

THE WEST PAKISTAN NATIONAL CALAMITIES
(PREVENTION AND RELIEF) ACT, 1958

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Inserted by W.P Act No. X of 1964.

THE WEST PAKISTAN NATIONAL CALAMITIES
(PREVENTION AND RELIEF) ACT, 1958

(West Pakistan Act XXXIII of 1958)!
[24th April, 1958].

An Act to provide for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities.

Whereas it is expedient to provide for the maintenance and restoration of order in areas affected by certain calamities and for the prevention and control of and relief against such calamities;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan National Calamities (Prevention and Relief) Act, 1958.

(2) It extends to the whole of *[Province of the Khyber Pakhtunkhwa] except *[the Tribal areas]

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context—

(a) "[Relief Commissioner" means the person appointed as such under section 3-A;]

(b) "Government". means the Government of *[Khyber Pakhtunkhwa]; and

(c) "Prescribed" means prescribed by rules made under this Act.

°[3. Whenever the Province or any part thereof is affected or threatened by flood, famine, locust or any other pest, hailstorm, fire, epidemic or any other calamity which, in the opinion of Government warrants action under this Act, Government may, by notification, declare the whole or any part of the Province, as the case may be, as calamity-affected area].

1 for Statement of Objects and Reasons see Gazette of West Pakistan, 1957, Extraordinary P.49.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

3 Subs, by W. P. Act X of 1964, s. 2.

4 Subs, by W. P. Act X of 1964, s.2.

5 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

6 Subs, by W. P. Act X of 1964.

Preamble.

Short title extent
and commencement.

Definitions.

Declaration of
calamity affected
area.

[3-A. (1) Government may, by notification, appoint a Relief Appointment of Commissioner for the Province. Relief Commissioner

(2) Government may confer on the Relief Commissioner for the whole or part of the Province—

(i) the powers of a Magistrate of the First Class under section 144 of the Code of Criminal Procedure, 1898; and

(ii) powers under such other laws as Government may consider necessary for carrying out the purpose of this Act.]

4. (1) Subject to the other provisions of this Act, and of the rules Prevention and made thereunder, the Relief Commissioner shall, with respect to the relief. calamity-affected area, take such steps as he may deem necessary in order

to maintain order, prevent, check or control the calamity or reduce the

extent and severity thereof, or to provide immediate relief to the victims of

the calamity in the calamity-affected area.

(2) In particular and without prejudice to the generality of the powers conferred by the preceding subsection the Relief Commissioner shall have power r bones].

(a) to evacuate or segregate population;

(b) to requisition bulldozers, tractors, motor vehicles, carts, carriages, boats and other means of transport by air, land or water, and beasts of burden;

(c) to require the residents to declare surplus stocks of food, fodder, fire-wood, clothing and beddings and to requisition all or any of these articles;

(d) to requisition building materials;

(e) to requisition any building or land;

(f) to demolish any building or other structure;

(g) to conscript labour;

(h) to direct any person to abstain from a certain act or to take certain order with regard to certain property in his possession

or under his management:

and after approval of the Government -

1 Section 3-A ins. by W. P. Act X of 1964.

2 Omitted by the Act ibid.

(i) to acquire any land; or

(ii) to remit in whole or part any Government dues, payable by any person or in respect of any property affected by the calamity:

Provided that with respect to the powers conferred by clauses (b), (c), (d), (e), (A), (g), (h) and (i) of this subsection the person owning the articles, beasts of burden, building or land which is requisitioned or acquired, or the building or other structure which is demolished, or the person directed to abstain from any act or to take any order with regard to any property, and the persons conscripted to work as labourers, shall be entitled to reasonable compensation as may be claimable under any law for the time being in force, or if no such law exists as is applicable to the case, then as prescribed by rules under this Act, and such compensation shall be paid within one year from the day it falls due ¹

*[Provided further that the powers conferred by clauses (a), (f), (g) and (h) of this subsection shall be exercised by the Relief Commissioner only within the area or areas declared as calamity-affected under section 3].

(3) Subject to the right of the owner to claim compensation, the property with regard to which an order for requisition or acquisition has been passed by the Relief Commissioner shall forthwith vest in the Relief Commissioner, who may deal with it in such manner as he deems proper in order to discharge his duties under this Act:

Provided that when the purpose for which the property was requisitioned has been served it may, at his request be returned to the owner after the compensation paid to him has been refunded by him less the depreciation charges.

