

**THE REQUISITIONING OF IMMOVABLE
PROPERTY FOR DEFENCE PURPOSE
ORDINANCE, 1980**

(Balg 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 property.

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)3, 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.

Compensation of
requisitioned
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
Compensation.

Delegation of powers.

Police to assist the
authorised
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other laws.

(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

Indemnity.

Bar of Jurisdiction.

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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 rule 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.