

The Displaced Persons (Claims) Supplementary Act, 1954

UNION OF INDIA

India

The Displaced Persons (Claims) Supplementary Act, 1954

Act 12 of 1954

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An Act to provide for the disposal of certain proceedings pending under the Displaced Persons (Claims) Act, 1950 (44 of 1950), and for matters connected therewith. BE it enacted by Parliament as follows:-

1. Short title and extent.

(1) This Act may be called the Displaced Persons (Claims) Supplementary Act, 1954. (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions. In this Act, unless the context otherwise requires,-(a) "appointed day" means the 17th day of May, 1953 ;

(b) "claim" means-(i) any claim registered under the principal Act and pending on the appointed day; or (ii) any claim submitted to any authority under the principal Act by any person migrating to India from any tribal area and pending on the appointed day; and includes any application filed on or before the 12th December, 1952 for setting aside an ex- parte order of a Claims Officer passed under the principal Act and pending on the appointed day, if the application was not, on the date on which it was filed, barred by limitation under the rules made under the principal Act; (c) "prescribed" means prescribed by rules made under this Act; (d) "principal Act" means the Displaced Persons (Claims) Act, 1950 (44 of 1950); (e) "tribal areas" means the tribal areas of Tochi and Kurram and includes such other Tribal areas adjoining the North- West Frontier Province as may be specified in this behalf by an order of the Central Government; (f) "verified claim" means any claim registered under the principal Act in respect of which a final order has been passed under that Act; (g) all words and expressions used but not defined in this Act and defined in the principal Act shall have the meanings assigned to them in that Act.

3. Appointment of Chief Settlement Commissioner, etc.

(1)The Central Government may, by notification in the Official Gazette, appoint a Chief Settlement Commissioner, a Joint Chief Settlement Commissioner, a Deputy Chief Settlement Commissioner and as many Settlement Commissioner, Additional Settlement Commissioners and Settlement Officers as may be necessary for the purpose of performing the 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 under this Act.(2)Subject to the provisions of this Act, the Joint Chief Settlement Commissioner, the Deputy Chief Settlement Commissioner and all Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers shall perform the functions assigned to them by or under this Act under the general superintendence and control of the Chief Settlement Commissioner.

4. Verification of Claims.

(1)Subject to any rules that may be made under this Act, a Settlement Officer shall have jurisdiction to decide such claims or such classes of claims as may, by general or special order, be transferred to him by the Chief Settlement Commissioner.(2)A Settlement Officer shall hold a summary inquiry into the claims transferred to him and, after taking such evidence and examining such documents, as he may consider necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.(3)The decision of the Settlement Officer shall be final: Provided that the Chief Settlement Commissioner may call for the record of any case which has been decided by the Settlement Officer and may make such order in the case as he thinks fit; but no order varying the decision of the Settlement Officer which prejudicially affects any person shall be made without giving him an opportunity of being heard.

5. Special power of revision in respect of cases decided under Act 44 of 1950

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(1)Notwithstanding anything contained in the principal Act, the Chief Settlement Commissioner-(a)may, on an application for revision made to him within time by any person aggrieved by the decision of the Claims Officer, call for the record of the case and make such order in the case as he thinks fit. Explanation.-- For the purposes of this clause, an application for revision shall be deemed to be or to have been made within time, if-(i) such application was not barred by limitation on the appointed day under the rules made under the principal Act and is filed within one month from the commencement of this Act; or(ii)such application had been filed before the appointed day and was not, on the date on which it was filed, barred by limitation under the rules made under the principal Act;(b)may, on his own motion, but subject to any rules that may be made in this behalf, revise any verified claim and make such order in relation thereto as he thinks fit.(2)No order varying the decision of the Claims Officer or revising any verified claim which prejudicially affects any person shall be made without giving him an opportunity of being heard.

6. Powers of Settlement Officers.

(1)The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner or a Settlement Commissioner, an Additional Settlement Commissioner or a Settlement Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 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 persons who are minors or of unsound mind;(f)any other matter which may be prescribed.(2)A Settlement Officer may, if he so thinks fit, and shall, if so required by the Chief Settlement Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

7. Power to transfer cases.

The Central Government or the Chief Settlement Commissioner may, by order in writing, at any stage transfer any case pending before a Settlement Officer to another Settlement Officer and the Settlement 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 transferred.

8. Certain officers to be public servants.

The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner and all Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

9. Bar of jurisdiction of Civil Court.

No Civil Court shall have jurisdiction in respect of any matter which the Chief Settlement Commissioner or the Settlement Officer is empowered by or under this Act to determine, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

10. Delegation of Powers.

(1)The Central Government may, by general or special order, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Settlement Commissioner.(2)Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner may delegate all or any of his powers under this Act to the Joint or Deputy Chief Settlement Commissioner or any Settlement Commissioner or Additional Settlement Commissioner as may be specified by the Chief Settlement Commissioner.

11. Validation of certain proceedings.

All proceedings held or decisions made in relation to the verification of any claim or the valuation of such claim of any person who has migrated to India from any tribal area purporting to have been held or made under the principal Act shall, notwithstanding anything therein contained, be deemed for all purposes to have been validly made under the principal Act as if that Act were applicable to such persons as it applied to displaced persons from West Pakistan.

12. Power to make rules.

The Central Government may, by notification in the Official Gazette, make rules¹ to carry out the purposes of this Act.

1. For Rules, see gazette of India, 1954, Pt. II, Sec. 3. p. 297.

13. [Repeal of Ordinance 3 of 1954 .] Rep. by the Repealing and amending Act, 1960 (58 of 1960), s. 2 and Sch. I.