(4) The Relief Commissioner may, in addition to any other action prescribed by or under this Act, use or cause to be used force as may, in his opinion, be reasonably necessary for securing compliance with or giving effect to or preventing any contravention of an order passed or for the effective exercise of power exercisable under this Act.

5. The Relief Commissioner may, for the purposes of this Act, directly requisition the services of any employee of the Government within the calamity-affected area, after consultation with the official superior of his Department, as far as practicable, and the person to whom the requisition is addressed shall comply with it as if it were an order passed by the Government or, as the case may be, by his official superior.

¹ Full stop subs by colon: and new proviso added by W. P. Act X of 1964.

² Full stop subs by colon: and new proviso added by Act *ibid*.

Requisition of
services of
Government
officials.

6. (1) Any person who fails to comply with an order passed by the Relief Commissioner or any other person authorised to pass an order under this Act, or the rules thereunder shall be deemed to have disobeyed a direction so as to be liable for punishment under section 188 of the Pakistan Penal Code, 1860.

(2) Nothing in sub section (1) shall debar a competent authority from taking disciplinary action against an employee of the Government who has failed to obey a lawful order passed under this Act, or the rules thereunder.

(3) Every offence punishable under this Act, shall, within the meaning of the Code of Criminal Procedure, 1898, be cognizable and may be tried in accordance with the procedure prescribed by that Code for summary trials.

7. [(1) The Relief Commissioner may in areas declared a calamity affected under section 3, by an order in writing, direct that all or any of his powers, under this Act, shall in, relation to such matters and subject to such conditions, if any, as may be specified in the order, also be exercised by such officer, not below the rank of a Gazetted Officer, as may be specified in the order].

(2) The Relief Commissioner and the officers to whom all or any of his powers have been delegated Under subsection (1) shall be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

8. (1) Any order passed under this Act, by the Relief Commissioner, shall be subject to revision by the Government, and the Relief Commissioner shall give effect to the orders of the Government made in revision.”[:]

*[Provided that the Government shall not revise any order unless the aggrieved party is given an opportunity of being heard.]

(2) The Government shall, by rules, prescribe the class of cases and the manner in which and the time within which orders made under this Act, shall be liable to revision by the Government.

9. If in any case it is possible to serve an order under this Act on any person without defeating the object of the order or if the person to whom the order is addressed fails to comply with it, the Relief Commissioner may, after recording the reason for doing so, give effect to the order and for that purpose may take such steps or pass such order with regard to any property as he considers necessary.

1 Subs, by W. P. Act. X of 1964.

Punishment and
procedure.

Delegation of

powers.

Revision.

Power to give effect
to order.

2 In section 8, in subsection (1), at the end, the full-stop, the colon subs, by Khyber Pakhtunkhwa Ord. No. III of 1985 read with

3 The proviso ins by Act *ibid*.

10. No order made under this Act, shall be called in question in any Bar to action. court and no civil or criminal proceeding shall be instituted against any

person for anything done or purported to have been done, or intended to be done in good faith under this Act, or against any person for any loss or damage caused to, or in respect of any property whereof possession has been taken or which has otherwise been dealt with under this Act.

11. (1) The Government shall, as soon as may be, make rules for the Rules. purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Government may, by rules, provide for all or any of the following matters, namely:—

(a) the procedure to be adopted in giving alarm of an impending calamity;

(b) the method of securing information with regard to flood or any other impending calamity;

(c) the measures and precautions to be taken to avert any such calamity;

(d) the procedure to be followed for survey of places of safety and the entry into any such place for the purpose of such survey after a proper notice;

(e) the method of assessment and payment of compensation on account of requisition and acquisition of property under this Act; and

(f) the procedure with regard to revisions against an order passed under this Act, and the period during which such revisions can be presented.

(3) The rules made under this Act, shall be laid on the table of the Provincial Assembly during the session of the Assembly next following and may be rescinded or modified by a resolution of the Assembly.

12. The Punjab National Calamities (Prevention and Relief) Act, 1951, Repeal. '[the Khairpur National Calamities (Prevention and Relief) Act, 1954] and

the West Pakistan National Calamities (Prevention and Relief) Ordinance, 1956, are hereby repealed.