EVACUEE TRUST PROPERTY BOARD GOVERNMENT OF PAKISTAN

EVACUEE TRUST PROPERTIES

(MANAGEMENT & DISPOSAL) ACT

ACT NO.XIII OF 1975

Promulgated on 1stJuly, 1974

ETPB Act & Schemes (Amended 2025)

ACT OF THE EVACUEE TRUST PROPERTIES (MANAGEMENT & DISPOISAL)

(ACT NO. XIII OF 1975)

An Act to provide for the management and the 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 trust properties attached to the charitable, religious or educational trusts or institutions;

It **is hereby enacted as follows:-**

1) SHORT TITLE, EXTENT AND COMMENCEMENT:-

(i) This Act may be called the Evacuee Trust Properties (Management and Disposal) Act, 1975.
(ii) It extends to the whole of Pakistan
(iii) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1974.

2) DEFINITION:-

(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 the member of the Board; and
(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;
(h) "Rules" means rules made under this Act;
(i) "Rural Area" means the area other than the urban area;
(i) "Scheme" means a Scheme for the Management and Disposal of evacuee trust property;
(k) "Secretary" means the Secretary to the Board;
(1) "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 expression 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 Evacuee Trust Property Board, for the management and disposal of the evacuee trust property.
(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and

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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 sub-section (6) or is removed under sub-section (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 m any manner prejudicial to the objects of this Act or any scheme.

4) <u>FUNCTIONS OF THE BOARD:-</u>

(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, schemes or directions made or issued there under.

(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 of each year, to the Federal Government for its approval, the annual Budget estimates alongwith detailed statement 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 promotion of the objects of this Act or any Scheme;

(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 for 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 objects of which has wholly or partly ceased to exist;

(h) to incur expenditure on repairs or maintenance of holy shrines not exceeding such amount as the Federal Government may approve;

(i) to maintain religious shrines and provide facilities for the pilgrims;

(j) to set up, or make grants-in-aid to orphanages, leper houses, widow houses, poor houses and educational, vocational, technical or health institutions and hospitals subject to the general control and directions of the Federal Government;

(k) to order sealing of any evacuee trust property in an appropriate case pending payment of the Board dues by the person concerned;

(l) to undertake development programms for increasing the productivity of

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agricultural land forming part of the Trust Pool and for enhancing the commercial value of an evacuee trust property ;

(m) to invest money, with the prior approval of the Federal Government, for any other social welfare or charitable purpose ;

(n) to set up with the prior approval of the Federal Government, any industrial or commercial undertaking;

(o) to enter upon and inspect evacuee trust property ;

(p) to appoint such staff on such terms and conditions as may be approved by the Federal Government consistent with the sanctioned budget;

(q) to exercise financial and administrative control over offices attached to or under it;

(r) to prepare a scheme or schemes with the prior approval of the Federal Government for promoting the objects of this Act, and;

(s) to institute and defend suits and proceedings in a court of law.

5) MEETINGS OF THE BOARD:-

(1) Save as hereinafter provided, the Board shall regulate the procedure for its meetings;

(2) The meetings of the Board shall be called by the Chairman on such date, time and place as he may deem fit;
Provided that not less than one meeting shall be held in every two months.

(3) The Chairman shall preside at every meeting of the Board.

(4) If the Chairman is absent from any meeting, the members present shall elect one from amongst themselves to preside at the meeting, and the member so elected shall at that meeting exercise all the powers of the Chairman;

6) VESTING OF EVACUEE TRUST PROPERTY:-

All evacuee trust property shall vest in the Federal Government.

