

THE CIVIL DEFENCE (SPECIAL POWERS) RULES, 1951

Federal
No. 5/1150-C.D., dated the 26th July, 1951.—In exercise of the powers conferred by section 2 and sub-sections (2) and (3) of section 6 of the Civil Defence (Special Powers) Ordinance, 1951 (VI of 1951), the Central Government is pleased to make the following Rules for securing the Civil Defence of the Federation:—

1. **Short title.**—These Rules may be called the Civil Defence (Special Powers) Rules, 1951.

2. **Interpretation.**—In these Rules unless there is anything repugnant in the subject or context, the expression "Provincial Government" means, in relation to a Chief Commissioner's Province, the Chief Commissioner, and in relation to the Capital of the Federation, the Administrator of Karachi.

Federal
3. **Constitution of Air Raid Precautions Services and Civil Defence Services.**—The Central Government or the Provincial Government may constitute for any area a body to be called an Air Raid Precautions Service or Civil Defence Service, and may appoint a person, hereinafter called the Controller, to command such body in such area.

4. **Appointment of members and Officers.**—(1) Any authority authorized in this behalf by the Central Government or the Provincial Government may appoint as members of an Air Raid Precautions Service or Civil Defence Service so many persons who are fit and willing to serve as such as it is authorized by the Central Government or the Provincial Government to appoint and the Controller may appoint any such member to any office of command in the service.

(2) Every person so appointed to be a member of an Air Raid Precautions Service or Civil Defence Service shall be given certificate of membership in such form as may be prescribed.

Federal
5. **Dismissal of members.**—The Controller or any other authority authorized in this behalf by the Central Government or the Provincial Government may by order in writing dismiss summarily from an Air Raid Precautions Service or a Civil Defence Service any member thereof if, in the opinion of the Controller or such other authority, he fails to discharge satisfactorily his duties as such member, or is guilty of misconduct in the discharge of his duties as such member, or his continued presence in the Service is otherwise undesirable.

6. **Functions of members.**—(1) The member of an Air Raid Precautions Service or Civil Defence Service shall perform such functions in relation to the carrying out of measures for Civil Defence as may be assigned to them by or under the Civil Defence (Special Powers) Ordinance, 1951, or these Rules, or any other law for the time being in force.

(2) The Controller or any person authorized in this behalf by the Controller or by the Central Government or the Provincial Government, may at any time call out a member of an Air Raid Precautions Service or a Civil Defence Service for training or discharging any such functions as aforesaid.

Federal
The Civil Defence (Special Powers) Ordinance, 1951 (6 of 1951) was rep. by the Civil Defence Ordinance, 1951 (8 of 1951) which has been rep. by the Civil Defence Act, 1952 (31 of 1952). The Notifs. under Ordinances VI and VIII of 1951, continue to be in force by virtue of sub-section (2) of section 10 of Act 31 of 1952.

2-Subs. by Notifn No. 6/7/59, Sec. Secy P. (Mandib) dt. 26-8-51 Pt. III B. 726

(3) If any member of an Air Raid Precautions Service or a Civil Defence Service, on being called out under sub-rule (2), without sufficient excuse neglects or refuses to obey such order or to discharge his functions as a member of the Air Raid Precautions Service or the Civil Defence Service or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent court, be punishable with imprisonment which may extend six months, or with fine, or with both.

(4) If any person contravenes any order made under this Rule, he shall be punishable with fine which may extend to five hundred rupees.

7. **Keeping of dangerous articles and substances.**—(1) The ~~Central~~ ^{Federal} Government or the Provincial Government may, by order, in respect of any articles or substances from the explosive or inflammable nature of which special precautions are in the opinion of that Government necessary or expedient for securing the public safety, issue directions—

- (a) prohibiting the keeping of such articles or substances in or on such premises as may be specified in the order;
- (b) prescribing the quantity of such articles or substances which may be kept in or on any premises;
- (c) requiring the owner or occupier of any premises in or on which such articles or substances are kept to take such measures as may be specified in the order for the protection of persons or property therein or thereon, or in the vicinity thereof;
- (d) for any incidental or supplementary matters for which that Government thinks it expedient for the purposes of the order to provide, including in particular the entering and inspection of premises to which the order relates with a view to securing compliance with the order.

(2) If in the opinion of the ~~Central~~ ^{Federal} Government or, as the case may be, the Provincial Government, any person who has been ordered under sub-rule (1) to take any measures has failed to take or is unlikely to complete the measures within the period specified in the order, then without prejudice to any other proceedings which may be taken in respect of the contravention of the order, that Government may cause the said measures to be taken or completed, and the cost thereof shall be recoverable from the owner or occupier of the premises by the Collector as if it were an arrear of land revenue.

