

THE ADMINISTRATION OF EVACUEE PROPERTY
(AMENDMENT) ACT, 1954

No. 42 OF 1954

[8th October, 1954]

An Act to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May 1954 which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950 for that purpose and certain, other purposes.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1954.

2. Amendment of section 4, Act XXXI of 1950.—Section 4 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) thereof, and after the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) For the removal of doubts, it is hereby declared that nothing in any other law controlling the rents of, or evictions from, any property shall apply, or be deemed ever to have applied, to evacuee property.”

3. Amendment of section 7, Act XXXI of 1950.—In section 7 of the principal Act, after sub-section (1), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

“(1A) Where during the pendency of any proceeding under sub-section (1) for declaring any property to be evacuee property any person interested in the property dies, the proceeding shall, unless the Custodian otherwise directs, be continued and disposed of as if such person were alive.”

4. Insertion of new section 7A in Act XXXI of 1950.—After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. *Property not to be declared evacuee property on or after 7th May, 1954.*—Notwithstanding anything contained in this Act, no property shall be declared to be evacuee property on or after the 7th day of May, 1954:

Provided that nothing contained in this section shall apply to—

(a) any property in respect of which proceedings are pending on the 7th day of May, 1954 for declaring such property to be evacuee property; and

(b) the property of any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India, and who on the 7th day of May, 1954, was resident in Pakistan:

Provided further that no notice under section 7 for declaring any property to be evacuee property with reference to clause (b) of the preceding proviso shall be issued after the expiry of six months from the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation I.—A person shall be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of clause (b) of the first proviso, if he was ordinarily residing in Pakistan before that date, notwithstanding that he was temporarily absent from Pakistan on that date.

Explanation II.—A person who had left India for Pakistan before the 7th day of May, 1954, on the authority of a passport or any other valid travel document issued by any competent authority in India, and who was temporarily residing in Pakistan on that date, shall not be deemed to have been resident in Pakistan on that date within the meaning of clause (b) of the first proviso.

Explanation III.—A person who had left Pakistan for India on or after the 18th day of July, 1948, and who was in India on the 7th day of May, 1954, shall, unless he came to India under a valid permit for permanent return or for permanent resettlement, issued under the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of clause (b) of the first proviso."

5. Amendment of section 12, Act XXXI of 1950.—In section 12 of the principal Act, in sub-section (1),—

(a) in clause (b) of the proviso, the word 'or' shall be added at the end and after that clause, the following clause shall be inserted, namely:—

"(c) has failed to pay rent in accordance with the terms of the lease.";

(b) after the proviso as so amended, the following *Explanation* shall be inserted and shall be deemed always to have been inserted, namely:—

"*Explanation.*—In this sub-section, 'lease' includes a lease granted by the Custodian and 'agreement' includes an agreement entered into by the Custodian."

6. Amendment of section 16, Act XXXI of 1950.—In section 16 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) No application made under sub-section (1) shall be entertained unless—

(a) before making the application, the applicant has filed all appeals and revision applications permissible under this Act against the order declaring the property of the evacuee to be evacuee property and the Custodian General has made a final order in the case; and

(b) the application is made within sixty days of the final order of the Custodian General:

Provided that any such application by an evacuee who migrated to West Pakistan from the State of Uttar Pradesh during the period between the 1st day of February, 1950 and the 31st day of May, 1950 and who is permitted to return to India for permanent re-settlement may be entertained if it is made within sixty days of the return of the evacuee to India:

Provided further that nothing contained in this sub-section shall apply to an application under sub-section (1) which is pending on the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation.—In this sub-section, the expression ‘Custodian General’ shall include a Deputy Custodian General and an Assistant Custodian General.”;

(b) to sub-section (3), the following *Explanation* shall be added at the end, namely:—

“*Explanation.*—For the purpose of the proviso to this sub-section, an allotment shall be deemed to be a lease and shall have effect against the person to whom restoration is made to the same extent and in the same manner as if it were a lease.”

7. Amendment of section 27, Act XXXI of 1950.—In section 27 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Custodian General, a Deputy Custodian General or an Assistant Custodian General may after giving notice to the parties concerned review his own order.”

8. Amendment of section 40, Act XXXI of 1950.—In section 40 of the principal Act, in sub-section (1), after the words and figures ‘14th day of August, 1947’, the words and figures ‘but before the 7th day of May, 1954’ shall be inserted.

9. Amendment of section 48, Act XXXI of 1950.—Section 48 of the principal Act shall be renumbered as sub-section (1) thereof and after the sub-section as so renumbered, the following sub-section shall be inserted, namely:—

"(2) For the purpose of sub-section (1), the decision of the Custodian as to the sum due to the State Government or to the Custodian shall be final."

10. **Retrospective operation of certain amendments.**—The amendments made in the principal Act by section 4 and section 8 of this Act shall be deemed to have come into force on the 7th day of May, 1954.

THE SPECIAL MARRIAGE ACT, 1954

No. 43 OF 1954

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