7) TRUST POOL:-

For the purposes of management, maintenance and disposal of evacuee trust property a Trust Pool consisting of the following shall be constituted, namely:-

(a) all evacuee Trust Property which immediately before the commencement of this Act, formed part of the Trust Pool constituted under the Acts;

(b) any evacuee property declared under section 8 to be evacuee trust property;

(c) Government property or any other property exchanged with any evacuee trust property;

(d) any property purchased or constructed by the Board;

(e) sale proceeds of any evacuee trust property;

(f) all profits and income received or derived from any evacuee trust property;
all rents and other amounts received, realized or recoverable in respect of evacuee trust property;

8) DECLARATION OF PROPERTY AS EVACUEE TRUST PROPERTY:-

a. If a question arises whether an evacuee trust property is attached to a charitable, religious or educational trust or institution or not, it shall be decided by the Chairman whose decision shall be final and shall not be called in question in any Court;

b. If the decision of the Chairman under sub-section (1) is that an evacuee trust property, he shall, by notification in the official Gazette, declare such property to be evacuee trust property.

c. If a property is declared to be evacuee trust property under sub-section (2), the Chairman may pass on order canceling the allotment or alienation, as the case may be, take possession and assume administrative control, management and maintenance thereof;
Provided that no declaration under sub-section (2) or order under sub-section shall

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be made or passed in respect of any property without giving the persons having interest in that property a reasonable opportunity of being heard.

9) EXEMPTION OF PROPERTY IN TRUST POOL FROM PROCESS:-

No evacuee trust property shall be liable to be proceeded against for any claim in any manner whatsoever in execution of any decree or order or by any other process of court or other authority.

10) VALIDATION OF CERTAIN TRANSFERS:-

(1) An immovable evacuee trust property;

(a) If situated in a rural area and utilized *bonafide* under any Act prior to June, 1964, for allotment against the satisfaction of verified claims; and.

(b) If situated in an urban area and utilized *bonafide* under any Act for transfer against the satisfaction of verified claims in respect of which Permanent Transfer Deeds were issued prior to June, 1968; Shall be deemed to have been validly transferred by sale to the Chief Settlement Commissioner, and the sale proceeds shall be reimbursed to the Board and shall form part of the Trust Pool.

(2) If a question arises whether a transaction referred to in sub-section (1) is *bonafide* or not, it shall be decided by the Chairman whose decision shall be final and shall not be called in question in any Court.

(3) If it is *decided* that a transaction referred to in a sub-section (1) is not *bonafide*, the Chairman may pass an order canceling the allotment or transfer of such property;

Provided that no decision under sub-section (2) or order under sub-section (3) shall be taken or passed in respect of any property without giving the person affected a reasonable opportunity of being heard.

11) APPOINTMENT AND FUNCTIONS OF SECRETARY:-

(1) The Federal Government shall appoint a person to be Secretary to the Board on such terms and conditions as it may determine.

(2) Subject to the provisions of this Act, the Secretary shall discharge his functions and perform his duties under the general superintendence and control of the Chairman.

12) APPOINTMENT AND DUTIES OF OFFICERS AND STAFF:-

(1) The Chairman may, with the prior approval of the Federal Government and on such terms and conditions as the Board may determine, appoint Administrators, Deputy Administrators, Assistant Administrators, and may also appoint such other officers and staff as may be necessary for the efficient performance of the functions of the Board.

(2) The Chairman may, by general order or special order, provide for the distribution or allocation of work to be performed by persons appointed under sub-section (1).

13) OFFICERS AND STAFF TO BE PUBLIC SERVANTS:-

All persons appointed under this Act, shall subject to any special contract to the contrary, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

14) BAR OF JURISDICTION:-

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Save as otherwise provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Federal Government, or any officer appointed under this Act is empowered under this Act to determine, and no injunction, process or order shall be granted or issued by any court or other authority in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.

15) PROTECTION OF ACTION IN GOOD FAITH:-

No suit, prosecution or other legal proceeding shall lie against the Federal Government, the Board or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules, scheme or order made thereunder.

