



THE ABANDONED PROPERTIES (MANAGEMENT) ACT, 1975



CONTENTS

1. Short title, extent and commencement.
2. Definitions.
3. Vesting of abandoned property in Government.
4. Board of Trustees.
5. Appointment of Administrator and Deputy Administrators.
6. Holding of abandoned property and its surrender, etc.
7. Power of Administrator to take possession of abandoned property.
8. Payment to Administrator
9. Recovery of damages for unauthorised possession.
10. Exemption from legal process.
11. Publication of list of abandoned property.
12. Prohibition of transfer of property generally.
13. Confirmation of transfer by specified persons.
14. Claims by interested persons.
15. Appeal and revision.
16. Powers and duties of the Administrator generally.
17. Evaluation of abandoned property.
18. Expenditure by Administrator how to be recouped.
19. Maintenance of accounts by Administrator.
20. Powers of Board and Administrator when holding an inquiry, etc.
21. Recovery of arrears
22. Penalty and procedure
23. Bar of Jurisdiction.
24. Indemnity.
25. Delegation of powers.
26. Officers and servants.
27. Act to override other laws.
28. Power to exempt

- 29. Power of Federal Government to take action with regard to abandoned property
- 30. Power to make rules
- 31. Removal of difficulties

ABANDONED PROPERTIES (MANAGEMENT) ACT, 1975.

¹ACT No. XX OF 1975

[12th February, 1975]

An Act to provide for the ²* * * management of certain properties

WHEREAS it is expedient to provide for the ²* * * management of certain properties, and for matters connected therewith ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is still in force;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Abandoned Properties ²* * * Management Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "abandoned property" means any property, movable or immovable (including share in industrial units and firms, investments, deposits, policies of insurance and all other interests and rights in or to or arising out of any such property), belonging to a specified person and includes any such property sold or transferred to, or placed under the supervision or control of, any other person on or after the sixteenth day of December 1971, but does not include any ornaments or wearing apparel or any cooking vessels or other household effects in the immediate possession of a specified person, not exceeding a total of rupees one thousand;

(b) "Administrator" means the Administrator appointed under section 5, and includes a Deputy Administrator;

(c) "Board" means the Board of Trustees constituted under section 4;

¹ For Statement of Objects and Reasons, see Gaz. of P., 1974, Ext., Pt.III, p.1114.

This Act shall continue in force and may be amended or repealed by the Federal Law as if it related to a matter enumerated in the Federal Legislature list in the Fourth Schedule to the Constitution, see President's (Post-Proclamation) Order No.2 of 1978, Art.2.

² The words "taking over and" omitted by the Abandoned Properties (Taking over and Management) (Amdt.) Act, 1976 (45 of 1976), (w.e.f 12-2-75) ss.2 and 3.

(d) "prescribed" means prescribed by rules;

(e) "rules" means rules made under this Act;

¹[(f) "specified person" means a person who, at any time before the sixteenth day of December, 1971, was a citizen of Pakistan domiciled in the territories which before the said day constituted the Province of East Pakistan and who, on or after that day, has ceased or cease to be a citizen of Pakistan, and includes a company registered in the said territories the registered office of which has not been shifted in pursuance of the Companies (Shifting of Registered Office) Ordinance, 1972 (V of 1972).]

3. Vesting of abandoned property in Government. All abandoned property shall vest and shall be deemed always to have vested in the Federal Government on and from the sixteenth day of December 1971.

4. Board of Trustees.— (1) As soon as may be after the commencement of this Act, the Federal Government shall, by notification in the official Gazette, constitute a Board of Trustees consisting of a Chairman and such number of other Trustees as the Federal Government may specify in the notification, for the control and management of abandoned property.

(2) In discharging its functions, the Board shall be guided on questions of policy by the instructions, if any, given to it by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

(3) The meetings of the Board shall be held at such intervals and at such time and place as the Chairman of the Board may determine.

(4) Subject to the rules, the Board may, with the previous approval of the Federal Government and by notification to the official Gazette, make regulations for regulating its procedure.

(5) At any time when the office of Chairman is vacant or the Chairman is absent or is unable to perform the functions of his office due to any other cause, the Federal Government may appoint any member of the Board to act as Chairman until a Chairman is appointed or, as the case may be, the Chairman resumes his functions.

5. Appointment of Administrator and Deputy Administrators.—(1) For the purpose of carrying the provisions of this Act into effect, the Federal Government may, by notification in the official Gazette, appoint an Administrator for Pakistan and one or more Deputy Administrators for such areas as may be specified in the notification.

¹Cl. (f) subs. by the Abandoned Properties (Taking Over and Management). (Amdt.) Act 1976 (45 of 1976), s.4 (w.e.f. 12-2-1975).

(2) The Administrator shall exercise his powers and perform his functions subject to the general supervision and control of the Board and shall be guided by any general or special order made by the Board.

6. Holding of abandoned property and its surrender, etc.—(1) Every person who is, or has at any time after the sixteenth day of December, 1971, been in possession, supervision or management of any abandoned property shall be deemed to hold or to have held, as the case may be, such property on behalf of the Board.

(2) As soon as may be, but not later than such date as may be notified by the Federal Government in the official Gazette, every person who is, or has at any time after the sixteenth day of December 1971, been in possession, supervision or management of any abandoned property or property which he knows or has reason to believe to be abandoned property, and whose authority or right to hold, occupy, supervise or manage such property has not been accepted or approved by the Administrator, shall submit to the Administrator, or to any person authorised by him in this behalf,—

- (a) full information relating to such property, including the date since when, or the period for which, he had been in possession, supervision or management thereof; and
- (b) a detailed account of the rents, profits, income and other moneys received or benefits derived from such property since the sixteenth day of December, 1971, or for the period he has been in possession, supervision or management thereof.

(3) Every person as aforesaid shall, as soon as may be, but not later than such date as may be notified by the Federal Government in the official Gazette, intimate to the Administrator in writing his willingness to surrender such property to the Administrator or to any person authorised by the Administrator in this behalf, and shall surrender the same if called upon by the Administrator or any person authorised as aforesaid.

7. Power of Administrator to take possession of abandoned property. If any person who has purchased any abandoned property the sale of which has not been confirmed by the Administrator under section 13, or who is in possession, supervision or management of any abandoned property or property which he knows or has reason to believe to be abandoned property does not surrender such property to the Administrator or the person authorised by him in this behalf, then, without prejudice to any other action or penalty to which such person may otherwise be liable, the Administrator may use such force as is necessary for taking possession of such property and may for this purpose, after giving reasonable warning and facility to any woman not appearing in public to withdraw, remove or break open any lock, bolt or door, or do any other act necessary for the said purpose.

8. Payment to Administrator.— (1) Any amount due to a specified person or payable in respect of any abandoned property or property of which the Administrator has taken possession shall be paid to the Administrator by the person liable to pay the same.

(2) Any person who makes a payment under sub-section (1) shall be discharged from further liability to pay to the extent of the payment made.

9. Recovery of damages for unauthorised possession. Any person who has been in possession or occupation of abandoned property in an unauthorised manner or is found to