(3) If any person contravenes any order made in pursuance of this Rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

8. **Watching of premises to detect fire.**—(1) The ~~Central~~ ^{Federal} Government or the Provincial Government may by general or special order make provision—

- (a) for requiring the occupiers of any premises to which the order applies to make and carry out such arrangements as may be specified in the order with a view to securing that fires occurring at the premises as a result of hostile attack will be immediately detected and combated;
- (b) for requiring the occupiers of several premises jointly to make and carry out such arrangements as aforesaid for all those premises, and in particular for requiring that they shall take turns of duty at specified premises and perform such fire prevention duties as may be allotted to them under those arrangements;

- (c) for empowering any authority, in such circumstances as may be specified in the order, to make and carry out such arrangement as aforesaid, including a joint arrangement as respects any premises to which the order applies, and where it carries out such arrangements, to recover from the occupiers concerned the expenses of so doing.

Explanation.—In clause (b) of this sub-rule, “fire prevention duties” means the duties of keeping a watch for the outbreak of fire, taking such steps as are immediately practicable to combat a fire and summoning such assistance as may be necessary and includes the duty of being in readiness to perform any such duties as aforesaid.

(2) An order under sub-rule (1) shall entitle any person required thereby to be present on premises to which the order applies to have access to those premises for the purpose of complying with the order notwithstanding that the premises would not otherwise be opened to the public, and anyone who obstructs access thereto by any such person for that purpose shall be deemed to contravene the provisions of the order.

(3) Any police officer, or any other person authorized in this behalf by the ~~Central Government~~ or the Provincial Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purpose of seeing whether the order is being complied with.

(4) If any person contravenes any of the provisions of an order made under this Rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

9. **Measures for dealing with outbreaks of fire.**—(1) With a view to preventing the spread, or facilitating the detection and extinction of fire, the ~~Central Government~~ or the Provincial Government may by order make provision for requiring the owners or occupiers of the premises to which the order applies to take within such period as may be specified in the order such measures as may be so specified.

(2) Any police officer, or any person authorized in this behalf by the ~~Central Government~~ or the Provincial Government, may at any time enter and inspect any premises to which an order made under sub-rule (1) applies for the purpose of seeing whether the order has been complied with, and if that officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) If in the opinion of the ~~Central Government~~ or the Provincial Government any person who has been ordered under sub-rule (1) to take any measures has failed to take or is unlikely to complete the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, that Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable from the owner or occupier of the premises by the Collector as if it were an arrear of land revenue.

(4) In the event of any outbreak of fire, any person authorized in this behalf by the ~~Central Government~~ or the Provincial Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or other property whatsoever and the destruction or removal of anything in, on or over any land or property.

(5) If any person contravenes any of the provisions of an order made under this Rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

10. Security of buildings.— (1) The ^{3 (Federal)} Central Government or the Provincial Government may by order, as respects any area specified in the order, provide for securing that, subject to any exemptions for which provision may be made in the order, no building, or no building of such class as may be specified in the order, shall be erected, extended or structurally altered except with the permission of that Government and in accordance with such requirements as to lay-out, materials and construction as that Government may impose, being requirements which it is in the opinion of that Government necessary to impose, for the purpose of rendering the building more secure or of affording better protection to persons using or resorting to it.

(2) If any person contravenes any of the provisions of an order made under this Rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

11. Protection of major ports and their environs against fire, etc.— (1) The ^{3 (Federal)} Central Government may, with a view to ensuring the protection of any major port and any city, town or other place adjoining or in the vicinity of such port against fire, explosion or any other calamity, by order or notified order provide for precautionary measures (including arrangements for co-ordinating the fire-fighting, water-supply and conservancy services of the port and local authority concerned) to be taken by the port authority of any such port, any local authority having jurisdiction in any such city, town or place, any persons using such port and the owners or occupiers of any premises situate in such port, city, town or place; and thereupon—

- it shall be the duty of such port authority, local authorities and all persons concerned, including public servants, members of Armed Forces of Pakistan and officers and servants of such port authority and local authorities, to comply or act in conformity with the order;
- the funds of the port authority or local authorities shall be applicable to the payment of charges and expenses incidental to such compliances;
- priority shall be given to such compliance over all other duties and obligations of the port authority or local authorities.

