

THE ENEMY PROPERTY (CONTINUANCE OF EMERGENCY
PROVISIONS) ORDINANCE, 1977

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THE ENEMY PROPERTY (CONTINUANCE OF EMERGENCY
PROVISIONS) ORDINANCE, 1977

ORDINANCE No. XXXIV OF 1977
[26th September, 1977]

An Ordinance to provide for the continuance of certain provisions of the Defence of Pakistan Rules relating to the control of trading with enemy and control of enemy firms, and the administration of the property belonging to them;

WHEREAS it is expedient to provide for the continuance of certain provisions of the Defence of Pakistan Rules relating to the control of trading with enemy and control of enemy firms, and the administration of the property belonging to them;

AND WHEREAS the President 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 C.M.L.A Order No.1 of 1977 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement—(1) This Ordinance may be called the Enemy Property (Continuance of Emergency Provisions) Ordinance, 1977.
 - (2) It extends to the whole of Pakistan and applies to all citizens of Pakistan, and persons in the service of Government, wherever they may be.
 - (3) It shall come into force at once and shall be deemed to have taken effect on the fifteenth day of September, 1977.
2. Continuance of certain emergency provisions. Notwithstanding the repeal of the Defence of Pakistan Ordinance, 1971.
 - (a) the provisions of the Defence of Pakistan Rules mentioned in the first column of the Schedule shall continue in force, and shall have effect subject to the modifications specified in the second column thereof;
 - (b) any order or other instrument made or deemed to be made under or in pursuance of any of the said provisions and in force immediately before the commencement of this Ordinance shall continue in force so far as consistent with the provisions as continued in force by this section and be deemed to be made under or in pursuance of the provisions so continued in force.
3. Effect of rules, etc., inconsistent with other enactments. The provisions of the Defence of Pakistan Rules as continued in force by section 2 and all orders made or deemed to be made under such provisions shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance.

4. Delegations.—(1) The Federal Government may by order, direct that any power or duty which by or under any of the provisions as continued in force by section 2 is conferred or imposed upon the Federal Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged—

- (a) by any officer or authority subordinate to the Federal Government, or
- (b) by any Provincial Government or by any officer or authority subordinate to such Government, or
- (c) by any other authority.

(2) A Provincial Government may by order direct that any power or duty which has been directed under sub-section (1) to be exercised or discharged by the Provincial Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority, not being an officer or authority subordinate to the Federal Government.

(3) All orders delegating any power or duty conferred or imposed by any of the provisions continued in force by section 2 made by the Federal Government before the commencement of this Ordinance and in force immediately before such commencement shall continue in force and be deemed to be made by the Federal Government under this section.

5. Savings as to orders, etc.—(1) Notwithstanding the repeal of the Defence of Pakistan Ordinance, 1971 and anything contained in any other law, treaty or agreement for the time being in force or any other instrument having the force of law, all order and notifications issued and action taken before the commencement of this Ordinance relating to the entry, exit or transit, of traffic to or from any country by rail, road or river transport shall continue in force and shall have effect as if issued or taken under this Ordinance.

(2) No order made or deemed to be made in exercise of any power conferred by or under any of the provisions continued in force by section 2 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 any of the aforesaid provisions, a court shall, within the meaning of the Evidence Act, 1872 presume that such order was so made by that authority.

6. Protection of action taken under rules.— (1) 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 any of the provisions continued in force by section 2 or any order made or deemed to be made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage cause or likely to be caused by anything in good faith done or intended to be done in pursuance of any of the provisions continued in force by section 2 or any order made or deemed to be made thereunder.

THE SCHEDULE
(See Section 2)

Provisions of the Defence of Pakistan Rules Continued in Force

Number and title of Rule Modification

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3. Interpretation.

TM? be omitted.

5 Non-compliance with these rules or orders made
"thereunder.

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165. Prohibition of trading with the enemy.

Control of rights, etc., in respect of trading

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Power to appoint Controllers, etc., of enemy

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firms.

175. Powers of Controllers, etc., of enemy firms.

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Number and title of Rules

Modification

Supervision of suspected business.

Supervision of firms suspected to be enemy firms.

Penalty for failure to comply with orders of
Controller, etc.

Penalty for concealment, destruction, etc., of books
or documents.

Contracts with enemy firms.

Transfer of property to or by enemy firms.

Transfer and allotment of securities to or by enemy
firms.

Transfer of negotiable instruments, and actionable
claims, by enemy firms.

Power to carry on business of enemy firm.

Collection of debt of enemy firms and
administration of property.

Power to control and wind up certain business.

Constitution of Boards for certain purposes.

Power to obtain information.

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Attempts, etc., to contravene the rules.

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Cognizance of contravention of the rules.

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Sub-rules (3) and (4) shall be

omitted.