

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, MARCH 5, 1975

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 5th March, 1975

The following Acts of Parliament received the assent of the President on the 1st March, 1975, and are hereby published for general information :—

ACT No. XXVII OF 1975

An Act to provide for the annulment of certain references to arbitration and abatement of certain arbitration proceedings

WHEREAS the Capital Development Authority has entered into agreements with certain persons for the execution of certain projects and other works required to be undertaken by it under the Capital Development Authority Ordinance, 1960 (XXIII of 1960), and for the supply of goods or labour or the performance of certain obligations ;

AND WHEREAS such agreements provide for reference of disputes arising therefrom to arbitration ;

AND WHEREAS pursuant to the aforesaid provision of the said agreements, certain disputes between the Capital Development Authority and the said persons have been, or may hereafter be, referred to arbitration, either by the parties themselves or by order of a Court ;

AND WHEREAS the references made to arbitration pursuant to such agreements have failed to achieve the objects for which provision for such references was made ;

(12)

Price : Ps. 25

AND WHEREAS it is necessary that the references to arbitration in which the Capital Development Authority is a party be annulled and the proceedings before the arbitrators be abated, and necessary provisions consequent upon such annulment and abatement be made ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This act may be called the Capital Development Authority (Abatement of Arbitration Proceedings) Act, 1975.

(2) It shall come into force at once.

2. Definitions.—(1) In this Act unless there is anything repugnant in the subject or context,—

- (a) "Authority" means the Capital Development Authority established under the Capital Development Authority Ordinance, 1960 (XXIII of 1960) ; and
- (b) "contractor" means any person, firm or company, not being a foreigner or a foreign firm or company, who or which has entered into an agreement with the Authority for the execution of any projects or works, or for the supply of any goods or labour or for the performance of any obligation, and includes a sub-contractor.

(2) Words used but not defined in this Act shall respectively have the same meanings as are assigned to them in the Arbitration Act, 1940 (X of 1940).

3. Abatement of proceedings before arbitrators, etc.—(1) Notwithstanding anything contained in any law for the time being in force, or any order of a Court or any agreement,—

- (a) any provision in an agreement entered into before the coming into force of this Act by or on behalf of the Authority and a contractor relating to the execution of any project or works or to the supply of any goods or labour or to the performance of any obligation, providing for reference to arbitration of any dispute arising out of the agreement or any term or condition thereof shall stand abrogated and annulled and be of no effect ;
- (b) all arbitration proceedings in pursuance of any such agreement as is referred to in clause (a), whether the reference to arbitration was made by consent of the parties thereto, by order of a Court or otherwise, pending before an arbitrator or arbitrators or an umpire immediately before the coming into force of this Act shall forthwith abate and, save as hereinafter provided, shall be of no effect ;
- (c) any award made by an arbitrator, arbitrators, or umpire in pursuance of any such agreement as is referred to in clause (a) shall, unless the award has been made the rule of the Court, or partly or wholly implemented or acted upon, stand annulled and be of no effect, and any proceedings in respect of such award, if pending immediately before the coming into force of this Act, shall abate ;
- (d) all proceedings in relation to an application made to a Court for referring a dispute to arbitration pursuant to an agreement referred to in clause (a) shall abate, and any order made by a Court on such application referring the dispute to arbitration shall be of no effect ; and

- (e) any dispute referred to arbitration the proceedings whereof have abated by reason of the provisions of this section shall be decided in accordance with the provisions of the law for the time being in force.

(2) The fees to be paid to an arbitrator, arbitrators or an umpire in respect of the proceedings which have abated or an award which has been annulled, under sub-section (1) shall, unless mutually agreed to by such arbitrator or arbitrators or umpire, the Authority and the contractors, be of such amount, and shall be payable by the Authority or the contractors, or in such proportion by the Authority and the contractors, as the Court having jurisdiction to adjudicate in the matter of the dispute referred to arbitration may determine on application made to it in this behalf by the arbitrator, arbitrators or umpire, as the case may be.

(3) In determining the fees to be paid to an arbitrator, arbitrators or an umpire under sub-section (2), the Court shall take into consideration the stage of the proceedings before the arbitrator, arbitrators or the umpire, as the case may be, at which such proceedings abated under this section :

Provided that the fees so determined shall in no case exceed the fees agreed upon by the Authority and the contractors at the time of making the reference to arbitration or at any time thereafter and consented to by the arbitrator, arbitrators or umpire, as the case may be.

4. Limitation.—In computing the period of limitation prescribed for a suit or application relating to any dispute to which the provisions of sub-section (1) of section 3 apply, the time commencing on the date—

- (a) of the execution of an agreement of reference to arbitration by the Authority and the contractor ;
- (b) of the making of a reference to arbitration ; or
- (c) of the making of an application to a Court for referring dispute to arbitration ;

and ending immediately before the coming into force of this Act shall be excluded :

Provided that nothing in this section shall be deemed to have the effect of extending the period of limitation for a suit or an application where such period had expired prior to the execution of an agreement or the making of a reference or an application as is referred to in clause (a), clause (b) or clause (c).

78
30

2. Amendment of section 21, Act XV of 1908.—In the Ports Act, 1908 (XV of 1908), hereinafter referred to as the said Act, in section 21,—

- (a) in sub-section (1), after the words "in or into", the commas and words ", or in any place from which the same is liable to be washed as aforesaid into," shall be inserted;
- (b) in sub-section (2), for the words "five hundred" the words "fifty thousand" shall be substituted; and
- (c) in sub-section (3), for the words "also be liable to simple imprisonment for a term which may extend to two months" the words "be punishable with a further fine which may extend to two thousand rupees for each day after the receipt of such notice and also be liable to simple imprisonment for a term which may extend to six months" shall be substituted.

3. Amendment of section 54, Act XV of 1908.—In the said Act, in section 54, for the words "one hundred" the words "fifty thousand" shall be substituted.

ACT No. XXIX OF 1975

An Act further to amend the Import of Goods (Price Equalization Surcharge) Act, 1967

WHEREAS it is expedient further to amend the Import of Goods (Price Equalization Surcharge) Act, 1967 (III of 1967), for the purpose hereinafter appearing :

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Import of Goods (Price Equalization Surcharge) (Amendment) Act, 1975.

(2) It shall come into force at once.

2. General amendment.—In the Import of Goods (Price Equalization Surcharge) Act, 1967 (III of 1967), hereinafter referred to as the said Act, for the words "Central Government", wherever occurring, the words "Federal Government" shall be substituted.

3. Amendment of section 2, Act III of 1967.—In the said Act, in section 2, for clause (d) the following shall be substituted and shall be deemed always to have been so substituted, namely :—

"(d) 'shipping period' means the period beginning on the first day of July and ending on the thirtieth day of June or such other period as the Federal Government may, from time to time, by notification in the official Gazette, declare to be a shipping period for the purposes of this Act :

Provided that, in the case of a notification issued under sub-section (1) of section 4 which declares the highest rate of landed cost in relation to any specified goods imported in any shipping period following a date mentioned in the notification, the shipping period shall be deemed to be the period beginning on the date so mentioned

and ending on the date specified in any subsequent notification as the beginning of a new shipping period in relation to such goods.”.

4. Repeal.—The Import of Goods (Price Equalization Surcharge) (Amendment) Ordinance, 1974 (XXLii of 1974), is hereby repealed.

ACT No. XXX OF 1975

An Act further to amend the Boilers Act, 1923

WHEREAS it is expedient further to amend the Boilers Act, 1923 (V of 1923), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Boilers (Amendment) Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of section 27A, Act V of 1923.—In the Boilers Act, 1923 (V of 1923), in section 27A, for sub-section (2) the following shall be substituted, namely :—

“(2) The Board shall consist of the following members, namely :—

(a) A Chairman to be nominated by the Federal Government ;

(b) one member to be nominated by each of the Provincial Governments ;

(c) one member to be nominated by the Pakistan Railways ; and

(d) such other members as the Federal Government may, by notification in the official Gazette, nominate.”.

ACT No. XXXI OF 1975

An Act further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961

WHEREAS it is expedient further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 (XLVIII of 1961), for the purposes hereinafter appearing ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is in force ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Pakistan Standards Institution (Certification Marks) (Amendment) Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **General amendment, Ordinance XLVIII of 1961.**—In the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 (XLVIII of 1961), hereinafter referred to as the said Ordinance, for the words “Central Government”, wherever occurring, the words “Federal Government” shall be substituted.