(2) If any fire, explosion or other calamity occurs in any major port or in any city, town or other place adjoining or in the vicinity of such port, there shall be placed at the disposal of any authority appointed in this behalf by the ^{3 (Federal)} Central Government such of—

- the fire-fighting, water-supply and conservancy services of the port authority of such port and of any local authority having jurisdiction in any such city, town or place, together with the personnel employed in operating such services;
- the fire-fighting personnel and appliances maintained by any owner or occupier of premises in such port, city, town or place

the authority so appointed may require, and [such port authority] local authorities owners or occupiers and personnel shall comply with any orders given by the said authority.

¹ Subs. for "such port, authority" by Notfn. No. 8/2/51-C.D., dated the 13th June, 1956, G.O. of P., 1956, Pt. I, p. 272.

2. 1955 of 1951
3. See Foot-note No 2, page 128

[Under Ordinance VI of 1951.—Civil Defence (Special Powers) Rules]

(3) If any person contravenes any provision of this Rule or fails to comply or act in conformity with any order made or given thereunder, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(4) Nothing in this Rule or in any order made or given thereunder shall be deemed to affect the discharged by any local authority of the duty imposed on it by any other law for the time being in force or extinguishing fire and of protecting life and property in the event of fire within any such port, city, town or place as aforesaid.

12. ^{Key points} [Protection of factories ^{3 (Federal)} and mines]—(1) The ^{3 (Federal)} Central Government or the Provincial Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory ^{if or key points}—

(a) to make ~~within such period as may be specified in the order a report~~ in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise;

(b) to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the ^{3 (Federal)} Central Government or the Provincial Government necessary for the purposes aforesaid.

(2) The ^{3 (Federal)} Central Government or the Provincial Government may by order require any person or class of persons employed in or in connection with, or resident within three miles of, any mine or factory, or class of mines or factories or any local authority within whose jurisdiction any mine or factory is situated, to take within such period as may be specified in the order, such measures as may be so specified being measures the taking of which is in the opinion of the ^{3 (Federal)} Central Government or the Provincial Government necessary to secure the due functioning of such mine or factory, or class of mines or factories and the safety of persons or property therein or in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise.

(3) Any person authorized in this behalf by the ^{3 (Federal)} Central Government or the Provincial Government may at any time—

(a) ^{3 (Federal)} enter and inspect any factory or mine for the purpose of ascertaining what measures have been or ought to be taken to secure the due functioning of the mine or factory and the safety of persons and property therein and in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise;

(b) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the ^{3 (Federal)} Central Government or the Provincial Government any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the ^{3 (Federal)} Central Government or the Provincial Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable by

on its own motion or on a report submitted to it under sub-rule (3-A)

1. Subj. ins. and subj. by SRO-1283(17)/52, dt. 21.8.52, Ser 98-9
1973, Est., H-II, dt. 1.9.73. Pp. 1961-1962

Collector is if there is an arrear of land revenue from such person or authority, or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or as the case may be, the occupier of the factory.

(5) For the purposes of this Rule—

(i) "mine" means any mine subject to the operation of the Mines Act, 1923 ;

(ii) "factory" means any factory subject to the operation of the Factories Act, 1934, and includes any other premises which in the opinion of the Central Government or the Provincial Government are being used for maintaining supplies or services essential to the life of the community. [3] *(Federal)*

(6) If any person contravenes any of the provisions of an order made under this Rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

13. **Removal of Companies' records to places of safety.**—The Central Government or the Provincial Government may, if it considers it necessary in the interests of Civil Defence so to do, by notified order declare the provisions of this Rule to apply to any local area specified in the order ; and thereupon so long as the order remains in force, it shall be lawful notwithstanding anything contained in the Companies Act, 1913 (*VII of 1913*).—

(a) for the registrar to remove from any registration office situate within that area all or any of the documents connected with the registration of companies, keep them in such place of safety as he may think fit, and suspend the inspection thereof and the grant of any certificate, certified copy or extract therefrom under sub-section (5) of section 248 of the said Act ;

(b) for any company the registered office of which is situate in that area to remove from the registered office all or any of its registers, books of account and other documents and keep them in such place of safety as the directors of the company may think fit :

Provided that any company removing any of its documents under this Rule either before such removal or as soon as practicable thereafter, give notice of the removal to its members and to the registrar.

14. **Power to require local authorities to take precautionary measures.**—(1) In this Rule, "the appropriate Government" means, in relation to cantonment authorities and in relation to port authorities in major ports, the Central Government, and in relation to other local authorities, the Provincial Government.

