MARTIAL LAW REGULATION

by

CHIEF MARTIAL LAW ADMINISTRATOR, PAKISTAN No. 89 OF 1961

Martial Law Regulation No. 84 is hereby reconstituted in the following [modified form];

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1. **Short title, extent and commencement.** (1) This Regulation may be called the Scrutiny of Claims (Evacuee Property) Regulation.
   
   (2) It extends to the whole of Pakistan.
   
   (3) It shall come into force at once;

2. **Definitions.** (1) In this Regulation, unless there is anything repugnant in the subject or context, --
(a) "Act" means the Registration of Claims (Displaced Persons) Act (III of 1956);
(b) "allotment", with its grammatical variations and cognate expressions, means allotment of evacuee property to claimants made under schemes supplementary to the Pakistan Rehabilitation Settlement Scheme;
(c) "Chief Settlement Commissioner" means the Chief Settlement Commissioner appointed under sub-section (1) of section 9 of the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958);
(d) "claim" means a claim submitted under the Registration of Claims (Displaced Persons) Rules, 1955, in respect of property referred to in Schedules IV and V to those Rules being property held in India and being property situated within East Punjab, Himachal Pradesh and Delhi, Patiala and East Punjab States Union or the States of Alwar, Bharatpur or Bikaner;
(e) "claimant" means the person by or on behalf of whom claim has been made;
(f) "Entitlement Certificate" means the certificate determining the entitlement of a claimant in accordance with the provisions of this Regulation.
(g) "Form" means a form prescribed in the West Pakistan Rehabilitation Settlement Scheme and schemes supplementary thereto prepared under the Pakistan Rehabilitation Act, 1956 (XLII of 1956) and the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958);
(h) "Original Regulation" means the Martial Law Regulation No. 84 as it stood before its being reconstituted by this Regulation; and all other words and expressions defined in the Act shall have the same meaning as assigned to them in the Act.

3. Restriction on verification of claims. Except as provided in this Regulation, no claim shall be verified under the Act after the commencement of this Regulation.

4. Verification of claims still pending. (1) Any claim pending for verification at the time of the commencement of this Regulation shall be verified by such officer not below the rank of an Additional Settlement Commissioner as may be appointed by the Chief Settlement Commissioner in that behalf.

(2) Verification of any claim under sub-paragraph (1) shall be done on the basis of such documentary evidence as might have been produced by the claimant at the time of filing his claim, and the order of verification shall contain all particulars of the verified land needed for the preparation of all Entitlement Certificate.

(3) The order of verification passed under sub-paragraph (2) shall be final and shall form the basis for the preparation of Entitlement Certificate.

5. Scale of entitlement. Notwithstanding anything to the contrary contained in any other Law or in any scheme prepared under Section 6(1) of the Pakistan Rehabilitation Act, 1956 (XLII of 1956), and Section 14(1) of the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958), but subject to the provisions of this Regulation the entitlement of every claimant shall be determined afresh on the following scale namely:--
Where previous entitlement does not exceed 1,500 produce index units. Full entitlement.

Where previous entitlement exceeds 1,500 produce index units but does not exceed 3,000 produce index units. 1,500 produce index units plus 30% of the excess.

Where previous entitlement exceeds 3,000 produce index units but does not exceed 4,000 produce index units. 1,950 produce index units plus 20% of the entitlement in excess of 3,000 units.

Where previous entitlement exceeds 4,000 produce index units. 2,150 produce index units plus 10% of the entitlement in excess of 4,000 units.

Explanation. In this paragraph the expression "previous entitlement" means the entitlement determined by the Central Record Office under the Supplementary Schemes to the West Pakistan Rehabilitation Settlement Scheme prepared under the Pakistan Rehabilitation Act of 1956, and the Displaced Persons (Land Settlement) Act of 1958 [3][but where a claim has been withdrawn or where the claimant has not submitted the written statement under paragraph 3 of the Original Regulation, such entitlement shall be nil, or where the claim has been reduced under the said paragraph, it shall mean entitlement as determinable under the said schemes on the basis of such reduced claim, but nothing herein shall be construed as increasing the entitlement of any claimant who had increased his claim under the said paragraph.]

6. Issue of Entitlement Certificates. (1) Subject to the other provisions of this Regulation, an Entitlement Certificate shall be issued to every claimant showing his title to allotment of land in lieu of his claim as determined according to the scale specified in paragraph 5.

(2) Except as otherwise expressly provided in this Regulation, no Entitlement Certificate shall be issued,-

(i) unless an application in Form QPR-I or UR-I, as the case may be, had been made on or before the 31st May, 1960, or where an order of verification has been passed after the 16th May, 1960, but before commencement of this Regulation, within fifteen days of such order; and

(ii) unless a statement under paragraph 3 of the original Regulation had been duly filed by claimant.

(3) In the case of claims verified under paragraph 4 the Entitlement Certificate shall be issued on the basis of claim so verified without requiring the claimant to make an application in Form QPR-I or UR-I.