3. **Insertion of section 9, Ordinance XLVIII of 1961.**—In the said Ordinance, after section 8, the following new section 9 shall be inserted, namely :—

“9. *Power to prohibit sale of certain articles.*—(1) The Federal Government may, after consulting the Council, by notification in the official Gazette, prohibit, with effect from such date as may be specified in the notification, the sale of any article specified therein which does not conform to the Pakistan Standard established by the Institution in relation to that article :

Provided that the date specified in the notification shall be a date not earlier than two months from the date of publication of the notification.

(2) The Federal Government may, by notification in the official Gazette, require any article which conforms to a particular Pakistan Standard to be marked with such distinctive mark as may be specified in the notification.”

ACT No. XXXII OF 1975

An Act to provide for the regulation of fishing within the exclusive fishery zone of Pakistan

WHEREAS it is expedient to provide for the regulation of fishing within the exclusive fishery zone of Pakistan and for matters ancillary thereto ;

It is hereby enacted as follows :—

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975.

(2) It extends to the whole of Pakistan and to waters within the exclusive fishery zone of Pakistan beyond the territorial waters, hereinafter referred to as the Zone.

(3) It applies to all fishing crafts within the Zone and to all persons on board such fishing crafts.

(4) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “fish” includes molluscs, crustaceans, kelp and other marine animals ;
- (b) “Fishery Officer” means any person who is authorised by the Federal Government, by notification in the official Gazette, to exercise or perform any of the powers or functions of Fishery Officer under this Act ;
- (c) “fishing” means taking or catching of fish within the Zone by any means ;

- (d) "fishing craft" includes every vessel of whatever description and size and in whatever way propelled or moved which is used in fishing or the transport or processing thereof ;
- (e) "fishing gear" includes all appliances used for fishing ;
- (f) "licencing authority" means any person authorised by the Federal Government, by notification in the official Gazette, to issue licences under this Act ;
- (g) "prescribed" means prescribed by rules ; and
- (h) "rules" means rules made under this Act.

3. Fishing without licence prohibited.—No person shall, for the purpose of fishing, operate a fishing craft or use any kind of fishing gear within the Zone except under the authority of a licence granted by the licencing authority nor otherwise than in accordance with the terms and conditions of such licence.

4. Fishing craft subject to navigational regulations.—(1) Every fishing craft shall be subject to any law relating to navigation for the time being in force.

(2) The location of nets and traps set by a fishing craft shall be prominently displayed by such means as may be prescribed.

(3) Every fishing gear shall be clear of the navigation channel and specified routes of commercial vessels.

5. Dynamiting and poisoning prohibited.—No person shall use dynamite or any other explosive substance or poison, lime or noxious material for fishing or destroying fish in the Zone.

6. Closed season and prohibited area.—Notwithstanding anything contained in this Act, the Federal Government may, by notification in the official Gazette, declare any period to be period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the Zone.

7. Power to search.—Any Fishery Officer may search any fishing craft or landing ground in or on which he has reason to believe to be concealed any fish caught or taken, or anything used, in contravention of any provision of this Act or the rules.

8. Seizure and disposal.—(1) If any Fishery Officer has reason to believe that any fish has been caught or taken in contravention of any provision of this Act or the rules, or that any fishing craft and fishing gear has been used for such fishing, he may arrest without warrant the owner or the person in charge of the vessel and seize such fish.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of the nearest police-station ; and thereupon the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate or an officer in charge of a police-station shall apply to him.

(3) Any fish seized under sub-section (1) shall be disposed of in accordance with the decision of the court before which the owner or person in charge of the fishing craft is prosecuted under sub-section (2):

Provided that, if the fish seized is such as is likely to perish unless preserved or processed without delay, it may be sold or otherwise disposed of and, if it is sold, its value shall be treated as seized property for the purpose of this sub-section.

9. Penalty.—(1) Whoever contravenes any provision of this Act or the rules shall be punishable with fine which may extend to five thousand rupees.

(2) Any court convicting any person under sub-section (1) may order that any fish caught or taken in contravention of the provisions of this Act or the rules, shall be forfeited to the Federal Government.

(3) Where the person contravening any provision of this Act or the rules is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(4) Whoever attempts to contravene, or abets the contravention of, any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules.

10. False statement.—Whoever, upon being so required by a police officer not below the rank of Sub-Inspector or a Fishery Officer, makes any statement or furnishes any information which is false in any material particulars and which he knows or has reason to believe to be false, or does not believe to be true, or makes any such statement as aforesaid in any book, account, record, declaration, or any document which he is required to maintain, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

11. Burden of proof.—Where any person is prosecuted for doing any act or being in possession of anything without lawful authority or licence, the burden of proving that he has such authority or licence shall lie on that person.

12. Liability of the owner, etc.—The owner or the person in charge of any fishing craft carrying anything in contravention of any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules, as the case may be, if—

- (i) such carriage is part of the transaction involving the contravention ; and
- (ii) if the owner or person in charge knew or had reason to believe that a contravention was being committed ;

and shall be punishable under section 9.

13. Indemnity.—No suit or other legal proceeding shall lie against the Federal Government or any Fishery Officer for anything in good faith done or intended to be done under this Act or any rule.

14. Delegation of powers.—The Federal Government may, by notification in the official Gazette, delegate all or any of its powers under this Act or the rules to any officer.

15. **Jurisdiction of courts.**—For the purpose of giving jurisdiction to courts under this Act, a fishing craft shall be deemed to be a ship within the meaning of any enactment for the time being in force relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign fishing craft within the Zone and persons belonging to such fishing craft as such court would have if such fishing craft were a Pakistan fishing craft.

16. **Power to make rules.**—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the sizes of meshes and the sizes and types of nets ;
- (b) the size and the quantity of fish which may be caught by any fishing gear or processed at any time ;
- (c) the terms and conditions to which licences for fishing shall be subject ;
- (d) the registration of fishing craft and fishing gear ;
- (e) the regulation of operations of fishing craft ;
- (f) registration fee, licence fee and royalties on catches, and other dues of the Federal Government ;
- (g) specification of the area for landing of fish taken or caught in the Zone ; and
- (h) regulation of landing and inspection of fish taken or caught in the Zone.

M. A. HAQ.
Secretary.

Islamabad, the 24th February, 1975

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary (Part I), dated the 25th January, 1975 and 17th February, 1975 containing Act Nos. X to XIII of 1975 and XX of 1975.]

In the Schedule—Page 19, in column 4, in the first line for the word “whenever” read “wherever”.

In Clause 5—Page 22, eleventh line from bottom for the word “Worwers” read “Workers”.

In Clause 6—Page 23, seventh line from top for “extenced” read “extend”.

In Clause 8—Page 27, ninth line from top for the word “rust” read “trust”.

Page 57, fourth line from the top *for* the words "An Act provide" *read* "An Act to provide".

Page 57, sixth line from the top *for* ":" *read* ";".

In Clause 6—Page 59, nineteenth line from top *for* "Adminstrator" *read* "Administrator".

In Clause 15—Page 61, eighth line *for* "of" *read* "of,".

Islamabad, the 5th March, 1975

[to the Gazette of Pakistan, Extraordinary (Part I), dated the 20th February, 1975 containing Act Nos. XXIII to XXVI of 1975.]

Page No. 72 : In Clause 3, in the fourth line, *for* the word "sub-section" *read* "sub-sections".

„ „ : In Clause 3, in the tenth line, *for* the word "interfers" *read* "interferes".

„ No. 74 : third line from the top, *for* the word "specify." *read* "specify,".

„ „ : eleventh line from the top, *for* the words "person who :—" *read* "person who—".

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, APRIL 1, 1975

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 1st April, 1975

The following Act of Parliament received the assent of the President on the 1st April, 1975, and is hereby published for general information :—

ACT No. XXXIII OF 1975

An Act to make provisions to deal more effectively with the offences against life and property in the North-West Frontier Province

WHEREAS it is expedient to make provisions to deal more effectively with the offences against life and property in the North-West Frontier Province and for the matters connected therewith ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is in force ;

It is hereby enacted as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the North-West Frontier Province Suppression of Crimes Act, 1975.