(2) The provisions of this Rule and of any order made thereunder shall effect notwithstanding anything contained in any law or instrument defining powers, duties or obligations of a local authority.

(3) The appropriate Government may by order require any local authority to, within such period as may be specified in the order, such measures as are so specified, being measures which are in the opinion of that Government necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage, or for ensuring the due maintenance of the vital services of the authority; and thereupon—

(a) it shall be the duty of the local authority to comply with the order;

(b) the funds of the local authority shall be applicable to the payment of the charges and expenses incidental to such compliance; and

*and added by S.O. 1283(I)/93, dt. 31.8.73, S.S. 483. 9
1973, Ex. 1, Pt. II, dt. 1.9.73, pp. 140-142.*

(c) priority shall be given to such compliance over all other duties and obligations of the local authority.

(4) If in the opinion of the appropriate Government any local authority which has been ordered under sub-rule (3) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the appropriate Government may authorize any person to take or complete the said measures ; and any person so authorized may, for the purpose of taking or completing the said measures, exercise all or any of the powers of the local authority or of its officers, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

(5) Any person authorized in this behalf by the appropriate Government may, if he considers it necessary or expedient so to do—

(a) by order direct a local authority or any of its officers or servants to take such action as may be specified in the order, being action which is in his opinion necessary for the purposes of Civil Defence for the protection of persons and property under the control or within the jurisdiction of the local authority;

(b) impress and use or cause to be used for the aforesaid purpose any property belonging to or in the possession of the local authority in such manner as he thinks fit :

and it shall be the duty of the local authority and of its officers and servants to comply forthwith with any order made under this Rule, and the funds of the local authority shall be applicable to the payment of any charges and expenses incidental to such compliance.

(6) The appropriate Government may, if it considers it necessary or expedient so to do, by order authorize any person to take over from a local authority and administer in accordance with such directions as may be issued from time to time by that Government such of the services of the local authority as may be specified in the order ; and any person so authorized may, for the purpose of administering the said services, exercise all or any of the powers of the local authority of any committee or officer of the local authority, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

(7) If the appropriate Government is of opinion that any local authority has failed to comply, or has delayed in complying, with any order made under sub-rule (3), or that it is necessary or expedient so to do for ensuring the due maintenance of vital services of the authority, the appropriate Government may by order supersede the local authority for such period as may be specified in the order.

(8) When an order of supersession has been made under sub-rule (7)—

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members ;

(b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local

authority shall, during the period of supersession, be exercised and performed by such person or persons as the appropriate Government may direct ;

- (c) all property vested in the local authority shall, during the period of supersession, vest in the appropriate Government.
- (9) On the expiration of the period of supersession specified in the order under sub-rule (7), the appropriate Government may—
- extend the period for such further term as it may consider necessary ;
 - by order direct that the local authority shall be reconstituted in the manner provided for the constitution of the authority by or under the ordinary law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (8) shall not be deemed disqualified for election, appointment or nomination ; or
 - by order direct that the local authority shall be reconstituted by the persons who vacated their offices under clause (a) of sub-rule (8) and shall recommence functioning as if it had not been superseded ;

Provided that the appropriate Government may at any time before the expiration of the period of supersession whether as originally specified under sub-rule (7) or as extended under this sub-rule take action under clause (b) or clause (c) of this sub-rule.

15. Maintenance of water-supply.—(1) The Central Government or the Provincial Government may by order require the owner, or any person having control, of any source of water-supply which is or is capable of being used for drinking purposes—

- to keep the same in good order, clear it from time to time of silt, refuse and decaying vegetation, and protect it from contamination in such manner as may be specified in the order ;
- to make the same available at all reasonable times for the use of the public or of such section of the public as may be specified in the order.

3 (Federal)

(2) Any person authorized in this behalf by the Central Government or, as the case may be, the Provincial Government may at any time inspect any source of water-supply, in respect of which an order under sub-rule (1) has been made, for the purpose of seeing whether the order has been or is being, complied with.

(3) If any person contravenes any of the provisions of an order made under this Rule, he shall be punishable with imprisonment for a term which may extend to one month, or with fine, or with both.

16. Shelters.—(1) If in respect of any premises the Central Government or the Provincial Government considers it necessary or expedient so to do for the purpose of affording protection to persons living or employed therein or thereon, that Government may by order require the owner of the premises to construct therein or thereon such shelters, within such period and in accordance with such requirements as to layout, materials and construction as may be specified in the order.

