursement Vouchers	Amount	Net Balance	Initials	Remarks
Receipt/Voucher No.	Rs.	As.	Ps.	No.	Date	Rs.	As.	Ps.	Rs.

[FORM NO. XIII] [Inserted by G.S.R. 981, dated 10th July, 1962.](See Rule 14)Application for claiming payment of Court Deposits received from Pakistan under Transfer of Evacuee Deposits Act, 1954

- Name of the claimant (in block letters).
- Father's name/Husband's name.
- Complete address of the claimant in India
- Complete address of the claimant and the depositowner (if different person) in Pakistan as furnished to the Court.
-

Registration number
of the claim if
earlier filed with this
office.

6. Nature of the
deposits :

(a) Civil Court
Deposit.

(b) Minor's deposit
in guardianship
court if so, please
state -

(i) Name of
the minor

(ii) Age of the minor

(iii) Name of
the guardian

(iv) Relationship
of the guardian to
the minor

(c) Revenue Court
Deposit

(d) Deposit lying
with the court of
Wards; if so, please
state -

(i) Particulars
of movable property
involved.

(ii) Value of Movable
property involved

(iii) Date on
which the property
came under the
superintendence of
the Court of wards.

(iv) Annual
income from the
property

(v) Names of wards.

(vi) Amount
of maintenance
allowance granted to
each ward.

(vii) Period
up to which
maintenance
allowance was paid
to each ward.

(e) Deposits lying
with Manager,
Encumbered Estates,
if so, please state -

(i) Full particulars of
the Estate.

(ii) Value of
the Estate.

(iii) Name of
the owner of Estate.

(iv) Number
allotted to the Estate.

(v) Date on which the
Estate was taken
over by the
Manager,
Encumbered Estate
under his
superintendence.

(vi) Annual
income of the Estate.

(vii) Name of wards.

(viii) Amount
of maintenance
allowance granted to
each ward.

(ix) Period
up to which
maintenance
allowance was paid
to be each ward.

7. Particulars of
deposit claimed.

From of Deposit	No. of the Govt. Securities/Saving or CurrentAccount/Weight of Jewellery etc.	Amount of deposit
(i) GovernmentSecurities, i.e., War Bonds Defence Savings Certificate, NationalSavings Certificates, P.O. Cast Certificates etc.		
(ii) BankDeposit/Fixed Deposit Receipts		
(iii) Post OfficeDeposit. . . .		
(iv) Cash Deposit . .		
. .		
(v) Jewellery		
(vi) Household goodsor stock-in-trade .		
<hr/>		
Total		
<hr/>		
Name of the person		
8.	who deposited the amount.	
Names of the persons in whose		
9.	favour the amountwas deposited.	
Names of all persons interested in the deposit whohave migrated to India,		
10.	their respective shares and theirrelationship to the original depositor/claimant.	
Name of the personsinterested the deposit		Address in India of persons interested in theclaim
1.		Amount of the share claimed/entitl to
2.		

3.

4.

- Name of the court,
Bank or Treasury
where
11. the amount/valuable documents
was/were deposited.
12. Date of deposit.
Exact name and
place of the court in
Pakistan with whom
or under whose
13. orders the
amount/valuable documents
was/were deposited.
Number and year of
the suit/case/appeal
or other proceedings
14. before the court in
connection with
which deposit
was made.
- Title of the suit or
proceedings before
the court, i.e. names
of parties to the suit,
15. such as A v. B with
full particulars
describing both the
parties.
- Brief nature of the
suit/case/appeal or
other proceedings
16. and facts leading to
the deposit being
made into the court
17. In case the person in
whose name the
deposit is shown by
the court in Pakistan
is dead, the interest

or right of the
applicant to the
deposit in question.

Documentary
evidence in support
of title (ownership)
to the claim (please

18. enclose attested
copies thereof), such
as court's order,
succession
certificate etc.

- Whether payment of
the deposit in
respect of
which claim is filed
19. has been already
received in full or in
part either from
Pakistan or in India.

- Any other
information which
20. the claimant may
like to furnish.

- Rate of maintenance
allowance granted
by the Central
Claims
21. Organisation, if any,
and the period for
which payment
received.

- Total amount of
maintenance
allowance received
22. so far from the
Central Claims
Organization.

23. Amount of
maintenance
allowance
adjusted against/recovered
from Compensation

- payable against
claim for immovable
property, if any.
Compensation
application from
number against
24. which the
maintenance
allowance has been
recovered.
Name of Settlement
Officer/Regional
Settlement Commissioner
25. who recovered the
amount of
maintenance
allowance.
Number of claims
registered in the
name of the claimant
26. for any immovable (i)(ii)(iii)
property left in
Pakistan.
Value of the share of
the claimant in the
27. above claims, (i)(ii)(iii)
verified by the
Claims Officer.
Compensation
Application From
numbers and name
28. of the Settlement (i)(ii)(iii)
Officer with whom
filed.
Amount of
compensation
payable to the
29. claimant against (i)(ii)(iii)
claims referred to at
item No. 26 above.
30. Amount of (i)(ii)(iii)
compensation so far
received by

claimant.

31. Amount of compensation yet due to the claimant, (i)(ii)(iii) if any.

Declaration I.....age.....residing atdo hereby declare that the particulars furnished by me in this form are true to the best of my knowledge and belief and no relevant information has been either concealed or suppressed by me. Signature/Thumb Impression of claimant/applicant]. Annexure 'A'.....River Board

| Annual Supplementary | Budget for 20.....20.....

(See Rules 14 and 15) Statement NO. 1

	Actual	Budgeted current year	Actual	Revised for the current year	Budgeted next year	Explanations for the differences in the current year	
Previous completed fiscal year	For the last 6 months Oct. - March of the previous year	For the first 6 months April-Sept. of the current year	Total				
	1	2	3	4	5	6	7 8
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. Rs.

A. RECEIPTS

1. opening balances.

2. Contributions made by the Central Government

4. Contributions made by the

State Government of

:(a)

..(b).

Statement NO. 2

of Members and Officers of the Board for the year 20.....20.....

Name and Designation	Date of appointment to the post	Sanctioned pay of the post	Amount of provision during	Allowances required	Total Amount of provision	Increment falling during the year	Total amount of provision	
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Transfer of Evacuee Deposits Rules, 1955

the financial year at the rate in col. 5									
Minimum	Maximum	Actual rate of pay on first April next year	Dearness	Compensatory			Date of increment	Rate of increment	Ad- in
1	2	3	4	5	6	7	8	9	10