(2) It extends to the whole of the North-West Frontier Province.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Government” means the Government of North-West Frontier Province ; and

(b) “serious offence” means an offence punishable with death, imprisonment for life, or with imprisonment for a term which may extend to two years or more.

(57)

Price : Ps. 19

3. Fines on inhabitants accessory to crime.—(1) Where from the circumstances of any case, there appears to be good reason to believe that the inhabitants of any area or part thereof, or any of them, have—

- (a) abetted or are concerned in the commission of any serious offence against person or property ; or
- (b) failed to render, when called upon by the District Magistrate or any public servant, assistance in their power to discover the offender concerned in the commission of any serious offence against person or property ; or
- (c) harboured any offender or person suspected of having taken part in the commission of a serious offence against person or property ; or
- (d) suppressed material evidence of the commission of a serious offence against person or property ;

the District Magistrate may, with in the previous sanction of Government, impose such fine, not exceeding one lac rupees, as he considers proper, on the male adult inhabitants of the area or part thereof, or any of them as a whole, as the case may be, after holding a summary enquiry and affording them an opportunity to show cause against the proposed action.

(2) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (1) among the inhabitants of the area or part thereof who are liable collectively to pay it.

(3) The District Magistrate may, while making an order under this section, direct that the person liable to pay fine shall, in default of payment, undergo imprisonment for a term not exceeding six months.

(4) Fines imposed under this Act shall, in default of payment, be recoverable in the manner provided in section 386 of the Code of Criminal Procedure, 1898 (Act V of 1898).

4. Appeal.—(1) Any party aggrieved by an order made under section 3 may, within thirty days of such order, prefer an appeal to Government.

Explanation.—In computing the period of thirty days, the day on which the order to be appealed against was made and the time requisite for obtaining copy thereof shall be excluded.

(2) An order made by Government on appeal under sub-section (1) shall be final :

Provided that Government shall not make any order on an appeal without giving the aggrieved party an opportunity of being heard.

5. Appearance of legal practitioner.—In proceedings under this Act the inhabitants of the area concerned shall be entitled to be represented by a legal practitioner of their choice.

6. Jurisdiction of court barred.—No proceedings under this Act and no order made or decision given in any such proceeding shall be called in question in any Court or before any other authority.

7. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person or Government for anything which is in good faith done or intended to be done under or in pursuance of this Act or any rule or order made thereunder.

8. Power to make rules.—Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

9. Amendment of N.W.F.P. Ordinance No. IX of 1972.—In the North-West Frontier Province (Villages and Small Towns Patrol and Protection) Ordinance, 1972,—

- (a) section 13 and section 14 shall be omitted ; and
- (b) in section 15, the comma, figures and word “, 13 or 14 ” shall be omitted.

10. Repeal.—The North-West Frontier Province Suppression of Crimes Ordinance, 1975 (N.W.F.P. Ordinance No. I of 1975), is hereby repealed.

M. A. HAQ,
Secretary.

THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

1. The Government of the Republic of South Africa is hereby established as a unitary state, and the Government shall be responsible to the people of the Republic.

2. The Government shall be responsible to the people of the Republic, and shall be elected by the people of the Republic.

3. The Government shall be responsible to the people of the Republic, and shall be elected by the people of the Republic.

(c) Section 13 and section 14 shall be omitted, and
(d) in section 12, the words "and word" shall be omitted.

10. The Government of the Republic of South Africa is hereby established as a unitary state, and the Government shall be responsible to the people of the Republic.

M. A. M.
Secretary

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY

ISLAMABAD, SATURDAY, APRIL 12, 1975

PART I

Acts, Ordinances, President's Orders and Regulations
NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 12th April, 1975

The following Acts of Parliament received the assent of the President on the 8th April, 1975, and are hereby published for general information :—

ACT No. XXXIV OF 1975

An Act further to amend the West Pakistan Ordinance, 1959

WHEREAS it is expedient further to amend the West Pakistan Rangers Ordinance, 1959 (W.P. Ordinance No. XIV of 1959), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the West Pakistan Rangers (Amendment) Act, 1975.

(2) It shall come into force at once.

2. General amendment of West Pakistan Ordinance No. XIV of 1959.—In the West Pakistan Rangers Ordinance, 1959 (W.P. Ordinance No. XIV of 1959), hereinafter referred to as the said Ordinance, for the words "West Pakistan Rangers", wherever occurring, the words "Pakistan Rangers" shall be substituted.

3. Amendment of section 13, West Pakistan Ordinance No. XIV of 1959.—In the said Ordinance, in section 13, in clauses (a) and (e), for the word "Central" the word "Federal" shall be substituted.

4. Amendment of section 21, West Pakistan Ordinance No. XIV of 1959.—In the said Ordinance, in section 21, in sub-section (1), for the words "Central Government" the words "Federal Government" shall be substituted.

{ 95 }

Price : Ps. 37

ACT No. XXXV OF 1975

An Act to establish a system of urban planning for the North-West Frontier Province to provide for effective vertical and horizontal integration of physical planning with the economic and social planning at all Governmental levels, and to create suitable institutional framework to effectuate such objectives

WHEREAS it is expedient in the public interest to establish a system of urban planning for the North-West Frontier Province to provide for the integration of physical planning with economic and social planning at provincial, regional and local levels; to provide a structure and processes for formulating and carrying out integrated urban and rural development policies; to co-ordinate the provincial planning system with planning under the Federal Government; to create or designate government agencies to ensure proper and effective implementation of the foregoing; and to vest them with necessary powers;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is in force;

It is hereby enacted as follows:—

CHAPTER I—PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the North-West Frontier Province Urban Planning Act, 1975.

(2) It extends to the whole of the North-West Frontier Province.

(3) It shall come into force at once and, except section 45, shall be deemed to have taken effect on the seventh day of January, 1975.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) “agriculture” or “agricultural” includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder, trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, fish and bees, and the use of land which is ancillary to the farming of land or any other agricultural purposes, but shall not include the use of any land attached to building for the purposes of a garden to be used along with such building;

(2) “Board” means the Provincial Urban Development Board, North-West Frontier Province, established under section 3;

(3) “development” includes those subjects, embraced by the operative National Five-Year Plan, Annual Development Plan or similar plan, which have special aspects or implications;

(4) “development planning” and “development plan” mean, respectively, planning and plans for development engaged in or formulated by the planning agency; and include the full range of scales, types and functions of planning;

(5) “functions” includes powers and duties;

(6) “Government” means the Government of the North-West Frontier Province;

(7) "government agency" includes—

- (a) any division, department, bureau, section, commission, board, district officer or any other officer, body or unit of Government ;
- (b) any municipal body, as defined in clause (14) ; and
- (c) any development authority or other public authority, company or corporation (whether autonomous or semi-autonomous in character), board or Improvement Trust owned or controlled by Government or a municipal body ;

(8) "land" includes the earth, water and space above, below or on the surface and includes any improvements of structures customarily regarded as land ;

(9) "land development" means the dividing of land into two or more plots, the amalgamation of plots, the carrying out of any building operation including erection, construction, redevelopment, alteration or repair, the making of any material change in the use or appearance of any structure on land and includes—

- (a) a change in the type of use of a structure or land, or, if the Land Development Regulations divide uses into classes, a change from one designated class of use to a use in another designated class ;
- (b) a reconstruction, alteration of the size or material change in the external appearance, of a structure or land ;
- (c) a change in the intensity of use of land, such as an increase in the number of business, manufacturing establishments, offices, or dwelling units in a structure or on land ;
- (d) commencement of excavation ;
- (e) demolition of a structure or removal of trees ;
- (f) deposit of refuse, solid or liquid waste or fill on land ;
- (g) in connection with the use of land, the making of any material change in noise levels, thermal conditions, or omissions of waste material ;
- (h) commencement or change in the location of an advertising structure or use of land, the commencement or change in location of advertising on the external part of a structure ;
- (i) alteration of share, bank, or flood plain of a river, lake, pond or artificial body of water ;
- (j) the installation of underground or overhead public service facilities ;
- (k) re-establishment of a use which has been abandoned or suspended for one year regardless of the intended duration of the suspension ; and
- (l) departure from the normal use for which development permission has been granted, or failure to comply with the conditions of Land Development Regulations or an order granting the development permission under which the development was commenced or is continued,

but does not include—

- (i) the carrying out by any government agency of any works on land within the boundaries of a highway, road or public street for maintenance purposes ;
- (ii) the carrying out by any government agency or public utility company or authority of any work for the purpose of inspecting, repairing or renewing any sewers, drains, mains, pipes, cables, powerlines, lighting, traffic or telephone pole or other apparatus or the like ;

- (iii) the breaking open of a highway, road or public street for any of the purposes in sub-clause (ii) ;
 - (iv) the carrying out of works for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior of the structure or colour or decoration of the exterior but does not otherwise materially affect the external appearance of the structure ;
 - (v) the use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling ;
 - (vi) the use of any land for agricultural purposes ;
 - (vii) excavations, including the making of wells, in the ordinary course of agricultural operations ;
 - (viii) the construction of an unmetalled road intended to give access to land solely for agricultural purposes ;
 - (ix) a change in the use of land or a structure from a use within a class designated in Land Development Regulations to another use in the same class ; and
 - (x) a change in the form of ownership of any plot or structure or the creation or termination of easements or covenants concerning land development ;
- (10) "Local Area Authority" means the Local Area Authority established under section 15 ;
- (11) "Local Council" means a Local Council constituted under the North-West Frontier Province Local Government Ordinance, 1972 (N.W.F.P. Ord. No. II of 1972) ;
- (12) "Local Area Plan" includes plans prepared by or for a Local Area Authority ;
- (13) "member" means a member of the Board and includes the Chairman ;
- (14) "municipal body" includes any municipal committee, municipal corporation, or other general purpose organization for local government constituted by or operating under a Provincial law relating primarily to municipal organization and administration and any department, committee, board, officer, body or unit thereof ;
- (15) "owner" includes the person for the time being receiving the rent of land and building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if land or building were let to a tenant ;
- (16) "person" includes any individual, company or association or body of individuals, including defence co-operative housing societies, whether incorporated or not or any government agency ;
- (17) "planning agency" includes the Provincial Planning and Development Department, the Provincial Urban Development Board, Local Area Authority and any other government agency engaged primarily in planning for development ;
- (18) "prescribed" means prescribed by rules ;
- (19) "provincial concern" includes those subjects, matters, policies, areas, projects, schemes, sites, works or facilities having important implications for provincial development ;

(20) "Regulations" means regulations made under this Act ;

(21) "rules" means rules made under this Act ;

(22) "structure" includes anything constructed or installed or portable, the use of which requires a location on a plot of land, movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes either temporarily or permanently, and fences, billboards, pool, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs whether located on a rock, tree, separate structure or part of another structure ;

(23) "urban area" means any area within the jurisdiction of a town or municipal committee and includes any other area which Government may, by notification in the official Gazette, declare to be urban area for the purposes of this Act.

CHAPTER II—CONSTITUTION AND FUNCTIONS OF THE BOARD

3. **Establishment of the Board.**—(1) As soon as may be after the commencement of this Act, Government shall, by notification, establish a Board to be called the Provincial Urban Development Board, North-West Frontier Province, to perform the functions assigned to it under this Act.

(2) The Board shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules, to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.

4. **Appointment of members.**—(1) The Board shall consist of such number of members not exceeding nine, as Government may from time to time appoint, of whom one shall be appointed as Chairman of the Board.

(2) The Chairman or any member, as designated by Government, shall be the Chief Executive of the Board.

(3) The members other than *ex officio* members shall be appointed for a period of three years and on such terms and conditions as may be determined by Government ; provided that Government may extend such term of office by such further period as it deems fit.

(4) No member appointed by virtue of his office shall continue to be member if he ceases to hold that office.

(5) Any member other than *ex officio* member may, at any time before the expiry of his term, upon three months' notice in writing to the Chairman or, in the case of Chairman to Government, resign his office, or upon similar notice, be removed from office by Government without assigning any reason.

5. **Disqualification of members.**—No person shall be or shall continue to be a member who—

(a) is or at any time has been convicted of an offence involving moral turpitude ; or

(b) is or at any time has been adjudicated insolvent ; or

(c) is a lunatic or becomes of unsound mind ; or

(d) is or at any time has been disqualified for employment in, or dismissed from, the service of Pakistan ; or

(e) is under the age of twenty-one years ; or

(f) is not a citizen of Pakistan.

6. Appointment of officers, advisers and other employees.—(1) The Board may, subject to such general or special orders as Government may from time to time give, appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions, on such terms and conditions as it may determine.

(2) The Board may employ such officers, experts, advisers, consultants and other persons as may be transferred to it by Government, on such terms and conditions as may be determined by Government.

(3) The Chairman, in cases of urgency, may appoint such officers, advisers, consultants and other employees as may be necessary :

Provided that every appointment made under this sub-section shall be reported to the Board without unnecessary delay, and shall not continue beyond six months unless approved by the Board.

(4) The Board may associate with itself in such manner, on such terms and for such period as it may deem fit, any person whose assistance or advice it may deem necessary in carrying out any of the provisions of this Act :

Provided that a person associated under this sub-section for any purpose shall not have a right to vote and shall not be deemed to be a member for that or any other purpose ; but he shall have a right to take part in the discussion of the Board.

7. Meetings of the Board.—(1) The meetings of the Board shall be held at such times and at such places as may be prescribed :

Provided that until rules are made in this behalf, such meetings shall be held at such times and at such places as may be determined by the Chairman :

Provided further that in case of emergency the Chairman may call a meeting of the Board at any time at a notice of three days.

(2) The quorum necessary for transacting business at a meeting of the Board shall be one-third of the total membership of the Board.

(3) Each member, including the Chairman shall have one vote but in the event of an equality of votes, the Chairman shall have a second or casting vote.

(4) The meeting of the Board shall be presided over by the Chairman, and, in his absence, by a member authorised by him in this behalf, and in default of such authorization by a person elected for the purpose by the members present from among themselves.

(5) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

8. Committees.—The Board may constitute such financial, technical, advisory or other committees as may be necessary for carrying out the purposes of this Act.

9. Functions of the Board.—In order to achieve effective integration of provincial urban development planning with development planning by Federal, regional and local planning agencies and to ensure that proper consideration is

given to special aspects or implications of economic and social planning, and to accomplish other objectives of this Act, the Board shall, subject to such directions as Government may from time to time give, formulate and amend long-term, medium-term and short-term policies for development of urban areas in the North-West Frontier Province, hereinafter referred to as "Development Policies".

10. Review of public urban development activities.—(1) In order to secure compliance with urban development policies or urban development plans and Land Development Regulations, or otherwise to ensure that urban public development activities are adequately coordinated or conducted in accordance with accepted planning practices and procedures, the Board may review activities undertaken or to be undertaken by government agencies in carrying out development plans, programmes or schemes of provincial concern.

(2) For the purposes of this section, the Board may—

- (a) require any government agency to file records, reports or plans at such time as may be appointed ;
- (b) require consultation ;
- (c) make inspections ;
- (d) require the obtaining of permits from the Board prior to undertaking specified types of actions ; and
- (e) advise or direct government agencies to take corrective action in instances of non-compliance with applicable urban development policies or development plans, planning positions, Land Development Regulations or other regulations, permits or standards.

11. Inventory and annual planning review reports.—(1) The Board shall prepare and maintain accumulative inventory containing reference to or summaries of proposed or approved development policies, development plans, programmes, schemes and planning positions providing information useful to the performance of its functions.

(2) The Board shall prepare and submit to Government Annual Planning Review Reports describing significant relationships among the various items contained in the inventory then current, identifying any inconsistencies or problems of coordination and recommending measures for their correction or solution.

(3) The Government shall cause the Annual Planning Review Reports to be laid before the Provincial Assembly.

12. Regulation of development in provincial control areas.—(1) The Board may identify and define the boundaries of areas which contain, or are influenced by or influence public facilities, public investments, natural resources, or other resources of provincial concern, which may be adversely affected unless protected by adequate and effective Land Development Regulations.