(2) Any police officer, or any person authorized in this behalf by the Central Government or, as the case may be, the Provincial Government, may at any time enter and inspect any premises to which an order under sub-rule (1) applies for the purposes of seeing whether the order has been complied with.

(3) If in the opinion of the ^{Federal} Central Government or, as the case may be, the Provincial Government, any person who has been ordered under sub-rule (1) to construct an air raid shelter has failed to do so, or is unlikely to complete doing so within the period specified in the order, that Government may cause the shelter to be constructed, and the cost thereof shall be recoverable from the owner of the premises by the Collector as if it were an arrear of land revenue.

(4) If any person contravenes any order made under this Rule he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

17. Power to exempt air raid shelters from Municipal taxation.—(1) In this Rule "the appropriate Government" means, in relation to any cantonment area, the ^{Federal} Central Government, and in relation to any other area, the Provincial Government.

(2) The appropriate Government may by order direct that any site or premises on which a shelter is or has been constructed shall, on being certified by an officer appointed in this behalf by the appropriate Government, be exempt from any tax or rate, or from any enhancement of any tax or rate levied by a local authority to which the site or premises would have been liable if the shelter had not been constructed.

18. Safety measures in premises.—(1) The ^{Federal} Central Government or the Provincial Government may by order, as respects such premises as may be specified in the order,

- (a) require the owner or the occupier of the premises to take such measures as may be specified in the order ; or
- (b) authorize any person to take such measures for the purposes of Civil Defence as may be so specified, being measures which are in the opinion of that Government necessary to minimise danger to persons being in or in the vicinity of such premises.

(2) If any person contravenes any order made under this Rule, he shall be punishable with imprisonment for a term which may extend to one month, or with fine, or with both.

19. Control of lights and sounds.—(1) The ^{Federal} Central Government or the Provincial Government may by order provide

- (a) for prohibiting or regulating the display of lights of any specified description ;
- (b) for the screening of any lighting apparatus, whether for the time being alight or not, carried on, or attached to, any specified class of vehicles ;
- (c) for securing that, in specified circumstances, indication of the position of such premises and places, and warning of the presence of such vehicles and vessels, as may be specified shall be given by means of such lights as may be specified, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed or used ;
- (d) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to it to be necessary for avoiding danger consequent on compliance with any provisions of an order made under this Rule which relate to the lighting of roads or of vehicles on roads ;

(e) for prohibiting or regulating such activities as may be specified, being activities which consist of or involve the emission of smoke, flame, sparks or glare or the making of noise.

(2) An order under sub-rule (1) may be made so as to apply to any specified area or premises, may make different provisions as respects different parts of an area or different classes of premises, places, vehicles or vessels therein, may provide for exempting any premises, places, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the authority making the order to be necessary or expedient for the purposes of the order.

(3) If any order made under sub-rule (1) is contravened in respect of or in relation to any light, premises, place, vehicle, vessel, apparatus, road or activity to which the order applies, any police officer or any person authorized in this behalf by the authority making the order, may take such steps and use such force as may, in his opinion, be reasonably necessary for giving an effect to the order, and in the exercise of this power shall have a right of access to any land or other property whatsoever.

(4) If any order made under this Rule is contravened in respect of any premises, place, vehicle or vessel, the occupier of the premises or place the person in charge of the vehicle, or the master of the vessel, as the case may be, shall (without prejudice to any proceedings which may be taken against any other person) be deemed to have contravened the provisions of this Rule :

Provided that in any proceedings which by virtue of this sub-rule are taken against any person in respect of a contravention of such an order on the part of another person, it shall be a defence for the accused to prove that the contravention or non-compliance occurred without his [knowledge and that he exercised all due diligence to secure compliance] with the order.

(5) If any person contravenes any order made under this Rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

20. **Control of motor vehicles.**—(1) The ~~Central Government~~ or the Provincial Government may by order provide for requiring motor vehicles, or any class of motor vehicles to be rendered, when not being driven, incapable of use by unauthorized persons ; and any such order may contain provisions with respect to the manner in which vehicles are to be rendered incapable of use as aforesaid.

(2) If any person contravenes any order made under this Rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

21. **Requisitioning of property.**—(1) If in the opinion of the ~~Central Government~~ or the Provincial Government it is necessary or expedient so to do for securing civil defence that Government may by order in writing requisition any property, movable or immovable, and may make such further orders as appear to that Government to be necessary or expedient, in connection with the requisitioning :

Provided that the property or class of property specified below shall not be requisitioned under this Rule :—

(a) property used for the purpose of religious worship ;

¹ Subs. for certain words by Notfn. No. 8/256-C.D., dated the 13th June, 1956, see Gaz. of P., 1956, Pt. I, p. 272.