16) APPEAL:-

Save as otherwise provided in this Act, any person aggrieved by an order passed under this Act may, within fifteen days of the passing of such order, prefer an appeal:-

(a) in case of an order passed by an Assistant Administrator or Deputy Administrator, to the Administrator; and

(b) in the case of an order passed by an Administrator, not being order passed in appeal by the Administrator confirming an order of an Assistant Administrator or a Deputy Administrator, to the Chairman.

17) REVISION:-

The Federal Government may at any time, of its own motion or otherwise, call for the record of any case or proceedings under this Act, which is pending or in which the Chairman or an Administrator, or a Deputy Administrator or an Assistant Administrator has passed an order, for the purpose of satisfying itself as to the correctness, legality or propriety of such an order, and may pass such order in relation thereto as the Federal Government, thinks fit.

Provided that the record of any case or proceedings in which the Chairman, or an Administrator, or a Deputy Administrator or an Assistant Administrator has passed an order shall not be called for under this section on the application of any aggrieved person made after the expiration of fifteen days from the date of such order.

18) POWER TO TRANSFER CASES:-

The Chairman may, at any stage, by order in writing, transfer a case pending before an Administrator or a Deputy Administrator or an Assistant Administrator to any other Administrator, Deputy Administrator or Assistant Administrator, as the case may be, and the officer to whom it is so transferred may, subject to such direction, if any, as may be given in the order of transfer, proceed from the stage at which the case was so transferred.

19) COMPUTATION OF LIMITATION:-

In computing the period of limitation provided for in sections 16 and 17, the provisions of section 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply.

20) FORM OF APPEAL OR REVISION:-

An appeal under this section 16 and an application for revision shall be presented in such form and manner as may be specified by rules.

21) POWER OF CHAIRMAN ETC. AS CIVIL COURT:-

(1) The federal Government or any person authorized by it, the Chairman and every officer appointed under this Act, shall, for the purposes of making any enquiry or hearing any appeal or revision under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:-

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(a) Summoning and enforcing the attendance of any person and examining him on oath;
(b) requiring the discovery and production of any documents;
(c) requisitioning any public record from any court or office;
(d) issuing commissions for the examination of witness;
(e) appointing guardians or next friends of persons who are minors or of unsound mind;
(f) adding legal representative of deceased applicants or claimants, as parties;
(g) restoration of cases dismissed for default;
(h) substituting the names of the rightful claimants;
(i) consolidation of cases;
(j) any other matter which may be prescribed by rules made under this Act.

(2) The Chairman and every officer appointed under this Act shall be deemed to be a court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before the Chairman or any such officer shall be deemed to be a judicial proceeding within the meaning of section 193, and 228 of the Pakistan Penal Code (Act XLV of 1860) and for the purposes of sections 196, 199 and 200 thereof.

22) PENALTY FOR CONCEALMENT OF EVACUEE TRUST PROPERTIES:-

Any person who is in the occupation or possession of any property which he knows or has reason to believe to be an evacuee trust property and conceals or misrepresents facts regarding such property or misappropriates the proceeds of such property or abets such concealment, misrepresentation or misappropriation shall be punishable with imprisonment for a term which may extend to three years and with fine.

23) COGNIZANCE OF OFFENCE BY COURT:-

No court shall take cognizance of an offence punishable under this Act save upon a complaint in writing made by the Federal Government or an officer appointed under this Act;

24) RECOVERY OF ARREARS:-

Any sum due to the Board in respect of any evacuee trust property which is not paid within thirty days of its having become due, shall be recoverable as an arrears of land revenue.

25) EJECTMENT:-

The Chairman, an Administrator, a Deputy Administrator, or an Assistant Administrator may eject or cause to be ejected any person in possession or occupation of any evacuee trust property whose possession or occupation is not authorized by or under any of the provisions of this Act or who contravenes or may have contravened any of the terms and conditions under which the property is held by him, or who has failed to pay public dues, or has willfully caused damage to any such property, or any person in occupation or possession of any evacuee trust property which is required for an object which is considered to be a public purposes by the Federal Government, after giving him notice, and for the purpose or such ejectment may use or cause to be used such force as may be considered necessary.