(2) If upon the recommendation of the Board, Government finds that such protection is not adequate or effective in an area so defined, or that existing Land Development Regulations are unduly restrictive so as to impair the utilization of such facilities, investments or resources, Government may, by notification, declare such area to be a Provincial Control Area.

(3) The Board may adopt Land Development Regulations for a Provincial Control Area.

(4) The submission, approval, administration and enforcement of the Land Development Regulations shall be governed *mutatis mutandis* by the provisions of Chapter V.

13. Provincial physical development plans and programmes.—(1) The Board may, upon its own initiative or at the request of any government agency, and if so required by Government, shall, prepare a plan or programme for particular development project, scheme or site of provincial concern.

(2) If Government is of opinion that any area, site or project of provincial concern under the jurisdiction of another planning agency is not adequately serviced by such other agency, Government may, by notification, provide for the preparation by the Board of an appropriate plan for the area, site or project.

(3) If directed by Government, the Board shall prepare a provincial urban physical development plan to be integrated with a provincial economic development plan or adopted separately, as may be directed.

(4) The provisions of Chapter III relating to the preparation, contents and approval of Local Area Plans shall apply *mutatis mutandis* to the making of plans by the Board under sub-sections (1), (2) and (3), subject to such modifications as may be directed.

14. Other functions of the Board.—(1) The Board may provide technical guidance and support for the development and coordination of urban planning in the Province, including the provision of technical services, personnel or financial assistance to municipal bodies, for projects approved by the Board and for this purpose enter into contract with any municipal body.

(2) In connection with the performance of its functions, the Board may—

- (a) establish and maintain central technical planning and research facilities for urban areas ;
- (b) conduct training programmes and seminars on urban planning ;
- (c) prepare and distribute brochures and guidelines, model development regulations, including Land Development Regulations, or other materials for use by planning agencies or other government agencies ;
- (d) prescribe procedures, requirements or standards to be followed by other planning agencies, as may be appropriate to promote or protect provincial interest in the urban areas ;
- (e) undertake research in urban planning ;
- (f) promote professional organizations in urban planning ; and
- (g) perform any other functions assigned to it by Government.

CHAPTER III—LOCAL AREA AUTHORITIES

15. Establishment of local area authorities.—(1) When the Board is of the view that the implementation of provincial urban policies is of sufficient importance, requires considerable investment and local area planning, it may, with the prior approval of Government, by notification, establish a Local Area Authority to undertake detailed planning and implementation in a local area.

(2) The boundaries of the local area shall be such as may be defined by the Board.

16. Delegation of functions.—The Board may delegate all or any of its functions in respect of the local area to the Local Area Authority.

17. Principal planning and implementation of functions of Local Area Authority.—(1) In addition to other functions assigned to it under this Act, such Local Area Authority shall engage in a continuing planning process, and the objectives of the process, the planning tasks, the manner of performance and the type of documents to be produced shall be such as may from time to time be specified by the Board.

(2) The objectives of planning process include planning for land development and implementation thereof for all parts of the local area which may be related to any of the following :—

- (a) the location, distribution, characteristics, and intensity of uses and development of land for agricultural, residential, commercial, industrial, public or other purposes ;
- (b) the development, improvement or provision of public facilities and services such as transportation and traffic circulation system or their components ; industrial, public utility, educational, health, sanitation, community and recreational facilities, and other environmental facilities and services ;
- (c) the location, distribution, characteristics, rehabilitation and development of public and private housing ;
- (d) the preservation and protection of open spaces and historical or archaeological sites ;
- (e) the designation, improvement, clearance, re-development or renewal of blighted, insanitary or otherwise deteriorated area and the re-location and rehabilitation of their residents ;
- (f) the location and development of new or expanded urban areas ;
- (g) the acquisition of land for public purposes ;
- (h) the allocation of public land, including the terms and conditions of sales or leases ; and
- (i) any other objectives as may be prescribed.

(3) The planning tasks include—

- (a) the making of studies and surveys of population distribution and characteristics or any other factors relating to the objectives or subjects set out in sub-section (2) ;
- (b) the identification of major problems relating to, and opportunities for, development of the local area ;
- (c) the analysis, making of projections or forecasts, evaluation, and testing of or with respect to—
 - (i) the existing development conditions, policies or programmes ;
 - (ii) past or prospective changes in development condition ; or
 - (iii) proposed development policies or programmes, or alternatives.

(4) The implementation task includes maintaining of such establishment and providing with such resources and vesting it with such powers as are required for the successful implementation of approved plans.

(5) The types of documents to be produced by a Local Area Authority in the course of performing its tasks under this section may include any of the plans described in section 18 and other documents referred to in section 20.

(6) In the performance of its functions under this section, the Local Area Authority shall follow such directions as the Board may from time to time give.

18. Local Area Plans.—(1) Local Area Plans shall be known by such titles or descriptions as the Local Area Authority in its discretion may select, subject to specifications found in the notification establishing or designating the Local Area Authority or as otherwise prescribed.

(2) A Local Area Plan shall consist of a written statement summarising or setting forth findings, recommendations, proposed policies, plans, programmes and schemes described in sub-section (3) of section 17, together with such reports on underlying studies, surveys, analysis, evaluations, projections, forecasts or testing, and such explanatory maps, charts or other supplemental materials, as are declared by the Local Area Authority to be part of the Local Area Plan.

(3) The territorial and time dimensions, range of subject matter and degree of specificity of Local Area Plans shall be determined by the Local Area Authority subject to specification made in the notification designating the Local Area Authority or as may be otherwise prescribed.

(4) A Local Area Plan shall include a statement identifying—

- (a) those provisions of the Local Area Plan which may be included or reflected in Land Development Regulations to be adopted under Chapter V or to which existing Land Development Regulations shall be made to conform ;
- (b) any other provisions of the Local Area Plan to which all government agencies shall conform in taking decisions or actions, other than those incorporated in Land Development Regulations which are likely to effect future development in the local area ; and
- (c) any other provisions which are intended to serve as guides to the making of decisions relating to such future development.

19. Public participation, review and approval of Local Area Plan.—(1) Prior to submitting a proposed Local Area Plan for approval under sub-section (2), the Local Area Authority shall make copies available for public inspection or purchase and publish a notice inviting interested persons, including government agencies, to make written representations or request a hearing ; and the Local Area Authority shall designate one of its officers or a committee of its officers to receive the written representations or conduct a hearing, and submit a report to the Local Area Authority with his or its recommendations.

(2) The Local Area Authority shall submit the proposed Local Area Plan as originally proposed or modified together with a record of proceeding taken under sub-section (1) to the Board for review which shall transmit the proposed Local Area Plan to Government, together with its recommendations.

(3) Government may approve Local Area Plan as proposed or approve it with such modifications as it may deem necessary, or return it to the Local Area Authority with appropriate instructions and such approval shall be expressed by Government in such manner as it may deem appropriate.

(4) If the Local Area Plan calls for adoption of Land Development Regulations or the amendment of existing Regulations, the Local Area Authority shall

prepare and submit such regulations or amendment for approval pursuant to Chapter V within sixty days of approval by Government and all findings, recommendations, policies, plans, programmes and schemes incorporated in the Local Area Plan shall come into operation on such date as Government may appoint in this behalf.

(5) Government, in consultation with the Board, may make rules prescribing procedures and requirements for public participation and for submission, review and approval of Local Area Plans under this section ; and such rules may provide for the following, among other matters, namely :—

- (a) the time, form, contents, media and other requirements for publication of any notice or notification ;
- (b) the designation of places where copies of proposed Local Area Plans may be inspected or purchased and the fixing of prices therefor ;
- (c) the conduct of hearings ;
- (d) the period for making representations with regard to a proposed Local Area Plan, which may be not longer than sixty days from the date of the notice inviting such representations ; and
- (e) any other matter which Government may deem appropriate.

(6) The provisions of this section and the procedures and requirements applicable thereto shall apply to public participation in and the submission, review and approval of any revisions or additions to a Local Area Plan ; provided, however, that Government may, in the rules made under this section, exempt specified types of minor revisions or additions from all or any of such provisions, procedures or requirements.

20. Planning Position.—(1) At the request of any government agency or upon its own initiative, a Local Area Authority may conduct studies, make findings, form views and take positions regarding the feasibility, location, or any other features, of a particular public or private development scheme, project or work which in the judgment of the Local Area Authority may have important implications for planning under its jurisdiction, but with respect to which no approved Local Area Plan or other development plan duly sanctioned by government authority explicitly or implicitly provides adequate guidance or directions.