(4) Entitlement under paragraph 5 shall be calculated on the basis of the entitlement as shown in the certificate in Form QPR-V or UR-V, or where no such Form has been issued, or an
incorrect Form has been issued, on the basis of the entitlement as would have been shown in such Form.

(5) The entitlement in respect of Schedules IV and V to the Registration of Claims (Displaced Persons) Act, 1956 (I of 1956) shall be added together for the purpose of calculating entitlement under paragraph 5.

7. Fresh allotment and cancellation of previous certificates and allotment. (1) All certificates in Forms QPR-V and UR-V and certificates showing title to land issued under the original Regulation and any allotment of land made on the basis of any such certificate shall stand cancelled and shall be deemed never to have been issued or made.

(2) Fresh orders for the allotment of land shall be made on the basis of Entitlement Certificates:

Provided that, --

(i) where an allotment order had been issued to any claimant such order may be modified so as to conform to the Entitlement Certificate and such modified order shall be deemed to be a fresh allotment order made under this paragraph; and

(ii) the fresh allotment order shall, as far as may be, include the land previously allotted to a claimant.

8. Surrender of excess area and prohibition of showing such area. Immediately after the harvesting of Kharif crop of 1961, but in no case later than such date or dates as may be notified by the Chief Settlement Commissioner, every claimant holding land at any time allotted to him in settlement of his claim and being in excess of his entitlement as shown in the Entitlement Certificate, shall surrender such excess, as far as may be in a compact block, and shall not sow or cause to be shown any crop on such excess area, whether or not he had sown Kharif crop of 1961 on such area.

9. Surrendered land not to revert to compensation pool. The land surrendered under paragraph 8 shall not revert to the compensation pool constituted under section 5 of the Displaced Persons (Land Settlement) Act, 1958 (XLVII of 1958) but shall vest, and shall be deemed always to have vested [free of encumbrances] in the Government of West Pakistan, and may be disposed of in such manner as the Government thinks fit.

10. Penalty. Whosoever contravenes or fails to comply with the Provisions of paragraph 8 shall, in addition to any other penalty or action to which he may be liable—under any other law or Scheme be punished with rigorous imprisonment which may extend to 2 years and with confiscation of the whole or his property.

11. Scheme. The Chief Settlement Commissioner shall prepare a Scheme for the purpose of giving effect to the provisions of this Regulation, and, allotment and surrender of land to and by the claimants.

12. Finality of orders. Any order passed or Entitlement Certificate issued under this Regulation shall be final and shall not be questioned in any Court.
13. [6][1] [This Regulation not to apply to certain claims.] [Paragraph 5 of this] Regulation shall not apply to claims in respect of land situated in the territory of the States of Jammu and Kashmir, Hyderabad, Junagadh, Manavadar, Mangrol, Sardargarh, Bantva and Sultanabad in occupation of India.

[7][2] Notwithstanding the provisions of sub-paragraph (1) of paragraph 7, in the case of such claims as aforesaid Entitlement Certificates issued in Form QPR-V and UR-V shall stand but where a claim has been reduced under the Original Regulation, fresh entitlement shall be determined in accordance with such reduced claims, and where such claim has been withdrawn under the Original Regulation or where the claimant has not submitted the written statement under paragraph 3 of the Original Regulation, the entitlement shall be nil.

14. Certain transactions void. (1) The transfer of any land in respect of which an allotment has been made or the creation of any right or interest in, or encumbrance on such land made in any manner whatsoever before or after the commencement of the Regulation, by or on behalf of any allottee shall be void to the extent to which the area is in excess of the area to which he is entitled under the fresh allotment under paragraph 7.

(2) If any question arises whether the transfer or creation of any right, interest or encumbrance is void under sub-paragraph (1), the question shall be referred to the Chief Settlement Commissioner, or to an officer authorised by him whose decision thereon shall be final.

15. Bar to jurisdiction of Courts, etc. (1) No provision of this Regulation or any order made or any Scheme prepared thereunder shall be called in question in any Court including the High Court and the Supreme Court and no such Court or any other authority shall have jurisdiction in respect of any matter for the determination of which provisions have been made by or under this Regulation.

(2) No such Court or authority as aforesaid shall be competent to grant any injunction or order of any other kind whatever in relation to any proceeding under this Regulation or any order or Scheme made thereunder or in relation to anything done or intended to be done by any officer exercising any power or discharging any function under this Regulation.

16. Abatement of proceedings. All prosecutions and other proceedings pending against any person under the original Regulation shall abate forthwith.

17. Indemnity. No person shall be liable for anything done or any action taken, or intended or purported to have been done or taken under the original Regulation.
MOHAMMAD AYUB KHAN, HP., HJ,
Field Marshal,
Supreme Commander and
Chief Martial Law Administrator in Pakistan.

Place: RAWALPINDI.


Note. Martial Law Regulation 89 was further amended by Martial Law Regulation 91 and all the amendments are incorporated under the relevant clauses of M.L.R. 89.

Reference: