

(g) the form and manner in which returns, statistics, accounts and other information may be furnished to the Central Government;

(h) any other matter which has to be, or may be, prescribed under this Act.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament.

THE SCHEDULE

[See section 2(c)]

Faridabad is included within the following boundaries, namely:— Area of Faridabad.

North—Karkhana garden, Railway Station and Rest House, Faridabad, buildings belonging to Shrimati Sushila Devi and abadi Fetehtpur Chandela.

East—Delhi-Mathura Road.

South—Abadi village Majasar.

West—Badkhal Band; Hill of villages Dabwa, Nawadah Koh and Daulatabad; Abadi village Saran.

THE ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) ACT, 1956

Act No. 91 OF 1956

An Act further to amend the Administration of Evacuee Property Act, 1950.

[28th December, 1956]

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Administration of Evacuee Property (Amendment) Act, 1956. Short title and commencement.

(2) It shall be deemed to have come into force on the twenty-second day of October, 1956.

Admendment of section 6. 2. In section 6 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the principal Act),—

3 of 1950. 1911

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, by notification in the Official Gazette, appoint for any State a Custodian and as many Additional, Deputy or Assistant Custodians of Evacuee Property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act, and the same person may be appointed as the Custodian, or as the case may be, Additional, Deputy or Assistant Custodian of Evacuee Property for two or more States.”;

(b) in sub-section (3),—

(i) for the words “State Government”, the words “Central Government” shall be substituted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that nothing in this sub-section shall be deemed to empower the Custodian to question any order made by an Additional Deputy or Assistant Custodian in respect of any matter which the Additional, Deputy or Assistant Custodian is empowered by or under this Act to determine.”.

Admendment of section 8, 15, 38 and 51. 3. In sub-section (3) of section 8, sub-section (3) of section 15, section 38 and sub-section (1) of section 51, of the principal Act, for the words “State Government”, wherever they occur, the words “Central Government” shall be substituted.

Amendment of section 10. 4. In section 10 of the principal Act, in sub-section (2),—

(a) clauses (f), (g), (h), (k) and (p) and the proviso to clause (q) shall be omitted:

(b) in clause (m), the words “or of any amounts due to any employee of the evacuee or of any debt due by the evacuee to any person” shall be omitted.

Amendment of section 11. 5. In section 11 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where any evacuee property which has vested in the Custodian is property in trust for a public purpose of a religious or charitable nature, it shall be lawful for the Central

Government, notwithstanding anything contained in the instrument of trust or any law for the time being in force, to appoint, by general or special order, new trustees in place of the evacuee trustees and the property shall remain vested in the Custodian only until such time as the new trustees are so appointed; and pending the appointment of such new trustees the trust property and the income thereof shall be applied by the Custodian for fulfilling, as far as possible, the purpose of the trust."

6. In section 16 of the principal Act, for sub-sections (1), (2) and (2A), the following sub-sections shall be substituted, namely:— Amendment
of section 16.

"(1) Subject to such rules as may be made in this behalf, any evacuee or any person claiming to be an heir of an evacuee may apply to the Central Government or to any person authorised by the Central Government in this behalf (hereinafter in this section referred to as the authorised person) that any evacuee property which has vested in the Custodian and to which the applicant would have been entitled if this Act were not in force, may be restored to him.

(2) On receipt of an application under sub-section (1), the Central Government or the authorised person, as the case may be, shall cause public notice thereof to be given in the prescribed manner, and after causing an inquiry into the claim to be held in such manner as may be prescribed, shall—

(a) if satisfied—

(i) that the conditions prescribed by rules made in this behalf have been satisfied;

(ii) that the evacuee property is the property of the applicant; and

(iii) that it is just or proper that the evacuee property should be restored to him;

make an order restoring the property to the applicant, or

(b) if not so satisfied, reject the application:

Provided that where the application is rejected on the ground that the evacuee property is not the property of the applicant, the rejection of the application shall not prejudice the right of the applicant to establish his title to the property in a civil court, or

(c) if there is any doubt with respect to the title of the applicant to the property, refer him to a civil court for the determination of his title:

Provided that no order for the restoration of any evacuee property shall be made under this sub-section unless provision has been made in the prescribed manner for the recovery of any amount due to the Custodian in respect of the property or the management thereof."

Amendment of section 24.