(2) The Local Area Authority may declare any position so taken to be known as a Planning Position.

(3) The statement of a Planning Position shall include a statement or summary of the findings and reasoning on which it was based, and shall be recorded, registered, filed and published in such manner as may be prescribed.

21. Adoption of Land Development Regulations.—A Local Area Authority may adopt Land Development Regulations pursuant to Chapter V, if so authorised in the notification establishing or designating the Local Area Authority or in a subsequent notification.

22. Implementation of approved plan.—The Local Area Authority shall be responsible for implementing the approved Local Area Plan either directly itself or through other government agencies as may be prescribed.

23. **Modification of delegation, dissolution, etc.**—The Board may, by notified order,—

- (i) modify the terms of the delegation of functions to the Local Area Authority ; or
- (ii) dissolve the Local Area Authority and transfer its functions to another local planning agency ; or
- (iii) amalgamate the Local Area Authority with another local planning agency.

24. **Completion of Local Area Development.**—After a Local Area Authority has implemented the Local Area Plan, the Board may dissolve the said Local Area Authority and hand over the local area to a Local Council having jurisdiction over the said local area.

CHAPTER IV—FINANCING

25. **Finances for the Board.**—The administrative and developmental expenses for the functioning of the Board shall be obtained by Annual Development Grants from Government, bank loans, borrowing from financial institutions, debentures and profits from the developmental activities of the Board and the projects financed by the Local Area Authorities and the municipal bodies.

26. **Finances for the Local Area Authority.**—The Board shall provide recurring expenses and development grants to the Local Area Authority to carry out the functions assigned to it.

27. **Finances for the Municipal Bodies.**—The Board may provide funds for projects undertaken by the municipal bodies for the implementation of Development Policies of the Board on such terms and conditions as may be prescribed.

28. **Loans.**—Subject to the provisions of this Act, the rules, the Local Authorities Loans Act, 1914 (IX of 1914), and any other law for the time being in force, the Board may, with the previous sanction of Government, raise loans in the prescribed manner and make suitable arrangements to the satisfaction of Government for the repayment of the loans.

29. **Accounts.**—(1) Accounts of the receipts and expenditure of the Board shall be kept in the prescribed manner and form.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to Government by such date as may be prescribed.

30. **Audit.**—(1) The accounts of the Board or the Local Area Authority shall be audited in such manner, after such interval and by such authority as may be prescribed.

(2) The audit authority shall have access to all the relevant books and other documents pertaining to accounts of the Board and the Local Area Authority concerned.

(3) On the completion of audit, the audit authority shall, in the prescribed manner, submit to Government an audit report :

Provided that in the case of a Local Area Authority, a copy of such report shall be sent by the audit authority to the Board.

CHAPTER V.—LAND DEVELOPMENT REGULATIONS

31. Adoption and application of Land Development Regulations by planning agencies.—(1) A planning agency may, subject to the approval of the Board, adopt Land Development Regulations for the purpose of regulating all or specified aspects of land development.

(2) Land Development Regulations shall be applicable within the whole of a Provincial Control Area or Local Plan Area or within any part thereof specified in the Land Development Regulations.

(3) All planning agencies shall be subject to Land Development Regulations and the rules relating thereto.

32. Contents of Land Development Regulations in general.—(1) Land Development Regulations may contain general provisions applicable to all or specified types of land development, located throughout, or in specific parts of the regulated area, and may provide that land development may not be undertaken without a development permit, consisting of a General Development Permit or Special Development Permit, as provided in this Chapter.

(2) Land Development Regulations may provide for—

- (a) land development for which a General Development Permit may be granted as of right on compliance with the terms of the Land Development Regulations ;
- (b) land development for which a Special Development Permit may be granted as provided under section 33 ;
- (c) land development which is exempt from the requirement of obtaining a development permit but otherwise subject to the terms of the Land Development Regulations ;
- (d) land development which is exempt from the Land Development Regulations.

(3) Land Development Regulations may empower the planning agency to—

- (a) allow specified types of land development with prior permission ; or
- (b) allow specified types of land development upon the obtaining of a General Development Permit ; or
- (c) allow, by Special Development Permit, land development that will not be substantially inconsistent for the purposes of section 38.

(4) Land Development Regulations may divide a regulated area into zones.

33. Special Development Permits.—(1) Land Development Regulations may empower the planning agency to issue Special Development Permits for any of the following matters, namely :—

- (a) to grant permission to depart from general requirements, where compliance would cause practical difficulties, under specified circumstances ;
- (b) to grant permission to sub-divide land into plots, on the conditions—
 - (i) of dedication by the applicant of land or other property for the provision of streets, other rights-of-way, utilities, parks and other open spaces of a quality and quantity not more than reasonably necessary for the proposed land development ;

- (ii) of the payment of an equivalent amount of money for the provision of any such facilities if the planning agency finds that the dedication of land or property therefor under sub-clause (i) is not feasible ; and
- (iii) of the assumption or discharge of such other obligations by the land developer as may be required or permitted under the rules ;
- (c) to depart from general requirements as to use of land, under specific circumstances—
 - (i) where and to the extent necessary to permit some economic use of the land ;
 - (ii) to revise zonal boundaries ;
 - (iii) to instal community service facilities ;
 - (iv) for specified types of proposed land development, based on a finding by the planning agency that the proposed development is likely to be compatible with permitted development in substantially all land in the vicinity of the proposed development ; and
- (d) for any other purposes, and under any other specified circumstances subject to such appropriate restraints on the exercise of such discretion as may be necessary to accord adequate protection to neighbouring property owners and the community.

(2) A planning agency may attach to a Special Development Permit conditions which may concern any matter subject to regulation under this Act, including means for—

- (a) minimising any adverse impact of the proposed development upon other land, including the hours of use and operation and the type and intensity of activities which may be conducted ;
- (b) controlling the sequence of land development, its commencement and completion ;
- (c) controlling the duration of use of land development and the time within which any structure must be removed ;
- (d) assuring that the land development is maintained properly in the future ;
- (e) designating the exact location and nature of development ; and
- (f) establishing more detailed records by submission of drawings or maps of specifications.

(3) The Land Development Regulations shall prescribe procedures for the submission and determination of an application for a Special Development Permit as may be prescribed which shall provide for, among other things,—

- (a) the time, form, contents, media and any other requirements for the publication of a notice of hearing or of the opportunity to interested persons to file written representations ;
- (b) requirements for giving individual notice to the applicant and any other designated types of persons or property owners with special interest in the matter ;
- (c) the designation of a hearing officer or committee, or of persons to receive written representations ;
- (d) the conduct of the hearing ;

- (e) the form, contents, service and filing of the findings and determination of the planning agency and of any order based on the determination ; and
- (f) the imposition and amounts of fees to be charged from the applicant or others in connection with such proceedings.

34. Procedures for General Development Permit.—Land Development Regulations shall prescribe requirements and procedures for the submission and determination of applications for General Development Permits.

35. Approval of Land Development Regulations for restrictions imposed by other Government Agencies.—(1) Regulations of or restrictions upon land development made or imposed by a government agency other than a planning agency shall be subject to the prior approval of the planning agency for the area concerned if embodied in or required to be embodied in the provisions of—

- (a) local Area Plan or any other development plan ;
- (b) lease terms or other restrictions, if any, imposed in the distribution of plots or structure in a housing scheme or other large scale development projects developed or owned by a government agency or cooperative housing society or subsidised by Government or Federal Government ; or
- (c) general rules, regulations or orders of a government agency which apply to the allocation of public land for specified purpose.

(2) The planning agency may approve any such provisions, notwithstanding their inconsistency with general requirements of existing Land Development Regulations, for the purpose of permitting less restrictive standards for housing or improving the living environment of groups of refugees, low income persons or industrial workers, and in such event the existing Land Development Regulations shall be amended or deemed to be amended accordingly.

(3) Government may, by notification, delegate to the planning agency for the area, the power and responsibility of any such other government agency specified in sub-section (1) and such delegation may be revoked or amended in the same manner.

