

### Ordinance No. XI of 1949

*An Ordinance to provide for the prohibition of dealings relating to immovable evacuee property*

*Karachi, the 26th July, 1949*

Whereas an emergency has arisen which renders it necessary to provide for the prohibition of dealings relating to immovable evacuee property ;

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, commencement and duration.*—(1) This Ordinance may be called the Pakistan (Dealings in Immovable Evacuee Property) Ordinance, 1949.

(2) It extends to the whole of Pakistan.

(3) It shall come into force in such areas and on such dates as may be notified in the Official Gazette.

[*Note* :—*Vide* Notification No. D. 3/36-B/49, dated 26th July 1949 (Gazette 26th July 1949) the Ordinance has been made applicable to Baluchistan, and *vide* Notification No. F. 13 (39)/49-P, dated 29th July 1949 (Gazette 29th July 1949), the Ordinance shall be deemed to have come into force in Baluchistan on the 26th day of July 1949, *vide* Notification No. 35/31/49—Public, dated 26th July 1949 (Gazette 26th July 1949), the Governor-General is pleased to direct that this Ordinance shall be in force in the Capital of the Federation. *Vide* Notification No. 11 (37) 49-P, dated 26th July 1949 the Ordinance shall come into force in West Punjab, the N.-W. F. Province Sind and the Capital of the Federation on 26th July 1949. *Vide* Notification No. D. 3690-8/49, dated 26th July 1949 the Ordinance shall come into force in the states which have acceded to Pakistan on 26th July 1949].

(4) It shall remain in force for a period of two months from the date of coming into force, but the Central Government may, by notification in the Official Gazette, direct that it shall remain in force in any area or areas for any further period or periods not exceeding two months at a time.

2. *Definitions.*—For the purpose of this Ordinance :—

(a) “immovable evacuee property” means such immovable property as falls within the definition of evacuee property given in clause (c) of section 2 of the Pakistan (Protection of Evacuee Property) Ordinance, 1948 (XVIII of 1948), read with clause (e) of the said section, and includes such immovable property as a person intends to alienate in anticipation of his becoming an evacuee ;

(b) “registering officer” means a Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908 (XVI of 1908), or any other officer discharging for the time being the functions of such Registrar or Sub-Registrar ;

(c) “Custodian” means the Custodian of Evacuee Property referred to in subsection (2) of section 3 of the Pakistan (Protection of Evacuee Property) Ordinance, 1948 (XVIII of 1948).

3. *Prohibition of dealings relating to immovable evacuee property.*—Notwithstanding anything contained in any other law for the time being in force,—

(a) no proposal for the sale, mortgage, lease, exchange or other dealing

relating to any immovable evacuee property shall be made and no such proposal made before the coming into force of this Ordinance shall be accepted and no agreement relating to any such dealing shall be entered into or made ;

(b) no agreement made before the coming into force of this Ordinance in respect of sale, mortgage, lease, exchange or other dealing relating to any immovable evacuee property shall be performed and no deed or other instrument in performance of any such agreement shall be executed or registered nor shall any such agreement be completed in any other manner.

[Note :—The Ordinance has retrospective effect.]

4. *Registration of documents.*—Notwithstanding anything contained in the Registration Act, 1908 (XVI of 1908), or in any other enactment for the time being in force, no registering officer shall register or accept for registration any document relating to any immovable evacuee property.

5. *Proposal etc. contravening Ordinance to be void.*—(1) Any proposal or acceptance made, agreement entered into, deed or other instrument executed or registered or dealing effected in contravention of this Ordinance shall be null and void.

(2) The Custodian may, of his own motion or on a reference made to him by any person, declare that any proposal, acceptance, agreement, deed or other instrument or dealing is null and void under the provisions of subsection (1), and such declaration shall be conclusive evidence that such proposal, acceptance, agreement, deed or other instrument or dealing is null and void and shall not be questioned in any Court.

6. *Power to exempt.*—The Central Government may, by notification in the Official Gazette, exempt any person or class of persons or any immovable evacuee property or class of such property or any form or forms of dealing relating to immovable evacuee property from the operation of this Ordinance.

7. *Delegation of power.*—The Central Government may, by general or special order, direct that the power exercisable by it under the last preceding section shall be exercised by such officer or officers, and in such circumstances and under such conditions if any, as may be specified in the order.

Karachi, the 25th June, 1949

No. 21-C(1)/49.—In exercise of the powers conferred by subsection (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government is pleased to direct that the following further amendment shall be made in the Motor Vehicle Spare Parts Control Order, 1944, namely :—

In the Third Schedule to the said Order against the entry Sind in column No. 1, and after Serial No. 19, the numerals and words "20" "Messrs Pakistan Industrial and Engineering Agencies", and "Karachi" shall be inserted under columns 2, 3 and 4 respectively.

Karachi, the 1st July, 1949

No. 3843-F/49.—In pursuance of section 5 of the Pakistan Industrial Finance Corporation Act, 1949 (I of 1949), the Central Government is pleased to fix 23 4 per cent to be the minimum rate at which annual