

**THE PENDING PROCEEDINGS (INDIAN COURTS)  
ACT, 1952.**

1 ACT No. LIV OF 1952

[14th December, 1952]

**An Act to render ineffective certain decrees and orders passed by courts in India against a Government in Pakistan and to provide an alternative remedy to persons who have secured such decrees or orders.**

WHEREAS it is expedient to render ineffective certain decrees and orders passed by courts in India against a Government in Pakistan and to provide an alternative remedy to persons who have secured such decrees or orders;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Pending Proceedings (Indian Courts) Act, 1952.

Definition.

2. In this Act the expression "decree to which this Act applies" means any such judgment, decree or order as is referred to in—

- (i) paragraph (3) of Article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or O.11  
of  
1947.
- (ii) paragraph (4) or paragraph (6) of Article 13 of the High Courts (Bengal) Order, 1947, or O.4  
of  
1947.
- (iii) paragraph (5) or paragraph (6) of Article 13 of the High Courts (Punjab) Order, 1947, O.5  
of  
1947.

which has been passed by a court in India and which imposes any liability or obligation on a Government in Pakistan.

Certain Indian decrees not to be given effect to in Pakistan.

3. Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Act applies shall be given effect to by any court or authority in Pakistan in so far as such decree imposes any liability or obligation on any Government in Pakistan.

Right of holder of a decree to which this Act applies to institute fresh pro-

4. Notwithstanding anything contained in section 3 of the Limitation Act, 1908, any person in whose favour a decree to which this Act applies has been passed may, within one year from the commencement of this Act, institute a fresh suit or other legal proceeding in respect of the cause of action on which

IX of  
1908.

<sup>1</sup> For Statement of Objects and Reasons, see Gaz. of P., 1952, Pt. IX, p. 8.

V of  
1908.

such decree was based, and any suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908, or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

ceedings in  
Pakistan.

5.—(1) The Pending Proceedings (Indian Courts) Ordinance, 1952, is hereby repealed.

Repeal  
Ordinance  
IX of 1952.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or such action was taken.

## THE PAKISTAN (CONTROL OF ENTRY) ACT, 1952.

1 ACT No. LV OF 1952

[14th December, 1952]

An Act to make better provision for controlling the entry of Indian citizens into Pakistan.

WHEREAS it is expedient to make better provision for controlling the entry of Indian citizens into Pakistan;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Pakistan (Control of Entry) Act, 1952.

Short title  
extent  
commen-  
ment. tion.

<sup>1</sup> For Statement of Objects and Reasons, see Gaz. of P., 1952, Pt. IX, p. 33.

The Act has been applied to Baluchistan with effect on and from the 18th day of December, 1952, see Gaz. of P., 1953, Pt. I, p. 111; and extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950).

The Act has also been applied—

(i) in the Federated Areas of Baluchistan, see Gaz. of P., 1953, Pt. I, p. 152; and

(ii) to the Chittagong Hill-tracts and the partially excluded areas of the Mymensingh district, with effect from the 18th December, 1952, see Dacca Gazette, 1952, Pt. I, p. 296.

The Act, rules, notfnns. and orders made under it have been applied to the Tribal Areas or to the parts of those areas to which they have not been already applied, see the Tribal Areas (Application of Acts) Repeal Act, 1965, Gaz. of P., 1965, Ext., pp. 1016—1018.