7. In section 24 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Any person aggrieved by an order made under section 7, section 40 or section 48 may prefer an appeal—

(a) to the Custodian, where the original order has been passed by a Deputy or Assistant Custodian and the amount or the value of the property which is the subject-matter of the order does not exceed two thousand rupees;

(b) to the Custodian-General, in any other case.

(1A) An appeal shall lie to the Custodian-General from any order made on appeal by the Custodian under clause (a) of sub-section (1) on the ground that the order is contrary to law.

(1B) An appeal under this section shall be made in such manner and within such time as may be prescribed."

Omission of sections 25, 26, 29, 30, 31, 33, 35, 42 and 55 (2).

8. Sections 25, 26, 29, 30, 31, 33, 35, 42 and sub-section (2) of section 55 of the principal Act shall be omitted.

Amendment of section 27.

9. In section 27 of the principal Act,—

(a) in sub-section (1), the words "district Judge or" shall be omitted;

(b) sub-sections (1A), (2) and (3) shall be omitted.

Amendment of section 28.

10. In section 28 of the principal Act, the words "district Judge" shall be omitted.

Amendment of section 40.

11. In section 40 of the principal Act,—

(a) in sub-section (2), in clause (b), the words "or does not leave" shall be omitted;

(b) sub-sections ~~(1A), (2) and (3)~~ ^(1A) shall be omitted.

Substitution of new section for section 48.

12. For section 48 of the principal Act, the following section shall be substituted, namely:—

Recovery of certain sums as arrears of land revenue.

"48. (1) Any sum payable to the Government or to the Custodian in respect of any evacuee property, under any agreement, express or implied, lease or other document or otherwise howsoever, may be recovered in the same manner as an arrear of land revenue.

(2) If any question arises whether a sum is payable to the Government or to the Custodian within the meaning of sub-section (1), the Custodian shall, after making such inquiry as he may deem fit, and giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Custodian shall, subject to any appeal or revision under this Act, be final and shall not be called in question by any court or other authority.

(3) For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act, 1908, or any other law for the time being in force relating to limitation of actions.”.

9 of 1908.

13. In section 56 of the principal Act, in sub-section (2),—

Amendment
of section 56.

(a) sub-clause (o) shall be omitted;

(b) for sub-clause (s), the following sub-clauses shall be substituted, namely:—

“(s) the terms and conditions of service of the Custodian and other officers appointed under this Act and for the furnishing of security by them;

(t) the work to be performed by the Custodian, and the Additional, Deputy or Assistant Custodians;

(u) the delegation of powers of the Custodian to the Additional, Deputy or Assistant Custodians;

(v) the fees payable to the Custodian for the management and disposal of any property vested in him and the manner in which such fees shall be paid;

(w) the persons by whom and the time at which books of accounts maintained under this Act may be inspected and audited;

(x) any other matter which has to be or may be prescribed under this Act.”;

(c) sub-section (3) shall be omitted.

14. Any appointment or order made under section 6, and any rule made under sub-section (3) of section 56 of the principal Act before the commencement of this Act which is in force at such commencement shall be deemed to have been made by the Central Government and shall continue in force accordingly until and unless it is superseded by any appointment, order or rule made under section 6, or, as the case may be, section 56 of the principal Act, as amended by this Act.

Certain ap-
pointments,
orders and
rules to
continue in
force.

Provision of section 24 to apply in respect of all appeals.

15. The provisions of sub-section (1) of section 24 of the principal Act, as substituted by section 7 of this Act, shall apply to all appeals instituted after the commencement of this Act.

Repeal and saving.

16. (1) The Administration of Evacuee Property (Amendment) 6 of 1956 Ordinance, 1956, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

Rep. by Act 58 of 1960, s. 2 + Sch I (w.r.) - 26.12.60

THE TERRITORIAL ARMY (AMENDMENT) ACT, 1956

ACT NO. 92 OF 1956

An Act further to amend the Territorial Army Act, 1948.

[28th December, 1956]

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

Short title.

1. This Act may be called the Territorial Army (Amendment) Act, 1956.

Amendment of section 2.

2. In section 2 of the Territorial Army Act, 1948 (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

“(dd) “public utility service” means any undertaking which supplies power, light, gas or water to the public, or carries on a public transport, or maintains any system of public conservancy or sanitation and which is declared, by notification in the Official Gazette, by the Central Government to be a public utility service to which this Act applies:

Provided that no such notification shall be issued unless the Central Government is satisfied that, having regard to the needs of the Territorial Army, the persons employed in any such public utility service should, in the public interest, be made compulsorily liable for service in that Army under this Act.”