2-Subs. Sec. 205 of Pak (No.) 198 Pt. III dt 26-8-51 Page 726

- (v) any vessel in Pakistan or anything on board a vessel in Pakistan ;
- (c) any vessel registered in Pakistan, or anything on-board such vessel, wherever such vessel may be ;
- (d) any aircraft in Pakistan and anything on board or forming part of an aircraft in Pakistan ;
- (e) any aircraft registered under the Aircraft Act, 1934, or anything on board or forming part of such an aircraft wherever such aircraft may be ;
- (f) any machinery, plant, material or thing used for the operation, manufacture, repair or maintenance of aircraft.

(2) Where the Central Government or the Provincial Government has requisitioned any property under sub-rule (1), that Government may use or deal with the property in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, by publishing in the official Gazette, a notice stating that the Central or Provincial Government, as the case may be, has decided to acquire it in pursuance of this Rule.

(3) Where a notice of acquisition is served on the owner of the property or published in the official Gazette under sub-rule (2), then at the beginning of the day on which the notice is so served or published, the property shall vest in Government free from any mortgage, pledge, lien or other similar encumbrance, and the period of the requisition thereof shall end.

(4) Whenever in pursuance of sub-rule (1) or sub-rule (2) the Central Government or the Provincial Government requisitions or acquires any movable property, the owner thereof shall be paid such compensation as that Government may determine :

Provided that, where immediately before the requisition, the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined by Government as the total compensation payable in respect of the requisition or acquisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide to be just.

(5) The Central Government or the Provincial Government may, with a view to requisitioning any property under sub-rule (1) or determining the compensation payable under sub-rule (4), by order —

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified ;
- (b) direct that the owner, occupier or person in possession of the property shall not, without the permission of Government ; dispose of it, or where the property is a building, structurally alter it, till the expiry of such period as may be specified in the order.

(6) Without prejudice to any powers otherwise conferred by these Rules, any person authorized in this behalf by the Central Government or the Provincial Government may enter any premises and inspect such premises and any property therein, or thereon for the purpose of determining whether, and, if so, in what manner, an order under this Rule should be made in relation to such premises or property, or with a view to securing compliance with any order made under this rule.

1. Subd. Sec. Cas. 2 Pak (C) 1951. P. 111 dt 26-8-51 P. 726.

(7) If any person contravenes any order made under this Rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

22. Powers relating to storage accommodation.—(1) The ^{3 Federal} Central Government or the Provincial Government may by order in writing require the owner, or the person having the management, of any warehouse or cold-storage depot to place at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold-storage depot and to employ such space or accommodation for the storage of any articles or things specified in the order; and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of an order made under sub-rule (1) any space or accommodation in a warehouse or cold-storage depot is placed at the disposal of the ~~Central Government~~ or, as the case may be, of the Provincial Government, the owner of such warehouse or cold-storage depot shall be paid therefor at such rates as that Government may by order made in this behalf determine. ^{3 Federal}

(3) The ~~Central Government~~ or the Provincial Government may, with a view to requisitioning any space or accommodation under sub-rule (1) or to determining the compensation payable therefor, by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified.

(4) If any person contravenes any order made in pursuance of this Rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

[See Gaz. of P., 1951, Ext., pp. 571—582]

Delegation of Powers to the Provincial Governments

No. 5/150-C.D.I., dated the 26th July, 1951.—In exercise of the powers conferred by section 9 of the Civil Defence (Special Powers) Ordinance, 1951 (VI of 1951), the Central Government is pleased to direct that all powers or duties which under the provisions of the said Ordinance or rules made thereunder are conferred or imposed upon the Central Government shall be exercised or discharged by the Provincial Governments.

[See Gaz. of P., 1951, Ext., p. 582]

Delegation of Powers to Director-General of Railways to make Rules

No. 5/151-C.D., dated the 29th September, 1951.—In exercise of the powers conferred by section 9 of the Civil Defence (Special Powers) Ordinance, 1951 (VI of 1951), the Central Government is pleased to authorize the Director-General of Railways to make rules under the provisions of the said Ordinance for Railway Air Raid Precautions Services on the Railways.

[See Gaz. of P., 1951, Ext., p. 665]

¹See foot-note 1, on page 128, supra.

2. Sub. is added by order No. 6/7/29, 84. See Gaz. of P. of 16-8-51. ¹¹