

1. This Ordinance may be called the Pakistan Refugees Rehabilitation Finance Corporation (Amendment) Ordinance, 1949.
2. In section 6 of the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948,—
  - (a) for subsection (2), the following subsection shall be substituted namely:—
    - “(2) The authorised capital of the Corporation shall be three crores of rupees to be subscribed by the Central Government from time to time according to the needs of the Corporation”, and
    - (b) the following new subsection shall be inserted, namely:—
    - “(4) Notwithstanding anything in subsections (2) and (3) of this section the Corporation may at any time refund to the Central Government any part of the capital subscribed under subsection (2) which it finds itself unable to use, and upon such refund its liability for interest under subsection (3) as to that part shall cease”.

### Ordinance No. VI of 1949

*An Ordinance to amend the Aircraft Act, 1934*

*Karachi, the 24th May, 1949*

Whereas an emergency has arisen which renders it necessary to amend the Aircraft Act, 1934 (XXII of 1934), for the purposes hereinafter appearing:

Now, therefore, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Aircraft (Amendment) Ordinance, 1949.
- (2) It shall come into force at once.
2. *Amendment of section 14 of XXII of 1934.*—In section 14 of the Aircraft Act, 1934 (XXII of 1934) for the words “three months” the words “three weeks” shall be substituted.

### Ordinance No. VII of 1949

*An Ordinance to provide, in pursuance of an agreement with India, for the recovery and restoration of abducted persons*

*Karachi, the 27th May, 1949*

Whereas an agreement has been reached between the Government of Pakistan and the Government of India for the recovery and restoration of abducted persons;

And whereas an emergency has arisen which makes it necessary to provide, in pursuance of the said agreement, for the recovery of abducted persons and for their temporary detention in camps pending restoration to their relatives;

Now, therefore, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Pakistan (Recovery of Abducted Persons) Ordinance, 1949.
- (2) It extends to the whole of Pakistan.

(3) It shall come into force at once in the Province of West Punjab and in such other areas, and on such dates as the Central Government so directs by a special order published in the Official Gazette.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in this subject or context :—

(a) "abducted persons" means a male child under the age of sixteen years or a female of whatever age who is, or immediately before the first day of March 1947, was a Hindu or Sikh and who on or after that day and before the first day of January 1949, has become separated from his or her family and is found to be living with or under the control of a Muslim individual or family ;

(b) "camp" means any place established, or deemed to be established, under section 3 for the reception and detention of abducted persons.

3. *Establishment of camps and notification thereof and of officers in charge.*—(1) The Provincial Government may establish as many camps as it may consider necessary for the reception and detention of abducted persons, and any place established before the commencement of this Ordinance for the reception and detention of abducted persons shall be deemed to be a camp established by the Provincial Government within the meaning of this section.

(2) The Provincial Government shall, as soon after the commencement of this Ordinance as may be practicable, notify in the Official Gazette of the Province all camps in the Province and the names of officers in charge thereof.

4. *Powers of police officers to recover abducted persons.*—(1) If any police officer, not below the rank of an Assistant Sub-Inspector or any other police officer specially authorised by the Provincial Government in this behalf, has reason to believe that an abducted person resides or is to be found in any place, he may, without warrant, enter and search the place and take into custody any person found therein who, in his opinion is an abducted person, and deliver or cause such person to be delivered to the custody of the officer in charge of the nearest camp with the least possible delay.

(2) In exercising any powers conferred by subsection (1) any such police officer may take such steps and may require the assistance of such female persons as may, in his opinion, be necessary for the effective exercise of such power.

5. *Maintenance of discipline in camp.*—(1) The Provincial Government may make regulations for the transfer of abducted persons from one camp to another and for the maintenance of health and good order in the camp and of harmonious relations among the abducted persons detained therein.

(2) In making any regulations under this section, the Provincial Government may provide that a breach thereof shall be tried and punished by the officer in charge of the camp in such manner as may be prescribed in the regulations :

Provided that no abducted person shall be liable to be tried in a Criminal Court in respect of any offence made punishable by any regulations made under this section.

6. *Determination of question whether any person detained is an abducted person.*—(1) If any question arises whether a person detained in a camp is an abducted person or not, it shall be referred to, and decided by a tribunal constituted for the purpose by the Central Government.

