

No.26(4)/73- P. II

Government of India  
Ministry of Supply and Rehabilitation  
(Department of Rehabilitation)

New Delhi the 26th May 1980

To

The Chief Secretary to the  
Government of Karnataka,  
BANGALORE

**Subject:** Transfer of the residuary work relating to  
Administration, Management and Disposal of  
undisposed of evacuee properties/agricultural  
lands and realisation of rental arrears etc.  
to the State Government.

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Sir,

I am directed to state that as the Government of Karnataka have already agreed to take over the work relating to the management and disposal of the remaining assets of the Settlement Organisation of the Department of Rehabilitation on agency basis and necessary proposals to that effect were furnished to the State Govt. vide this Department's letter No.26(4)/73-SS.II, dated 20.7.73, the question of transfer of administration, management and disposal of the remaining evacuee properties, agricultural lands and realisation of arrears of rental demands etc. to the State Government under the Administrative and Financial Arrangement has been under consideration of the Government of India for some time past.

2. It has transpired that only a limited number of evacuee properties/agricultural lands remain to be disposed of. With a view, therefore, to effecting economy in expenditure and ensuring proper arrangements for administration, management and disposal of the remaining evacuee properties/agricultural lands and recovery of arrears of rent etc., it has been decided in public interest to transfer these items of work to the State Govt for disposal in a satisfactory manner and for carrying out the purpose of the Administration of Evacuee Property Act, 1950, and the Displaced Persons (Compensation and Rehabilitation) Act, 1954, and the rules framed thereunder.

3. I am accordingly, to convey the sanction of the President to the transfer of the following work relating to administration, management and disposal of the remaining undisposed of evacuee properties/agricultural lands and recovery of arrears of rent etc. to the State Govt on the terms and conditions specified against each:

P.T.O.

### I. EVACUEE PROPERTIES.

There are 326 urban and rural evacuee properties as reported by the State Govt vide their No. RD-4/MEP/78, dated 21/23.6.1977. This, however, does not include properties located at Bidar and Bangalore Districts which would be added after due verification by the State Govt. The State Govt would pay to the Central Govt. 15% of the reserve price of the urban evacuee properties and 5% of rural evacuee properties and the remaining would be retained by the State Government.

### II. RURAL EVACUEE AGRICULTURAL LANDS

The State Govt will pay to the Central Govt. 50% of the realised value in respect of loans in Uttara Kannada and Dakshan Kannada Districts where tenancy rights have already been conferred on the tenants and the remaining 50 per cent would be retained by the State Government.

### III. RECOVERY OF ARREARS OF RENT IN RESPECT OF BOTH ACQUIRED AND UNACQUIRED EVACUEE PROPERTIES.

The outstandings on account of arrears of rent as per records of this Department amount to Rs.96,000/-. There are, however, practical difficulties for identifying properties to which this arrear liability relates. In these circumstances, the State Govt may retain the amounts actually recovered, if any, on account of the arrears of rent.

### IV. DISPOSAL OF JUDICIAL CASES RELATING TO EVACUEE PROPERTIES IN THE STATE OF KARNATAKA.

Some cases relating to evacuee properties have been coming up before Departmental Tribunals constituted under the Admn. of Evacuee Property Act, 1950, Evacuee Interest (Separation) Act, 1951, and the Displaced Persons (Compensation and Rehabilitation) Act, 1954. The powers exercised by these Tribunals shall be delegated by the Government of India to the Officers of the State Government nominated by them. The State Government shall not claim any reimbursement of expenditure on account of appointment of staff and other expenses. At present no such case is pending.

### V. TRANSFER OF LITIGATION WORK CONNECTED WITH THE HIGH COURT/CIVIL COURTS.

The State Govt shall also deal with the work relating to cases pertaining to the properties included in the Compensation Pool in the State of Karnataka in respect of which litigation matters may arise in the High Court and Civil Courts in Karnataka. The State Government shall not claim any reimbursement of expenditure on account of this work. However, if as a result of any action of the officers of the Settlement Organisation prior to coming into force of these arrangements, decrees are awarded by the Courts against the Chief Settlement Commissioner or the Union of India, the actual expenditure on account of such decrees shall be reimbursed by the Govt of India to the State Govt. At present only 9 cases are pending in the various Courts in Karnataka.

VI. RESIDUARY WORK IN THE SETTLEMENT WING

Residuary work relating to the properties etc. already disposed of will be taken over by the State Govt and dealt with by them hereafter.

VII. RECORDS

The files pertaining to the litigation work referred to in item No.V above will be handed over to the State Government. Similarly, files relating to the residuary work vide para.VI above will also be transferred to the State Government. In addition, there are about 300 closed property files/registers in the Central Record Room of the Settlement Wing. Necessary arrangement for transferring this record to the State Government would be made by this Department.

