

THE REQUISITIONING OF IMMOVABLE  
PROPERTY FOR DEFENCE PURPOSE  
ORDINANCE, 1980

(Balt Ordinance V of 1980)

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'THE REQUISITIONING OF IMMOVABLE  
PROPERTY FOR DEFENCE PURPOSE

Preamble.

Short title, extent and  
commencement.

Requisitioning etc., of  
immovable  
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ORDINANCE, 1980

(Balochistan Ordinance V of 1980)

[22 March, 1980]

An Ordinance to provide for the requisitioning and  
retention of immovable property for the purpose of the  
defence of Pakistan.

WHEREAS, it is expedient to provide for the  
requisitioning and retention of immovable property for the  
purpose of defence of Pakistan and for matters connected  
therewith or ancillary thereto;

AND WHEREAS, the Governor is satisfied that  
circumstances exist which render it necessary to take  
immediate action;

NOW, THEREFORE, in pursuance of the  
Proclamation of the fifth day of July, 1977', read with the  
Laws (Continuance in Force) Order, 1977 (CMLA Order No.  
1 of 1977)<sup>3</sup>, and in exercise of all powers enabling him in  
that behalf, the Governor of Balochistan' is pleased to make  
and promulgate the following Ordinance: —

1. (1) This Ordinance may be called the  
Requisitioning of Immovable Property for Defence Purpose  
Ordinance, 1980.

(2) It extends to the whole of the Province of  
Balochistan.

(3) It shall come into force at once and shall be  
deemed to have taken effect on the twentieth day of July,  
1975.

2. (1) If in the opinion of the Provincial Government  
it is necessary or expedient so to do for the purpose of

defence of Pakistan, it may, by order in writing, requisition

This Ordinance was promulgated by the Governor of Balochistan on 18" March, 1980; published in Balochistan Gazette (Extraordinary) No. 51, dated 22" March, 1980. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

2 Proclamation of Martial Law, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977.

3 Chief Martial Law Administrator Order I of 1977, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July,

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1977.

Spelling of the word "Baluchistan", wherever it appears in this regulation, 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.

Continuance of  
requisitioned  
immovable  
property.

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immovable  
property.

any immovable property for such period as may be required and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning or use of the property.

(2) Where the Provincial Government has requisitioned any immovable property under sub-section (1), it may serve on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, publish in the official Gazette a notice stating that the Provincial Government has decided to requisition the immovable property in pursuance of this section.

(3) Where a notice of requisition is served on the owner of the property or published in the official Gazette under sub-section (2), then after fifteen days of the day on which the notice is so served or published, the immovable property shall vest in the Provincial Government free from any mortgage, pledge, lien, lease or other similar encumbrances.

3. Where, since before the coming into force of this Ordinance, any immovable property has been in possession or use of the Federal Government for the purpose of defence of Pakistan under any lease or agreement or otherwise, it shall be deemed to have been requisitioned under section 2 and all the provisions thereof shall have effect accordingly.

4. (1) Where the immovable property is requisitioned under this Ordinance, the owner thereof shall be paid compensation, the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say: —

(a) Where the amount can be fixed or the terms can be settled by agreement, it shall be paid in accordance with such agreement; and

(b) Where no such agreement can be reached, the Provincial Government

shall, appoint the Commissioner of the Division concerned to be the arbitrator whose decision shall be final.

(2) The arbitrator in giving his decision shall, among other things, have regard to: —

Revision of  
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(a) The nature of the requisition, that is to say, whether it is temporary in character or for an indefinite period;

(b) the market value of the immovable property at the time of its requisition;

(c) the factors given in section 23 and 24 of the Land Acquisition Act, 1894 (1 of 1894), in so far as they may provide guidance for determining a fair amount of compensation; and

(d) the rent payable shall be reasonable and commensurate with the rent payable for similar property in a similar locality.

5. The compensation payable under section 4 shall be revised after every five years from the date of acquisition of land and the amount of compensation on such revision shall be determined in accordance with the provision of section 4. The amount of the rent shall be revised every five years from the date of requisitioning of land.

6. The Provincial Government may by notification in the official Gazette, direct that any power exercised by it under this Ordinance may also be exercised by an officer subordinate to it.

7. If any officer authorised under section 6 to exercise any power under this Ordinance requires police assistance in the exercise of his powers thereunder, he may send requisitioned to the Officer Incharge of the nearest Police Station who shall on such requisition render the assistance required.

8. Any person who after the promulgation of this Ordinance, trespasses into the immovable property vesting in the Federal Government under this Ordinance or creates obstruction in the use of such property, shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

9. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law, for the

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time being in force, or any decree or order passed by any court or any agreement or contract entered into or made before or after the commencement of this Ordinance.

10. No suit, prosecution or other proceeding except under tute 12, shall lie against the Provincial Government or any other person for anything in good faith done or intended or deemed to be done in pursuance of this Ordinance.

11. (1) No Court shall call into question or permit to be called in question any order made, or anything done or any action taken or deemed to be made, done or taken, under this Ordinance.

(2) No Court shall issue any injunction or make any order, nor shall any Court entertain any proceedings, in relation to anything done or intended or deemed to be done under this Ordinance.

12. An appeal shall only lie to the High Court against the order passed by the Commissioner under this Ordinance.

13. The Provincial Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.