

THE REQUISITIONED LAND (CONTINUANCE OF POWERS)
ORDINANCE, 1977

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THE REQUISITIONED LAND (CONTINUANCE OF POWERS)
ORDINANCE, 1977.

ORDINANCE NO. XXXIII OF 1977
[15th September, 1977]

An Ordinance to provide for the continuance of certain emergency powers in relation to requisitioned land

WHEREAS it is expedient to provide, in relation to land which, when the Defence of Pakistan Ordinance, 1971 (XXX of 1971) stands repealed, is subject to any requisition effected under any rule made under the said Ordinance, for the continuance of certain powers therefor exercisable under the said Ordinance or the said rules ;

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. | 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 Requisitioned Land (Continuance of Powers) Ordinance, 1977.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definition. In this Ordinance, unless there is anything repugnant in the subject or context, “requisitioned land” means immovable property which at the commencement of this Ordinance is subject to any requisition effected by or under the authority of the Federal Government under the rules made under the Defence of Pakistan Ordinance, 1971 (XXX of 1971).

3. Continuance of requisitions. Notwithstanding the repeal of the Defence of Pakistan Ordinance, 1971 (XXX of 1971) and the rules made thereunder, all requisitioned lands shall continue to be subject to requisition and the Federal Government may use or deal with any requisitioned land in such manner as may appear to it to be expedient:

Provided that the Federal Government may at any time release from requisition any requisitioned land.

4. Release from requisition. —(I) Where any requisitioned land is to be released from

requisition, the Federal Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the land shall be given.

(2) The delivery of possession of the requisitioned land to the person specified in an order made under sub-section (1) shall be a full discharge of the Federal Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is to be delivered.

(3) Where the person to whom possession of any requisitioned land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Federal Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and publish the notice in the official Gazette.

(4) When a notice referred to in sub-section (3) is published in the official Gazette, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Federal Government shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

5. Payment of compensation. In respect of the continued subjection of requisitioned land to requisition under this Ordinance compensation shall be determined and paid in accordance with the provisions of section 18 of the Defence of Pakistan Ordinance, 1971 (XXX of 1971) and of the rules made thereunder:

Provided that all agreements and awards under the said section in respect of the payment of compensation for the period of requisition before the commencement of this Ordinance shall continue to be in force and shall apply to the payment of compensation for the period of requisition after such commencement.

6. Power to obtain information.—(1) The Federal Government may, with a view to carrying out the purposes of sections 3 to 5, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any requisitioned land as may be specified.

(2) Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Pakistan Penal Code (Act XLV 1860).

7. Delegation of functions. The Federal Government may, by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

8. Indemnity.—(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 this Ordinance or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Federal Government 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 rule or order made thereunder.

9, Savings. Notwithstanding the repeal of the Defence of Pakistan Ordinance, 1971 (XXX of 1971) anything done, action taken obligation Or liability incurred, proceeding commenced, and any appointment of any person and any rule made under section 18 of the said Ordinance shall, so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done, taken, incurred, commenced or made under this Ordinance.