

**THE MALAKAND PROTECTED AREA (VESTING OF EVACUEE
PROPERTY IN GOVERNMENT) REGULATION, 2010.**

(¹[KHYBER PAKHTUNKHWA] REG. NO. I OF 2010)

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¹Substituted vide Notification No. SO(Jud1)/HD/9-1/2015/Vol-I, dated: 08th January, 2016

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(¹[KHYBER PAKHTUNKHWA] REG. NO. I OF 2010)

[5th January, 2010]

**A
REGULATION**

*to provide for extinguishment of rights of evacuees in the evacuee
properties in the Malakand Protected Area and vesting of
such properties in Government.*

Preamble.---WHEREAS it is expedient to provide for extinguishment of rights of evacuees in the evacuee properties in the Malakand Protected Area and vesting of such properties in Government, and to deal with the matters ancillary or incidental thereto;

NOW, THEREFORE, in exercise of the powers conferred by clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the Governor of the ²[Khyber Pakhtunkhwa], with the prior approval of the President of Pakistan, is pleased to make the following Regulation:

1. Short title, extent and commencement.---(1) This Regulation may be called the Malakand Protected Area (Vesting of Evacuee Property in Government) Regulation, 2010.

(2) It shall apply to the Malakand Protected Area of the Provincially Administered Tribal Areas of the ³[Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. Definitions.---In this Regulation, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) “area” means the Malakand Protected Area;

(b) “evacuee” means a non-Muslim who has any right, title and interest in any immovable property in the area, and, on account of the setting up the State of Pakistan and India, has left on or after 1st day of March, 1947, any place in the

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³Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: 08th January, 2016

territories comprising Pakistan for any place outside those territories and is not a citizen of Pakistan;

- (c) “evacuee property” means any immovable property in the area in which an evacuee had any right, title or interest before 1st day of 1947, whether personally or as a trustee or a beneficiary or in any other capacity, and includes any right or interest in joint Hindu family property which would accrue to the evacuee upon the partition of the same or any other property of evacuee obtained by transfer on or after the above said date; and
- (d) “Government” means the Government of the ¹[Khyber Pakhtunkhwa];

3. Vesting of evacuee property in Government.---(1) Notwithstanding any to the contrary contained in any law for the time being in force, or any judgment, or order or decree of a Court, on the commencement of this Regulation, the right, title and interest of an evacuee, or a person claiming through him, in the evacuee property in the area, shall be extinguished, and such property shall vest wholly and absolutely in Government free from all encumbrances.

(2) All transactions of evacuee property in the area, made at any time immediately before the commencement of this Regulation, by way of sale, lease or otherwise, are hereby declared as null and void and any right, title and interest of any person by virtue thereof shall be extinguished.

4. Power to make rules.---Government may make rules for carrying out the purposes of this Regulation.

Peshawar,
dated the
01/01/2010.

OWAIS AHMED GHANI
Governor of the ²[Khyber Pakhtunkhwa]

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