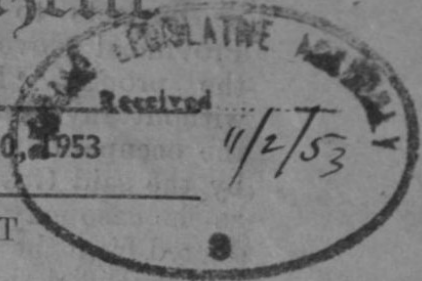


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LEGISLATIVE DEPARTMENT

NOTIFICATION

The 10th February 1953

No. 715-Leg.—The following Act received the assent of the Governor on the 3rd February 1953, and is hereby promulgated for general information:—

THE PUNJAB REQUISITIONING OF IMMOVABLE PROPERTY (TEMPORARY POWERS)

(AMENDMENT) ACT, 1952

PUNJAB ACT VIII OF 1953

An act to amend the Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1949

WHEREAS it is expedient to amend the Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1949, in the manner hereafter appearing;

Preamble

It is hereby enacted as follows:—

1. (1) This Act may be called the Punjab Requisitioning of Immovable Property (Temporary Powers) (Amendment) Act, 1952.

Short title and commencement.

(2) It shall come into force at once.

2. (1) Subsections (2) and (3) of section 5 of the Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1949 (hereinafter called the said Act), shall be deleted and the existing section 5 (1) shall be renumbered as section 5.

Amendment of section 5 of Punjab Act XIX of 1949.

(2) For the word "thereunder" occurring in clause (g) of section 5 of the said Act as renumbered, the words "under this Act" shall be substituted.

3. After section 5 of the said Act the following new section shall be added, namely:—

Addition of new section 5-A to Punjab Act XIX of 1949.

"5-A (1) Where the property requisitioned under section 2 is or comprises a structure, the person to be compensated therefor shall maintain it in good repair. If

Property to be maintained in good repair.

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he neglects to do so, it shall be competent for the Provincial Government to direct by an order, if the property has been requisitioned for its own use, without any motion, and in other cases, on a motion by the occupant, that necessary repairs may be carried out by the said Government's own officers or the occupant, as the case may be, and that the cost thereof may be deducted from the compensation payable under section 5:

Provided that no such direction shall be given except after such notice to the person to be compensated as the Provincial Government considers reasonable, and after giving him an opportunity to be heard, and holding such enquiry as may be considered necessary by the Provincial Government:

Provided further that if the need for effecting repairs arises before it is determined who is to receive compensation under section 5, or if the need is so urgent that in the opinion of the Provincial Government, for reasons to be recorded, a notice to the person entitled to such compensation will result in further deterioration of the condition of the property, the direction for carrying out the necessary repairs may be given without such notice.

(2) If any person affected by any order passed under subsection (1) is dissatisfied with it, he may, if the rules under this Act so provide appeal to such authority as may be prescribed."

Amendment of section 6 of Punjab Act XIX of 1949.

4. For the figure '5' occurring in subsection (1) of section 6 of the said Act the figure and letter "5-A" shall be substituted.

Addition of a new section 10 to Punjab Act XIX of 1949.

5. The existing section 10 of the said Act shall be renumbered as section 11 and the following new section shall be added as section 10, namely:—

"10. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

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

(a) the procedure to be followed in arbitrations and other proceedings under this Act;

(b) the principles to be followed in apportioning the costs of any proceedings mentioned in clause (a) above, and of appeal;

- (c) the maximum amount fixed under an award made under section 5 against which no appeal shall lie; and
- (d) cases or circumstances in which, or in which alone, an appeal shall lie against orders passed under section 5-A, and the maximum amount ordered to be spent thereunder on repairs against which no appeal shall lie”.
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J. ORTCHESON

Secretary to Government, Punjab
Legislative Department