

THE ENEMY PROPERTY (CONTINUANCE OF EMERGENCY
PROVISIONS) | ORDINANCE, 1969

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THE ENEMY PROPERTY (CONTINUANCE OF EMERGENCY PROVISIONS)
ORDINANCE, 1969

ORDINANCE NO. I OF 1969

[16 February, 1969]

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 National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by Article 29 of the Constitution and of all other 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, 1969.

(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 on the day on which the Defence of Pakistan Ordinance, 1965 (XXIII of 1965), ceases to have effect under clause (7) of Article 30 of the Constitution.

2. Continuance of certain emergency provisions.—Notwithstanding the Defence of Pakistan Ordinance, 1965 (XXIII of 1965), ceasing to have effect.

(a) the provisions of the Defence of Pakistan Rules mentioned in the first column of the Schedule to this Ordinance 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 Defence of Pakistan Ordinance, 1965 (XXIII of 1965), ceasing to have effect 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 orders 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 (I of 1872), presume that such order was so made by that authority.

6. Protection of action take 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.

leubs. by Federal Adaptation of Laws Order, 1975, (P.O No. 4 of 1975), Art. 2 and Table.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by any thing 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

1. Short title. —
3. Interpretation. Sub-rule (2) and (3)

shall be omitted.

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

161. Definition. —

162. Prohibition of trading with the enemy. —

163. Control of rights, etc., in respect of trading with the enemy. —

164. Power to appoint Controllers, etc., of Enemy Trading. —

165. Power of Controllers, etc., of Enemy Trading. —

166. Supervision of suspected business. —

167. Penalty for failure to comply with orders of Controllers, etc. —

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

169. Definitions. ——

170. Prohibition of trade with enemy firms and purchase of enemy currency. —

171. Power to appoint Controllers, etc., of enemy firms. —

172. Powers of Controllers, etc., of enemy firms. —

173. Supervision of suspected business. —

174. Supervision of firms suspected to be enemy firms. —

175. Penalty of failure to comply with orders of Controller, etc. —

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

177. Contracts with enemy firms. —

178. Transfer of property to or by enemy firms. —

179. Transfer and allotment of securities to or by enemy firms. —

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

181. Power to carry on business of enemy firms. —

182. Collection of debt of enemy firms and administration of property. —

183. Power to control and wind up certain business. —

183-A. Constitution of Board for certain purposes. —

185. Power to obtain information. —

186. False statements. —

187. Power to require production of books. —

194. Attempts, etc., to contravene the rules. —

195. Offences by corporations. ——

197. Burden of proof in certain cases. ——

205. Cognizance of contravention of the rules. Sub-rules (3) and (4)

shall be omitted.