26) DELEGATION OF POWER:-

(1) The Federal Government may, by notification in the official Gazette, delegate any of its powers under this Act to such authority or person and subject to such conditions, if any, as may be specified in the notification.

(2) Subject to the provision of this Act and the rules, the Board may, by resolution, delegate all or any of its powers to the Chairman or any officer or authority, subject to such condition, if any, as may be specified in the resolution.

(3) Subject to the provision of this Act and the rules the Chairman may, by order in writing, delegate all or any of his powers under this Act to an Administrator, a'

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Deputy Administrator or an Assistant Administrator subject to such conditions s, if any, as may be specified in the order.

(4) Any order passed by an Administrator, a Deputy Administrator or an Assistant Administrator, in exercise of any power delegated to him under sub-section (3), shall be subject to the provisions of section 16 and 17 in the same manner and to the same extent as any other order passed by an Administrator, Deputy Administrator or an Assistant Administrator, as the case may be, is so subject.

27) APPEARANCE BY COUNSEL OR AGENT:-

Any person who is entitled or required to attend before the Chairman or any other authority in connection with any proceeding under this Act, otherwise than when called upon to attend personally for examination on oath or affirmation, may attend or be represented by his duly authorized agent, and any application, appeal or revision may be presented by counsel or such agent.

EXPLANATION:- In this section, "counsel means an Advocate or any person entitled or allowed to plead in any civil court.

28) POWERS TO MAKE RULES:-

The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

29) POWER TO MAKE REGULATIONS:-

The Board may, with the approval of the Federal Government, make regulations regarding appointments, promotions, conditions of services, pensionary and other benefits in respect of the officers and staff of the Board.

29) PREPARATION OF SCHEME FOR MANAGEMENT ETC:-

Subject to the provisions of this Act and the rules, the Board shall, with the prior approval of the Federal Government, prepare one or more schemes for the management, maintenance and disposal of evacuee trust property and for the efficient performance of its functions.

30) ACT TO OVERRIDE OTHERS LAWS:-

The provisions of this Act and any rules or scheme or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

31) SAVINGS:-

Anything done, action taken, appointment made, order passed, rule or scheme made, notification or instruction issued, or purporting to have been done, taken, made, passed or issued by or under the provisions of either Act immediately before the commencement of this Act shall be deemed to have been done, taken, made, passed or issued under this Act and shall have effect accordingly.

32) REPEAL:-

The Evacuee Trust Properties (Management and Disposal) Ordinance, 1974 (XVI of 1974), is hereby repealed.

Sd/-

ASLAM ABDULAH KHAN SECRETARY

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THE GAZETTE OF PAKISTAN, EXTRA, AUGUST 21, 1984 (PART-1) ORDINANCE No. XXXIX OF 1984. AN ORDINANCE TO AMEND THE EVACUEE TRUST PROPERTIES (MANAGEMENT AND DISPOSAL) ACT, 1975.

WHEREAS it is expedient to amend the Evacuee Trust Properties (Management and Disposal) Act, 1975 **(XIII** of 1975) for the purpose hereinafter appearing:-

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action.

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. SHORT TITLE AND COMMENCEMENT:-

(1) This Ordinance may be called the Evacuee Trust Properties (Management and Disposal) (Amendment) Ordinance, 1984.

(2) It shall come into force at once.

2. AMENDMENT OF SECTION 5, ACT XIII OF 1975:-

In the Evacuee Trust Properties (Management and Disposal) Act, 1975 **(XIII** of 1975) in section 4, in sub-section (2), for clause (d) the following shall be substituted, namely:-

Clause (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."

GENERAL

M. ZIA-UL-HAQ,

(PRESIDENT)

JUSTICE, IRSHAD ;HASAN KHAN,

(SECRETARY)

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