(2) The decision of the tribunal constituted under subsection (1) shall be final :

Provided that the Central Government may, either of its own motion or on the application of any party interested in the matter, review or revise any such decision.

7. *Handing over of abducted persons to persons authorised.*—(1) Any officer in charge of a camp may deliver any abducted person detained in the camp to the custody of such officer or authority as the Provincial Government may, by general or special order, specify in this behalf.

(2) Any officer or authority to whom the custody of any abducted person has been delivered under the provisions of subsection (1) shall be entitled to receive and hold the person in custody and either restore such person to his or her relative or convey such person out of Pakistan.

8. *Detention in camp not to be questioned by Court.*—Notwithstanding anything contained in any other law for the time being in force, the detention of any abducted person in a camp in accordance with the provisions of this Ordinance shall be lawful and shall not be called in question in any Court.

[*Note.*—Whether the powers of High Courts under section 491 of the Code of Criminal Procedure, 1898, are taken away or not by this Ordinance is a moot point. To my mind the Ordinance cannot take away such powers of the High Courts.]

9. *Protection of action under Ordinance.*—No suit, prosecution or other legal proceeding whatsoever shall lie against the Central Government, the Provincial Government or any officer or authority for or in respect of any Act which is in good faith done or intended to be done in pursuance of this Ordinance.

10. *Validation of action taken before commencement of Ordinance.*—Any order made or action taken before the commencement of this Ordinance by the Central Government, the Provincial Government or any officer or authority in relation to an abducted person, shall, in so far as the order made or action taken is of the nature permitted by or under this Ordinance, be deemed to be as valid and effectual for all purposes as if the order or action had been made or taken in the exercise of powers conferred by this Ordinance, and the provisions of section 9 in particular shall apply accordingly.

[*Note.*—Previous actions are made legal by this provision.]

11. *Termination of pending proceedings.*—All proceedings for the production of any abducted person detained in a camp which are pending before a High Court under the provisions of section 491 of the Code of Criminal Procedure, 1898 (V of 1898) or before a Magistrate under the provisions of section 100 of that Code shall be deemed to have terminated on the commencement of this Ordinance.

12. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the constitution and procedure of any tribunal appointed under section 6 ;

(b) the manner in which any application to review or revise any decision of the tribunal may be made under section 6...

### Ordinance No. VIII of 1949

*An Ordinance to amend the Pakistan Finance Act, 1949*

*Karachi, the 6th June, 1949*

Whereas an emergency has arisen which renders it necessary to amend the Pakistan Finance Act, 1949, for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, Ch. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Pakistan Finance Act (Amendment) Ordinance, 1949.

(2) It extends to all the Provinces of Pakistan and the Capital of the Federation.

(3) It shall come into force at once, and shall be deemed to have taken effect on the first day of April, 1949.

2. *Amendment of Fourth Schedule to Pakistan Finance Act, 1949 (IX of 1949).*—In section A of Part 1 of the Fourth Schedule to the Pakistan Finance Act, 1949, for the words "registered firm" the words "unregistered firm" shall be substituted.

[Note.—Read the Ordinance together with Act No. 9 of 1949].

### Ordinance No. IX of 1949

*An Ordinance to make provision for Service by Foreigners in His Majesty's Pakistan Forces*

*Karachi, the 22nd June, 1949*

Whereas an emergency has arisen which makes it necessary to provide for service by foreigners in His Majesty's Pakistan Forces;

Now, therefore, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, ch. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be known as the Forces (Service by Foreigners) Ordinance, 1949.

(2) It shall come into force at once and shall be deemed to have taken effect on the 25th day of November 1948.

2. *Definition.*—In this Ordinance "foreigner" means a foreigner as defined in the Foreigners Act, 1946 (XXXI of 1946).

3. *Grant of Commission etc., to foreigners.*—Notwithstanding anything to the contrary contained in any law for the time being in force the Governor-General may grant a Commission or warrant in any of His Majesty's Pakistan Forces to, or may by general or special order authorise the enrolment therein of, any foreigner.

4. *Subjection to law of the service.*—A foreigner to whom a Commission or warrant is granted or who is enrolled in His Majesty's Pakistan Forces under the provisions of section 3 shall immediately upon such grant or enrolment be subject to the law relating to the administration and discipline of that arm of the service of which he is from time to time a member and shall remain so subject wherever he may be serving within or without Pakistan.