



THE UNITED NATIONS (DECLARATION OF DEATH OF MISSING PERSONS) ACT, 1956



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SCHEDULE
See sections 2 and 3

THE UNITED NATIONS (DECLARATION OF DEATH OF MISSING PERSONS) ACT, 1956.

¹ACT NO. VII OF 1956

[11th April, 1956]

An Act to give effect to the United Nations Convention on the Declaration of Death of Missing Persons.

WHEREAS it is expedient to give effect to the United Nations Convention on the Declaration of Death of Missing Persons ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the United Nations (Declaration of Death of Missing Persons) Act, 1956.

(2) It shall extend to the whole of Pakistan and shall come into force at once.

2. Provisions of the Schedule to have the force of law.—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the provisions set out in the Schedule to this Act, of the Convention on Declaration of Death of Missing Persons, adopted by the United Nations Conference on the Declaration of Death of Missing Persons, on the 6th Day of April, 1950, shall have the force of law in Pakistan.

(2) The ²[Federal Government] may by notification in the official Gazette amend the said Schedule in conformity with any amendments duly made in the provisions of the said Convention.

¹ For Statement of Objects and Reasons, see Gaz. of P., dated the 4th April, 1956, Ext., p. 544.

² Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

3. Powers to make declarations in respect of certain persons having disappeared subsequent to 1945.—(1) Where in pursuance of any international agreement, convention or other instrument it is necessary or permissible to make a declaration of death in respect of persons having disappeared subsequent to 1945 under circumstances similar to those mentioned in the provisions set out in the Schedule to this Act, the ¹[Federal Government] may, by notification in the official Gazette, declare that the said provisions or such of them as it may deem necessary or convenient for giving effect to the said agreement, convention or other instrument, shall apply with such adaptations as may be necessary to the persons specified in the notification, and thereupon the said provisions shall apply accordingly and notwithstanding anything to the contrary contained in any other law for the time being in force, shall in such application have the force of law in Pakistan.

(2) The persons to be specified in the notification as aforesaid may be specified in such manner as the ¹[Federal Government] may think fit.

4. Power to make rules. The ¹[Federal Government] may make rules for carrying out the purposes of this Act.

5. (Repeal.) *Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.*

THE SCHEDULE

(See sections 2 and 3)

ARTICLE 1

Scope

1. The present Convention provides for declarations of death of persons whose last residence was in Europe, Asia or Africa who have disappeared in the years 1939-1945, under circumstances affording reasonable ground to infer that they have died in consequence of events of war or of racial, religious, political or national persecution.

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

However, members of armed forces serving in Europe, Asia or Africa shall not, by reason only of such service, be considered as having had their residence in those continents.

2. Contracting States may, by notification to the Secretary-General of the United Nations, extend its application to persons having disappeared subsequently to 1945 under similar circumstances. Such extension shall only apply as between those States which have made such notification.

3. The persons covered by paragraphs 1 and 2 of this article will be hereafter referred to as “missing persons”.

ARTICLE 2

Competent tribunals

1. The term “tribunal”, as used in the present Convention, shall apply to all authorities empowered *ratione materiae* to determine the fact of death under the governing domestic law.

2. Subject to paragraph 1 of this article, the following tribunals shall be competent *ratione loci* to receive applications and to issue declarations of death :—

- (i) The tribunal of the place of the last domicile of the missing person or of his last voluntary or involuntary residence ;
 - (ii) The tribunal, in the country of which the missing person was a national, competent under applicable domestic law or, in its absence, the tribunal of the capital of that country ;
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- (iii) The tribunal of the place of the *situs* of property of the missing person ;
- (iv) The tribunal of the place of decease of the missing person ;
- (v) The tribunal of the place of domicile or residence of the applicant in the case of an application filed by any of the following relatives ; ascendants, descendants, adopted children and their issue, brothers and sisters and their issue, uncles, aunts or spouse.

3. However, any Contracting State shall be entitled to designate for the whole or a part of its territory one or several tribunals to which it will transfer or assign the competence which the preceding paragraph would have conferred on any of its tribunals. Such designation shall be communicated to the Secretary-General.

4. When an applicant has applied to a tribunal considered by him as competent under the preceding paragraphs of the present article, he shall not be entitled to make a subsequent application to another tribunal unless he has withdrawn his first application before judgment has been rendered or unless the first tribunal does not regard itself as competent to deal with the application.

ARTICLE 3

Application for declaration of death

1. Any competent tribunal in each Contracting State shall, at the instance of any natural or juridical person having a legal interest in the matter or of an authority charged with the protection of the public interest, or acting on its own motion, issue a declaration of death of a missing person provided that all of the following requirements are met:

- (i) Such missing person had his last residence in Europe, Asia or Africa ;
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