36. Public participation and review and approval of Land Development Regulations.—The provisions of section 19, other than sub-section (5) thereof, relating to Local Area Plans shall apply *mutatis mutandis* to the review and approval of Land Development Regulations, and to public participation in such procedures, except as otherwise provided in this Chapter.

37. Delegation of administrative or enforcement functions.—(1) Government, after consultation with the Board, may delegate to another government agency all or specified aspects of the functions of preparation, adoption, administration or enforcement of Land Development Regulations, in respect of all or specified parts of a Provincial Control Area.

(2) Government, after consultation with a planning agency, may delegate to another government agency all or special aspects of the functions of administration and enforcement of Land Development Regulations, in respect of all or specified parts of the planning area under the jurisdiction of the planning agency.

(3) The delegation shall be made by notification, which shall describe the scope of the functions delegated and terms and conditions for their exercise,

the area or areas in which they are to be performed, and the working relationships to be maintained with the planning agency from which the functions were transferred.

(4) Government may, by notification, revoke or amend the terms and conditions of the delegation at any time it deems fit.

38. Regulation of land for acquisition by government agencies.—(1) Land Development Regulations may designate land reserved for future acquisition by government agencies, if provided in or consistent with a development programme proposing specific public actions and contained in Local Area Plan previously adopted under this Act, or in some other development plan previously sanctioned by Government.

(2) Areas designated for future public acquisition may include land for—

- (a) highways, roads, streets, or other public ways proposed for construction or alteration ;
- (b) proposed schools, recreation facilities, transportation facilities, such as airport and bus and railroad depots, government office buildings or other public buildings or works ;
- (c) proposed parks, nature preserves, or other open spaces ;
- (d) housing schemes or projects, refugees rehabilitation schemes, urban renewal or redevelopment schemes or any other land development schemes with respect to which the concerned government agency is, or may be vested with the power of, land acquisition authority ; or
- (e) any other public purpose.

(3) The land designated by Land Development Regulations for such reservation shall be subject to restrictions under this section not beyond the time shown in the Land Development Regulations for their expiration, which shall not be more than the period specified in the plan for completion of the development programme and in no event more than five years from the date of adoption of the Land Development Regulations ; provided, however, that the land may again be designated for reservation in an amended or supplemental plan adopted in accordance with the procedures prescribed for the adoption of Land Development Regulations.

(4) Land designated as reserved land shall be subject to acquisition at any time after the coming into force of the Land Development Regulations containing the reservations, and the Regulations may grant to the public sponsor of the development scheme or project for which the land is reserved (hereinafter to be referred to as "the sponsor") a first option to purchase the reserved land at whatever time it may be put to sale.

(5) An owner of private property who is not entitled to a development permit under section 32 may nevertheless apply for a Special Development Permit if he claims to be unreasonably affected by the reservation of land for public development, upon such an application the planning agency shall determine after notice and give an opportunity of being heard whether the resulting hardships will not, within a reasonable time, be off set by benefits from a development scheme or project for construction of a proposed public facility or work, and in the event a hardship is found to exist, the planning agency shall give notice of its findings of hardship to the sponsor.

(6) If the sponsor has not secured title or commenced compulsory acquisition proceedings within six months after the date of the notice of a finding of hardship, the planning agency shall, if the sponsor approves, issue a permit for development which will as little as practicable increase the cost of the proposed public development for which the land is reserved, and if the sponsor does not approve the granting of such permission, the agency shall assess damages for the hardship which shall be paid by the sponsor to the applicant.

(7) Where the applicant for permission to develop reserved land is a government agency other than the sponsor, the planning agency may grant the application only if it—

- (a) determines that an overriding public interest will be served ;
- (b) determines that the granting of the application will not seriously prejudice the carrying out of the public development scheme or project for which the land is reserved by increasing the cost of the public development or otherwise ;
- (c) attaches conditions to the grant of development permission in keeping with the determination under clauses (a) and (b).

(8) The procedures for hearing and determining the applications for development permission under sub-sections (5), (6) and (7) shall be those prescribed generally with respect to applications for Special Development Permits, or prescribed specifically for the purpose of this section, and in any event shall accord the sponsor an opportunity to participate in the proceedings.

39. Land development in contravention of Land Development Regulations.—No person shall engage in land development or permit land development except in accordance with Land Development Regulations and rules relating thereto, and upon obtaining a development permit and complying with its conditions where required.

40. Removal or prevention of violations.—(1) If a planning agency is of the opinion that any of the provisions of its Land Development Regulations or of any rules relating thereto or any conditions of a development permit are being or have been violated, it may cause a notice in writing to be served on any person responsible for the violation or permitting it to continue.

(2) The notice shall indicate the nature of the violation and the planning agency may order such action as it may deem appropriate to correct the violation, including—

- (a) the discontinuance of any illegal work being done on, or activities being conducted in relation to, land or buildings ;
- (b) the removal of unlawful conditions on the alteration, removal or demolition of illegal buildings or of illegal additions, alterations or structural changes ;
- (c) any other measures authorised by this Act, or by Land Development Regulations, or by rules to ensure compliance with Regulations or with the conditions of development permits.

(3) The order may specify the period within which the violation shall be corrected and in the event of non-compliance with the order the planning agency may itself cause appropriate measures to be taken to effect compliance, the expenses whereof shall be recoverable from the owner or owners in the manner provided for the recovery of arrears of land revenue.

(4) The giving of notice and making and service of an order under this section shall not be a pre-requisite to the initiation of, and shall not bar any prosecution under this Act, and the planning agency may take action under this section whether or not prosecution has been initiated.

41. Power of entry on land or in building.—(1) A planning agency may authorise any person to enter upon or into any land or building with or without assistants or workmen for any of the following purposes, namely :—

- (a) making any inquiry, inspection, survey or valuation ;
- (b) taking levels and marking boundaries and lines, by planning marks, cutting trenches or otherwise ;
- (c) ascertaining whether any land or building is being used or has been used or erected in contravention of any Land Development Regulations or of the conditions of any development permit ; or
- (d) doing any other acts necessary for the efficient administration and enforcement of Land Development Regulations.

(2) No such entry shall be made between the hours of sunset and sunrise ; no dwelling house and no structure which is used as a dwelling place shall be so entered, unless with the consent of the occupier, without giving not less than twenty-four hours previous written notice to the occupier or, if there be no occupier, to the owner of the dwelling house or structure, sufficient notice shall in every instance be given when the premises may otherwise be entered without notice, to enable women to remove themselves to some part of the premises where their privacy will not be disturbed and due regard shall always be had, as far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(3) The planning agency shall be responsible for any damages that may be caused in connection with the work done under sub-section (1).

42. Designation or appointment of Appeal Boards.—(1) Government shall constitute and appoint an Appeal Board for each Provincial Control Area to perform the functions assigned to such Board under this Act ; and where all the functions of preparation, adoption, administration and enforcement of Land Development Regulations have been delegated to another government agency, a committee of officers of the Board may be designated as the Appeal Board in lieu of the creation of a new body.

(2) Government shall constitute and appoint an Appeal Board for each plan area to perform the functions assigned to Appeal Board under this Act ; a committee of officers of the Board may be designated as the Appeal Board for a Local Plan Area, and if so designated the committee shall perform its functions under this Act within the Local Plan Area.

(3) An Appeal Board shall consist of three members one of whom shall be designated as its Chairman and at least one member shall be a person who, in the opinion of the appointing authority, has special knowledge of, or practical experience in matters relating to, urban planning or real estate valuation.

43. Appeals from orders or determinations of planning agency.—(1) Any person aggrieved by a determination or order of a planning agency may appeal to the appropriate Appeal Board within thirty days from the date of notice of the determination or order.

(2) The form and manner of making an appeal, the fees or charges to be paid by applicants, the conduct of hearings, the timing, form, contents, media and any other requirements regarding notice of hearings and the filing and service of determination shall be such as may be prescribed.

(3) An Appeal Board shall have the power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and, so far as may be, in the same manner as is vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908).

(4) In making its determination the Appeal Board may affirm or reject the determination or order appealed from, or modify it, and in modifying a determination or order granting development permit the Appeal Board may alter or remove any of the conditions under which it was granted, or impose other conditions ; and the Appeal Board may also increase or decrease any assessment made under sub-section (6) of section 38.

