

THE (BALOCHISTAN) REQUISITIONING OF
IMMOVABLE PROPERTY (TEMPORARY
POWERS) ACT, 1956

(W.P. Act VII of 1956)

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THE [BALUCHISTAN] REQUISITIONING OF
IMMOVABLE PROPERTY (TEMPORARY POWERS)

Short title, extent

ACT, 1956

(W.P. Act VII of 1956)

(30th June, 1956)

An Act to provide for the requisitioning of immovable property.

WHEREAS it is expedient to make provision for temporary requisitioning of immovable property;

It is hereby enacted as follows:-

1. (1) This Act may be called the *[Baluchistan] and Requisitioning of Immovable Property (Temporary Powers) commencement. Act. 1956.

(2) It shall extend to the whole of *[Baluchistan]

except '[* * *] the *[Tribal Areas].

(3) It shall come into force at once.

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

(i) "Building" means any building or part of a building and includes any land, godowns or out-houses attached to it;

(ii) "Court" means the principal Court of original civil jurisdiction in the district;

(iii) "Owner" includes the successor in interest of an owner, a mortgagee in possession and a lessee for a fixed period °[;] 7[*****]

(iv) "Ordinary repairs" means annual white washing, colour washing and such other internal and

1 This Act was passed by the W.P. Assembly on 4th June, 1956; assented to by the Governor of W.P. on 30th June, 1956; and

published in the W.P. Gazette (Extraordinary), dated 30th June, 1956, pages 539-46.

2 Subs. by Baln. A.O. of 1975, for "West Pakistan".

"en?

Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u", as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

Subs. by Baln. A.O. of 1975.

The words "Federal Capital", del. by W.P. Ord. XIX of 1962.

Ins. by Baln. Requisitioning of Immovable Property (Temporary Powers) (Amendment) Act, 1994 (Act VI of 1994); published in

Baln. Gazette (Extraordinary) No. 71, dated 34 August, 1994.

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The words and semi-colon "who has paid rent for the whole of that period in advance;" omitted by the Act *ibid*.

external repairs as are normally done to a building;

(v) "Special repairs" means any other repairs not falling in the definition of "ordinary repairs"

(vi) "Provincial Government" means the Government of [Balochistan].

Requisitioning of 3. (1) If in the opinion of the Provincial Government it property. is necessary 7[****] to requisition any building for 3[**** +e] Of the Central Government, the Provincial Government or any corporate body established by or under the authority of the Central Government or the Provincial Government], the Provincial Government may *[after giving the owner thereof an opportunity of being heard and showing cause against the proposed action], by order in writing requisition any building and may make such further orders as appear to it to be necessary 7[****] in connection with the requisitioning:

Provided that no building used for the purpose of religious worship or imparting education and no_ building situated in a cantonment within the meaning of the Cantonments Act, 1924, shall be requisitioned under this Act:

Provided further that no building which is an evacuee property shall be requisitioned except with the prior approval of the Central Government:

Provided also that if a building is in occupation of any person, no order for its requisitioning shall be passed unless a notice of, at least, two weeks is given to the occupant to show cause against the action proposed to be taken and if and when an order of requisitioning is passed, the occupant shall be allowed a period of one month, at least, to vacate the building and such occupant shall thereupon comply with that order:

Provided that no owner in occupation of a °[residential] house shall be required to vacate it.

(2) If the notice mentioned in the third proviso to sub-section (1) cannot be served on the occupant personally,

Noe

- Ww

Subs. by Baln, A.O. of 1975, for "West Pakistan".

The words "or expedient" omitted by the Baln. Requisitioning of Immovable Property (Temporary Powers) (Amendment) Act, 1994; published in the Baln. Gazette (Extraordinary) No. 71, dated 3% August, 1994.

The words "the use of any of the office or offices" are omitted by the Act ibid.

Subs. by W.P. Ord. 11 of 1959, for "its officers or offices".

: Ins. by W.P. Ord. XXXIV of 1965.