VIII. TRANSFER OF WORK UNDER THE EVACUEE INTEREST (SEPARATION) ACT, 1951.

The work relating to administration, management and disposal of composite properties in terms of the Evacuee Interest (Separation) Act, 1951 shall stand transferred to the State Govt with effect from 1st June 1980.

(a) The State Government shall appoint a Competent Officer under Section 4 and an Appellate Officer under Section 13 of the said Act to deal with the composite properties, if any, in respect of which proceedings under any provisions of the said Act have already been started or may be started hereafter.

(b) After the evacuee interest is separated, the State Govt shall deal with and dispose of the properties in accordance with the Evacuee Interest (Separation) Act, 1951 and the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

(c) The State Government shall pay to the Government of India the following share out of the sale proceeds of evacuee share in the composite properties:-

(i) In the case of urban evacuee properties and urban evacuee lands 15% of the amount realised.

(ii) In the case of rural evacuee lands/properties 10% of the amount realised.

The remaining share of the sale proceeds in the evacuee interest shall be retained by the State Govt on account of their administrative and other charges.

The entire expenditure on account of the administration, management and disposal of the composite properties in Karnataka and the establishment of the Competent Officer and Appellate Officer shall be borne by the State Govt.

IX. THE REMAINING UNDISPOSED OF URBAN EVACUEE PROPERTIES, URBAN EVACUEE LANDS AND RURAL AGRICULTURAL LANDS

All the lands/properties held and dealt with by the Custodian of Evacuee Property under the Administration of Evacuee Property Act, 1950, which have not yet been finally disposed of under the provisions of the aforesaid Act or the Displaced Persons (Compensation and Rehabilitation) Act 1954, shall stand transferred to the Government of Karnataka with effect from 1st June 1980.

4. The arrangement detailed above shall not in any way affect the payment of compensation to the displaced persons having unsatisfied claims for properties left in former West Pakistan in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1954. Their claims shall, as usual, be dealt with by the Officers of the Govt. of India. The liability to satisfy the claims of the displaced persons shall continue to rest with the Govt. of India.

5. The payment to be made by the State Govt. under these arrangements shall be credited to the account of Govt. of India under the following Head of Account:

"088-Social Security and Welfare- Relief and Rehabilitation of displaced persons- Displaced Persons from former West Pakistan. Receipts forming part of Compensation Pool- Receipts on account of acquired evacuee properties adjustable by the Deputy Controller of Accounts (Rehabilitation), New Delhi, to the Suspense Head"

"858-Suspense Account- Pay and Accounts Officer Suspense- Deputy Controller of Accounts (Rehabilitation) New Delhi."

6. The properties mentioned above should be deemed to have been completely transferred to the Govt. of Karnataka with effect from 1st June 1980. The entire sale price thereof payable on this account by the State Govt, in respect of various categories of properties will accordingly become due on 1.6.80 and shall be paid in six equal half-yearly instalments without payment of any interest thereon. The first half-yearly instalment due on 1.6.80 shall be paid by the State Govt on 31.3.80 and subsequent half-yearly instalments will be computed from that date. However, if the instalments are not paid on due dates, interest will be payable on any unpaid amount for the period of late payment, the rate of interest being fixed by the Central Govt from time to time. The total amount payable by the State Govt in this respect will be intimated to the State Govt by the Deputy Chief Settlement Commissioner (G), Settlement Wing, Department of Rehabilitation, New Delhi.

7. Necessary powers under the Administration of Evacuee Property Act, 1950 and the Displaced Persons (Compensation) Act, 1954, will be delegated to the Officers of the State Govt. as may be required by the State Government.

P.T.O.

8. This letter issues with the concurrence of the Finance Branch vide their u.o.No.1826-Fin/80 dated 24.5.80.

Yours faithfully,

(N. M. WADHWANI)

Under Secretary to the Government of India

Copy to:-

1. The Revenue Commissioner & Secretary to the Govt of Karnataka, Revenue Department, Bangalore.
2. The Under Secretary to the Govt. of Karnataka, Revenue Department, Vidhana Soudha, Bangalore.
3. Deputy Controller of Accounts (Rehabilitation), New Delhi (5 copies)
4. Deputy Chief Settlement Commissioner (J) (5 copies)
5. Director of Audit, Commerce, Works and Misc., New Delhi.
6. Director of Audit, Karnataka, Mysore (2 copies)
7. Finance Branch (2 copies)
8. Budget & Accounts Section, DOA, New Delhi.
9. S.O. (P) / A.O. (P).

Under Secretary to the Govt of India