

THE BALOCHISTAN REQUISITIONING OF
STAGE CARRIAGES (TEMPORARY POWERS)
ORDINANCE, 1970

(W.P. Ordinance XIII of 1970)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.
2. Definitions..
3. Requisitioning of motor vehicles.
4. Appeal.
5. Power to give effect to orders.
6. Power to search and seize.
7. Permit not necessary.
8. Payment of repair charges taxes, etc.
9. Compensation.
10. Sabotage.
11. Penalty.
12. Release from requisition.
13. Jurisdiction of courts barred.
14. Protection of actions under this Ordinance.

15. Power to make rules.

'THE [BALOCHISTAN] REQUISITIONING OF
STAGE CARRIAGES (TEMPORARY POWERS)

Preamble.

Short title, extent
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commencemen
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Definitions.

Requisitioning of

motor vehicles.

ORDINANCE, 1970

(West Pakistan Ordinance XIII of 1970)

[30" April, 1970]

An Ordinance to provide for requisitioning of stage
carriages.

WHEREAS it is expedient to make provision for
temporary requisitioning of stage carriages.

NOW, THEREFORE, in pursuance of the Martial Law
Proclamation of 25 March, 1969, read with the Provisional
Constitution Order, and in exercise of all powers enabling him
in that behalf, the Governor of West Pakistan is pleased to make
and promulgate the following Ordinance: —

1. () This Ordinance may be called the [Balochistan]
Requisitioning of Stage Carriages (Temporary Powers)
Ordinance, 1970.

(2) It shall extend to the whole of the [Balochistan]
except the Tribal Areas.

(3) It shall come into force at once.

2. The words and expressions used in this Ordinance shall have
the same meaning as is assigned to them in the West Pakistan*
Motor Vehicles Ordinance, 1965°.

3. () If in the opinion of the District Magistrate it is
necessary or expedient for Maintenance of passenger transport
service, to requisition any motor vehicle which was used or is
being used as a stage carriage, he may by order in writing,
requisition such motor vehicle maintained or kept within his
jurisdiction, after giving the owner thereof an opportunity of

being heard and showing cause against the proposed action.

This Ordinance was promulgated by the Governor of West Pakistan on 30th April, 1970; published in the West Pakistan Gazette (Extraordinary), dated 30th April, 1970, pages 749-752; saved by Article 281 of the Interim Constitution of the Islamic Republic of Pakistan (1972); and validated by Act LXIII of 1975.

Substituted by the Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan".

Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u"; and

Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

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Now "Provincial", see President Order 4 of 1975; published in the Gazette of Pakistan, extraordinary, part I, dated 1st August, 1975. That is West Pakistan Ordinance XIX of 1965.

Appeal.

Power to give effect
to orders.

Power to search and
seize.

Permit not
necessary.

Payment of repair
charges taxes,
etc.

Compensation.

Explanation: — Where the owner of a motor vehicle to whom opportunity to show cause as required under sub-section (1) is to be given, cannot be found and has no agent or other person to accept service on his behalf, the District Magistrate shall cause notice to be affixed on the motor vehicle itself or on some conspicuous part of his place of business or residence.

(2) Where the District Magistrate has requisitioned any motor vehicle under sub section (1), the same may be maintained and used as stage carriage in such manner as may appear to him to be expedient.

4. qd) The owner aggrieved by an order of the District Magistrate under sub-section (1) of section 3, may within seven days of the Order, appeal to the Commissioner.

(2) The order of the Commissioner on appeal shall be final.

5. The District Magistrate may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonable and necessary for securing compliance of any order made by him under this Ordinance.

6. The District Magistrate may enter and search or authorize any person to enter and search any premises and seize or authorize any person to seize any motor vehicle in respect of which he has reason to believe that a contravention of the provisions of this Ordinance has been or is likely to be committed.

7. Notwithstanding anything contained in the West Pakistan Motor Vehicles Ordinance, 1965', or any other law for the time being in force, no permit for running a motor vehicle requisitioned under section, 3 shall be required.

8. The District Magistrate may in respect of any motor vehicle requisitioned under sub-section (1) of section 3, incur expenses for maintenance and repairs and pay fees, taxes and insurance premiums payable under any law for the time being in force.

9. Where any motor vehicle is requisitioned under sub section (1) of section 3, there shall be paid to the owner

® Now "Provincial", see President Order 4 of 1975.

7

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That is West Pakistan Ordinance XIX of 1965.

Sabotage.

Penalty.

Release from
requisition.

compensation for its use at the rate of rupees fifty per dime,
notwithstanding any expenditure incurred by the District
Magistrate under the provisions of section 8.

10. qd) No person shall do any act with intent to impair
the efficiency or impede the working of, or to cause damage to,
any motor vehicle liable to requisition under section 3.

(2) Without prejudice to the generality of the
provisions of sub-section (1), no person shall:—

(a) remove a vehicle or cause or allow it to
be removed from the locality in which it
is being kept except in accordance with
an order in writing of the District
Magistrate,

(b) remove from the vehicle any part,
necessary, tyre or tube, except for the
purpose of repairing it, or of replacing it
by another not less serviceable, or of
repairing the vehicle or in accordance
with an order in writing of the District
Magistrate.

11. Whoever contravenes the provisions of this Ordinance
shall be punished with imprisonment of either description for a
term which may extend to one year or with fine or with both.

12. qd) Where any motor vehicle requisitioned under
section 3 is to be released from requisition, the District
Magistrate shall arrange the restoration of the possession of the
vehicle to its owner.

(2) Where the owner of the motor vehicle to whom
possession is to be given cannot be found and has no agent or
other person empowered to accept delivery of possession on his
behalf the District Magistrate shall cause a notice declaring that
the motor vehicle is released from requisition to be affixed on
some conspicuous part of his place of business or residence.

(3) When a notice referred to under sub-section (2)
is served in the manner indicated the motor vehicle specified in
the notice shall cease to be subject to requisition on and from

the date of such service and shall be deemed to have been delivered to the owner and the District Magistrate shall not be liable for any compensation or other claim in respect of the

Jurisdiction of
courts barred.

Protection of
actions under

this Ordinance.

Power to make
rules.

same for any period after the said date.

13. qd) No injunction or an order for delivery of possession or appointment of a receiver in respect of any motor vehicle which has been requisitioned under this Ordinance shall be granted or be made by any Court or by any other authority.

(2) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

(3) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Ordinance it shall be presumed that such an order was so made by that authority.

14. qd) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith, done or intended to be done in pursuance of this Ordinance or any order made thereunder.

(2) Save as otherwise expressly provided under this Ordinance, no suit or other legal proceedings shall lie against the District Magistrate for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of this Ordinance or any order made thereunder.

15. Government may make rules for the purposes of carrying into effect the provisions of this Ordinance.