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Ins. By W.P. Act XV IT of 1957, s. 2.

Release from
requisition.

Repairs and
additions to
requisitioned
buildings.

affixation of the notice on a conspicuous part of the building or service by means of a proclamation or by means of a notice in the official Gazette and local press shall be deemed to be sufficient service for the purpose of this section.

(3) Where the Provincial Government has requisitioned any building under sub-section (1) it may use or deal with it in such manner as may appear to it to be expedient.

4. (1) Where any building requisitioned under section 3 is to be released from requisition, the Provincial Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the building shall be given.

(2) The delivery of possession of the building to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of the property which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the building is so delivered.

(3) Where the person to whom possession of any building is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that the building is released from requisition to be published in the official Gazette and to be affixed on some conspicuous part of the property.

(4) When a notice referred to under sub-section (3) is published in the official Gazette, the building specified in the notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the building for any period after the said date.

(5) When any building is released from requisition it shall be restored to the owner in the same condition in which it was requisitioned unless the owner agrees in writing, to receive it with any additions or structural alterations or improvements made by the Provincial Government.

5. (1) The ordinary repairs to the building shall be carried out by and at the expense of the Provincial Government and the owner shall not be required to contribute towards the

Compensation to be
assessed in
accordance with

cost of such repairs nor shall the cost thereof be deducted out of
the compensation awarded.

(2) The special repairs shall be carried out by the
owner. If he neglects to do so, the Provincial Government shall
be competent to direct by an order that the necessary repairs
may be carried out by the said Government's own officers and
that the cost thereof may be deducted from the compensation
payable under section 6:

Provided that no such direction shall be given except
after such notice to the owner as the Provincial Government
considers reasonable:

Provided further that if the need for affecting

repairs is so urgent that in the opinion of the Provincial
Government, for reasons to be recorded, a notice to the owner
will result in further deterioration of the condition of the
building, the direction for carrying out the necessary repairs
may be given without such notice.

(3) If the owner is dissatisfied by an order passed
under sub-section (2) or disputes the amount claimed to have
been spent on such repairs, he may, by an application, refer the
matter to the arbitrator appointed under section 6 and the latter
shall, after holding such inquiry as may be deemed necessary,
pass such orders as the circumstances of the case require. The
order passed by an arbitrator shall be final and conclusive
between the parties and no separate appeal shall lie against it,
but it shall be liable to be challenged by means of an application
given by the owner or the Provincial Government to the High
Court, if any proceedings with regard to the building are
pending in that Court under section 6.

(4) The Provincial Government may, if it considers
necessary or expedient, make additions or structural alterations
or improvements to the building at its own cost, with previous
approval of the owner obtained in writing. The owner shall not
be liable to contribute towards the cost of such additions or
structural alterations or improvements nor shall the amount so
spent be deducted out of the compensation awarded. The owner
shall not be allowed any increase in compensation on account
of such additions or structural alterations or improvements.

6. (1) Where any building is requisitioned there shall
be paid to the owner compensation for its use and occupation,

certain and the amount thereof shall be determined in the manner and principles. in accordance with the principles hereinafter set out:-

(a) Where the amount of compensation can be fixed by agreement it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached the Provincial Government shall by a general or special order, for any case or class of cases, 'appoint as arbitrator a person qualified under Article 167 of the Constitution for appointment as a Judge of a High Court.

(c) The Provincial Government may, in any particular case, nominate a person having expert knowledge as to the nature of the building requisitioned to assist the arbitrator and where such nomination is made, the owner may also nominate an assessor for the said purpose.

(d) At the commencement of the proceedings before the arbitrator the Provincial Government and the owner shall state what, in their respective opinions, is a fair amount of compensation.

(e) [omitted]
(2) 3[omitted]

(3) An appeal shall lie to the High Court against an award of an arbitrator.

(4) Save as provided in this section and in any rules made under this Act nothing in any law for the time being in force shall apply to the arbitration under this section.

