



THE EVACUEE TRUST PROPERTIES (MANAGEMENT AND DISPOSAL) ACT, 1975



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EVACUEE TRUST PROPERTIES (MANAGEMENT AND DISPOSAL) ACT, 1975

¹ACT No. XIII OF 1975

[25th January, 1975]

An Act to provide for the management and disposal of evacuee properties attached to charitable, religious or educational trusts or institutions

WHEREAS it is expedient to provide for the management and disposal of evacuee properties attached to charitable, religious or educational trusts or institutions ;

It is hereby enacted as follows :-

1. Short title, extent and commencement.-(1) This Act may be called the Evacuee Trust Properties (Management and Disposal) Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1974.

2. Definitions.-(1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (XXVIII of 1958), or the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958), as the case may be;
- (b) "Board" means the Evacuee Trust Property Board constituted under section 3 ;
- (c) "Chairman" means the Chairman of the Board ;
- (d) "evacuee trust property" means the evacuee trust properties attached to charitable, religious or educational trusts or institutions or any other properties which form part of the Trust Pool constituted under this Act ;
- (e) "member" means a member of the Board ;
- (f) "public dues" includes arrears of rent or any charges due in respect of any evacuee trust property ;
- (g) "regulations" means regulations made under this Act ;

¹For Statement of Objects and Reasons, see Gaz. of P., 1974, Ext., Pt.III, p.1085.

- (h) "rules" means rules made under this Act ;
- (i) "rural area" means the area other than the urban area ;
- (j) "scheme" means a scheme for the management and disposal of evacuee trust property ;
- (k) "Secretary" means the Secretary to the Board ; and
- (l) "urban area" means the area situated within the limits of a municipal corporation, a municipal committee, a notified area committee, a town area committee, a small town committee, a sanitary committee or a cantonment as those limits existed on the fourteenth day of August 1947.

(2) All other words and expressions used but not defined in this Act shall have the same meaning as 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, 1957 (XII of 1957) the Displaced Persons (Compensation and Rehabilitation) Act, 1958 (XXVIII, of 1958), or the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958).

3. Constitution of the Board.-(1) The Federal Government shall constitute a Board, to be known as the Evacuee Trust Property Board, for the management and disposal of evacuee trust property.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall. by the said name sue and be sued.

(3) The Board shall consist of a Chairman and such members as the Federal Government may, by notification in the official Gazette, appoint.

(4) The Chairman shall be appointed by the Federal Government on such terms and conditions as it may determine, shall hold office during the pleasure of the Federal Government and shall be the administrative and executive head of the Board.

(5) A member shall, unless he earlier resigns his office under subsection (6) or is removed under subsection (7), hold office for a period of three years on such terms and conditions as the Federal Government may determine.

(6) A member may at any time, resign his office by writing under his hand addressed to the Federal Government.

(7) The Federal Government shall have the power to remove any member if he—

- (i) is disqualified for employment in, or dismissed from; the service of Pakistan ; or
- (ii) is, or at any time has been, convicted of an offence; involving moral turpitude ; or

- (iii) is, or at any time has been, adjudicated an insolvent ; or
- (iv) is of unsound mind and has been so declared by a competent Court ; or
- (v) absents himself from three consecutive meetings of the Board without any reasonable cause ; or
- (vi) is found by the Federal Government to be acting in any manner prejudicial to the objects of this Act or any scheme.

4. Functions of the Board.- (1) The general supervision and control of all evacuee trust property shall, subject to any directions that may be given by the Federal Government, vest in the Board, and the Board shall take such action as it deems fit for the proper management, maintenance and disposal of such property in accordance with the provisions of this Act and the rules, scheme, or directions made or issued thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, the functions of the Board shall be—

- (a) to maintain a complete and authentic record of all evacuee trust property;
- (b) to prepare and submit, by the 31st of May each year, to the Federal Government for its approval, the annual budget estimates alongwith detailed statements of receipts and expenditure;
- (c) to buy out of surplus income, if any, or by taking loan from any statutory corporation, with the approval of the Federal Government, any other property which may be considered to be beneficial for promoting the objects of this Act or any scheme;
- ¹[(d) to sell, dispose of, or transfer to such person or body, and on such terms and conditions, as the Federal Government may direct or, with the prior approval of the Federal Government, make an endowment of, or otherwise manage evacuee trust property consistent with the objects of this Act or a scheme or for any other object approved by the Federal Government;].
- (e) to mortgage or lease any evacuee trust property in accordance with the instructions of the Federal Government;
- (f) to assess or reassess the rent or lease amount of the evacuee trust property;
- (g) with the prior approval of the Federal Government, to extinguish a trust or to wind up an institution the original object of which has wholly or partly ceased to exist;

¹ Subs. by the Evacuee Trust Properties (Management and Disposal) (Amdt.) Ordinance, 1984 (39 of 1984), s.2.