



## THE TRANSFER OF EVACUEE DEPOSITS ACT, 1956



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# THE TRANSFER OF EVACUEE DEPOSITS ACT, 1956

## <sup>1</sup>ACT NO.XLV OF 1956

[12<sup>th</sup> November, 1956]

*An Act to provide, in pursuance of an Agreement with India, for the transfer to that country of certain deposits belonging to evacuees, the reception in Pakistan of similar deposits belonging to refugees and matters connected therewith.*

WHEREAS, in pursuance of an Agreement with India, it is expedient to provide for the transfer to that country of certain deposits belonging to evacuees, the reception in Pakistan of similar deposits belonging to refugees and matters connected therewith ;

It is hereby enacted as follows :—

**1. short title extent and commencement.**—(1) This Act may be called the Transfer of Evacuee Deposits Act, 1956.

(2) It extends to <sup>2</sup>[the whole of Pakistan] <sup>3</sup>\* \* \*.

(3) It shall come into force at once.

**2. Definitions.** In this Act, unless there is anything repugnant in the subject or context,—

(a) “Custodian” means the Custodian of deposits appointed under section 3, and includes an Assistant Custodian of Deposits ;

(b) “deposit” means—

(i) any movable property in the custody or under the control of any Civil or Revenue court in respect of any proceedings before it ; or

(ii) any movable property under the superintendence or in the custody of a

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<sup>1</sup> For Statement of Objects and Reasons, See Gaz. of P., Ext., dated the 9<sup>th</sup> October, 1956, P. 1881.

<sup>2</sup> Subs. by F.A.O., 1975, Art. 2 and Sch., for “West Pakistan”.

<sup>3</sup> The words “and the Federal Territory of Karachi” as amended by the Repealing and Amending Ordinance, 1961 (1 of 1961), have been omitted by A.O., 1964, Art. 2 and Sch.

Court of Wards under any law for the time being in force, whether such movable property be in the actual custody of the Court of Wards, or in that of some other authority on its behalf ; or

(iii) any movable property in the custody or under the control of a Manager ;

and includes any securities, insurance policies and negotiable instruments in the custody or under the control of any such Civil or Revenue court or under the superintendence or in the custody of such Court of Wards or in the custody or under the control of a Manager.

*Explanation I.*—“Securities” include shares, scrips, stocks, bonds, debentures, debenture stocks, or other marketable securities of alike nature in or of any body corporate and also Government securities.

*Explanation II.*—Where any deposit in the custody or under the control of any Civil or Revenue court or under the superintendence or in the custody of a Court of Wards or in the custody or under the control of the Manager has vested in the Custodian of Evacuee Property, such deposit shall, for the purposes of this Act, be deemed to be in the custody or under the control of such Civil or Revenue court or under the superintendence or in the custody of the Court of Wards or in the custody or under the control of the Manager as the case may be ;

(c) “refugee” means a person who, having been ordinarily resident in any place in the territories now comprising India, or in any area occupied by India, has, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances, taken refuge in Pakistan ;

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- (d) “evacuee” means any person who, on account of the setting up of the Dominions of Pakistan and India or on account of civil disturbances or the fear of such disturbances, has, on or after the first day of March, 1947, left any place to which this Act extends and who is now residing in any place forming part of India ;
- (e) “Manager” means the manager of an encumbered estate appointed under any law for the time being in force relating to encumbered estates ;
- (f) “transferable deposit” means a deposit in which an evacuee has any right or interest to the extent of that right or interest ;
- (g) “prescribed” means prescribed by rules made under section 13.

**3. Appointment of Custodian and Assistant Custodian of Deposits.**—(1) The <sup>1</sup>[Federal Government] may, by notification in the official Gazette, appoint a Custodian of Deposits and as many Assistant Custodians of Deposits as may be necessary for the purpose of discharging the duties imposed upon the Custodian and Assistant Custodians by or under this Act.

(2) Subject to the provisions of this Act, the Custodian and Assistant Custodians of Deposits shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the <sup>1</sup>[Federal Government], and the [Federal Government] may, by general or special order, provide for the distribution and transfer of work among them.

(3) Subject to the provisions of this Act, the Assistant Custodians of Deposits shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Custodian.

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<sup>1</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

**4. Procedure for transfer of certain deposits.**—(1) Where a Civil or Revenue court or a Court of Wards or a Manager is satisfied—

- (a) in the case of a Civil or Revenue court other than a Civil court exercising jurisdiction under the Guardians and Wards Act, 1890 ([VIII of 1890](#)), or Manager that no party interested in a deposit is a Muslim ;
- (b) in the case of a Civil court exercising jurisdiction under the Guardians and Wards Act, 1890 ([VIII of 1890](#)), that neither the guardian nor the minor interested in a deposit is a Muslim;
- (c) in the case of a Court of Wards having under its superintendence or custody a deposit, that the ward is not a Muslim ;

the Civil or Revenue court or the Court of Wards or the Manager, as the case may be, shall, as soon as may be after the commencement of this Act, transfer the deposit, along with the records relating thereto, to such authorised officer or authority in India as the <sup>1</sup>[Federal Government] may by general or special order specify in this behalf:

Provided that where in the opinion of the Civil or Revenue court or the Court of Wards or the Manager, as the case may be, any of the persons interested in a deposit is not an evacuee, the deposit shall not be transferred to India.

(2) Every Civil or Revenue court and every Court of Wards or Manager shall, as soon as may be, send to the Custodian in such form as may be prescribed, particulars of all deposits transferred to India under sub-section (1).

**5. Procedure for transfer of certain other deposits.**—(1) Where either on a request received in this behalf from any such officer or authority in India as may be specified in this behalf by the

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<sup>1</sup> Subs. by F.A.O., 1975 Art. 2 and Table for "Central Government".