(5) An award given by the arbitrator, subject to the result of the appeal, if any, shall be conclusive and final between the parties and shall not be called into question by means of a suit or otherwise except as provided by this Act.

t All such Additional District Judges in the Province of West Pakistan (except the Federal Capital) as are qualified for appointment

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Judge of a High Court are to be arbitrators for the purposes of sections 5 and 6, with respect to requisitioned buildings situated in their respective jurisdiction, see Gazette of West Pakistan, 1958, Extraordinary, p.1703.

The clause (e) omitted by the Baln. Requisitioning of Immovable Property (Temporary Powers) (Amendment) Act, 1994 (Act V of 1994); published in the Baln. Gazette (Extraordinary) No. 71, dated 3% August, 1994.

3 Sub-section (2) omitted by the Act *ibid.*

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Payment of
Compensation.

Power to obtain
information.

Power to give effect
to orders.

Delegation of
functions.

(6) The award may, on an application being filed in the Court, be executed as if it were a decree of a civil court.

7. 'TAs soon as possible after an order of requisition is passed, the Provincial Government shall determine the amount of compensation payable monthly to the owner for the use and occupation of the requisitioned building and deposit by the Sth of each succeeding month such compensation in the court and if the amount of compensation assessed is enhanced by the Arbitrator or by the High Court on appeal, the excess amount shall also be similarly deposited:

Provided that if the amount of compensation is not paid within three months the order of requisition shall be deemed to have been terminated and the requisitioned building shall be deemed to have been released:

Provided further that the amount of compensation payable monthly to the honor to be determined by the Government under this section shall not be less than the current market rent for the requisitioned building.]

8. (1) The Provincial Government may with a view to carrying out the purposes of sections 4 and 6, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any building as may be so specified.

(2) If any person fails to furnish any information required by an order under sub-section (1) or furnishes any information which is false and which he either knows or has reasonable cause to believe to be false or does not believe to be true he shall be punished with imprisonment which may extend to one year or with fine, or with both.

9. The Provincial Government may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of that Government be reasonably necessary, for securing compliance with any order made by it under this Act.

10. The Provincial Government may by "order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Act shall in such circumstances and under

Subs. for section, 7 by the Baln. Requisitioning of Immovable Property (Temporary Powers) (Amendment) Act, 1994 (Act VI of 1994) published in the Baln. Gazette (Extraordinary) No. 71, dated 3 August, 1994.

2 For delegation of powers under this section, see Gazette of Wes Pakistan; 1957, Pt. I, p. 350.

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such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

'Tomitted| 11. [omitted]

[omitted] 12. 3[omitted]

Power to make rules. 13. (1) The Provincial Government may make rules for

the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe -

(a) the procedure to be followed in arbitrations and other proceedings under this Act;

(b) the principles to be followed in apportioning the cost of any proceedings mentioned in clause (a) above, and of

appeals.

Repeal of certain 14. (1) The following enactments are hereby repealed:-

Acts and ,

O. dinance. (1) The Sind Crown' Servants (House

Accommodation) Act, 1947;

(2) The Sind (Requisition of Land) Act, 1947;

(3) The North-West Frontier Province Premises (Requisition and Eviction) Act, 1953;

(4) The Bahawalpur Requisitioning of Immovable Property (Temporary Powers) Act, 1955;

(5) The Punjab Requisitioning of Immovable Property (Temporary Powers) Ordinance, 1955[;]}°

'(6) The Khairpur State Premises (Requisition and Eviction) Act, 1947.]

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1) everything done, action taken,

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Section 11 omitted by the Baln. Requisitioning of Immovable Property (Temporary Powers) (Amendment) Act, 1994 (Act VI of 1994) published in the Baln. Gazette (Extraordinary) No. 71, dated 34 August, 1994.

2 Section 12 omitted by the Act *ibid*.

3 Full-stop at the end of clause (5) substituted by a semi-colon and new clause (6) added by W.P. Act XVIII of 1957, s. 3,

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effective from 30th June, 1956.

obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or powers conferred, rule made and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this Act, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made or issued under this Act.