44. Finality of determination or order of a planning agency.—The determination or order of a planning agency or of an Appeal Board where an appeal has been preferred shall be final.

45. Penalties.—(1) Any person who violates any of the provisions of Land Development Regulations or of a rule relating thereto, or of the conditions of a development permit, or who obstructs entry as provided in section 41, shall be punished—

- (a) with a fine which may extend to one thousand rupees or, in default of payment, with simple imprisonment which may extend to six months ; and
- (b) in case of continuing violation with a further fine which may extend to one hundred rupees for each day after the first day during which the violation continues.

(2) If the person committing an offence punishable under this Act is a company, firm or other association or body of individuals whether incorporated or not and if it is proved that the offence was committed with the consent or connivance of, or is attributable to, any neglect on the part of any officer of, or other individual concerned with, its management, such officer or individual shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished.

46. Complaint on which prosecution may be based.—No prosecution for any offence punishable under this Act shall be instituted except upon the written complaint of the chief officer of the planning agency or a person generally or specially authorised by the planning agency.

47. Jurisdiction of the Courts in respect of offences.—(1) All offences under this Act or the rules shall be tried by a Magistrate of the first class.

(2) No person may be so tried unless the complaint of the offence has been made to such Magistrate within six months of the commission thereof.

48. Interim control of land development.—(1) In the notification establishing a Local Plan Area or Provincial Control Area, or in any subsequent notification, Government may declare that the entire area or a specified part or parts thereof shall be subject to interim control, without the prior permission of the planning agency having jurisdiction over the area.

(2) Government shall prescribe procedure for the submission and determination of applications for such permission to the planning agencies under their respective jurisdictions.

(3) The procedures, to be known as Interim Control Procedures, shall *mutatis mutandis* conform with the requirements of sub-section (3) of section 33.

(4) After the date of the declaration under sub-section (1), the planning agency having jurisdiction over any area subject to interim control shall have exclusive authority to regulate land development within that area.

(5) Any municipal body or other government agency having and exercising town planning control or development control over the area or any part of it shall refer to the planning agency for its disposition all applications for development permission until such time as the procedures prescribed under sub-section (5) may require the making of such applications directly to the planning agency.

(6) In passing on an application by or on behalf of a land owner for development permission under this section—

(a) the planning agency shall take into consideration any town planning or development control regulations or provisions of an approved plan of a municipal body or other agency which were applicable to the property of the land owner on the date of the notification under sub-section (1), subject to any modification the planning agency may deem to be necessitated by changed circumstances in the vicinity of the proposed development reflected in decisions of Government or the Federal Government or reflected in a Planning Position therefor declared by the planning agency; or

(b) in the absence of any such regulations, plan or Planning Position, the planning agency shall prior to making its determination declare its Planning Position on a land use pattern for the vicinity of the proposed development, taking into account the interests of the community as well as those of the proposed development.

(7) This section shall not be construed as diminishing the authority of municipal bodies or other government agencies to make and enforce building control bye-laws or regulations, except to the extent that may be inconsistent with town planning or development control, plans, Planning Positions or determinations or orders followed, declared or made under this Act.

CHAPTER VI.—MISCELLANEOUS PROVISIONS

49. **Members, officers, employees, etc., to be public servants.**—The Chairman, members, officers, advisers, consultants, or other employees of the Board shall, while acting or purporting to act, in pursuance of the provisions of this Act, or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

50. **Protection of action taken in good faith, etc.**—No suit, prosecution or other legal proceedings shall lie against Government or the Board or against officers, advisers, consultants or other employees of the Board, for anything done or intended to be done in good faith under this Act, or for any damage caused or likely to be caused by any such thing.

51. **Power of Government to make rules.**—(1) Government may, by notification, make rules for the purposes of carrying into effect the provisions of this Act,

(2) In particular and without prejudice to the foregoing power, such rules may provide for all or any of the following matters and all matters incidental, consequential and supplemental thereto, namely :—

- (a) the prescription of records, reports and returns to be maintained, prepared or published ;
- (b) the regulation of matters pertaining to appointment and terms and conditions of service of officers, servants and other employees of the Board ;
- (c) the administration, regulation, custody and investment of funds ;
- (d) the maintenance of accounts and their audits ;
- (e) the manner in which such agencies may be inspected and the powers of inspecting officials ;
- (f) requirements or guidelines relating to the making of surveys and maps including the scales of maps ;
- (g) the furnishing of copies of documents and the fees to be charged therefor ;
- (h) meetings of the Board, the time and place and notice of such meetings ;
- (i) any other matters which are required to be, or may be, prescribed under any of the provisions of this Act.

52. **Effect of provisions inconsistent with other laws.**—The provisions of this Act and of Land Development Regulations, rules and orders made thereunder shall have effect notwithstanding anything to the contrary contained in any other law, rules, regulations, bye-laws or orders for the time being in force, or in any contract or instrument having force by virtue of such law.

53. **Repeal.**—The Town Improvement Act, 1922 (Punjab Act IV of 1922), in its application to the North-West Frontier Province, and the North-West Frontier Province Urban Planning Ordinance, 1975 (N.W.F.P. Ordinance No. II of 1975), are hereby repealed.

ACT No. XXXVI OF 1975

*An Act to amend the North-West Frontier Province
Public Service Commission Act, 1973*

WHEREAS it is expedient to amend the North-West Frontier Province Public Service Commission Act, 1973 (N.W.F.P. Act No. XIX of 1973), in the manner hereintfer appearing ;

AND WHEREAS the proclamation of Emergency referred to in Article 280 of the Constitution is in force ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the North-West Frontier Province Public Service Commission (Amendment) Act, 1975.

(2) It shall come into force at once and shall be deemed to have taken effect on the 16th August, 1974.

2. **Amendment of section 3, N.W.F.P. Act No. XIX of 1973.**—In the North-West Frontier Province Public Service Commission Act, 1973 (N.W.F.P. Act No. XIX of 1973), in section 3, for sub-section (2) the following shall be substituted, namely :—

“(2) The Commission shall consist of such number of members not exceeding four, of whom one shall be the Chairman, as may be appointed by the Governor, on such terms and conditions as may be prescribed.”.

3. **Repeal.**—The North-West Frontier Province Public Service Commission (Amendment) Ordinance, 1975 (N.W.F.P. Ordinance No. III of 1975), is hereby repealed.

ACT No. XXXVII OF 1975

An Act to provide for measures to remove and prevent traffic congestion and to regulate movement of vehicular traffic within the limits of Municipal committee, Peshawar

WHEREAS it is expedient to provide for measures to remove and prevent traffic congestion and to regulate movement of vehicular traffic within the limits of Municipal Committee, Peshawar ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is in force ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the North-West Frontier Province Bus Stand and Traffic Control (Peshawar) Act, 1975.

(2) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “bus stand” means the stand provided by the Municipal Committee, Peshawar, for halting stage carriages ;
- (b) “Commissioner” means the Commissioner, Peshawar Division, and includes an officer who may be appointed by Government to exercise the powers of Commissioner under this Act ;
- (c) “Government” means the Government of the North-West Frontier Province ;
- (d) “rules” means rules made under this Act ; and
- (e) “stage carriage” means the stage carriage as defined in the West Pakistan Motor Vehicles Ordinance, 1965 (W. P. Ord. No. XIX of 1965).

3. **Prohibition of establishing bus stand, etc.**—No person, company or association plying stage carriages to, from or through the limits of the Municipal Committee, Peshawar, shall establish or maintain within such limits any Stand

(Adda) or use any place, including a highway, road or street within the said limits, for picking up or setting down the passengers or halting the stage carriage, except at the place allotted for the purpose in the bus stand.

4. Provision and maintenance of bus stand.—The Commissioner may require the Municipal Committee, Peshawar, to provide and maintain within its limits bus stands at such places as may be approved by him.

5. Shifting of stands.—All existing Stands (Adda) within the limits of Municipal Committee, Peshawar, shall cease to function and be shifted to the bus stand within one month of the commencement of this Act, or within such further period as may be fixed by the Commissioner.

6. Power of Commissioner.—Notwithstanding anything to the contrary contained in any other law for the time being in force, or any decree, judgement or order of any Court or Authority, the Commissioner, for the purposes of this Act, may—

- (a) acquire any land required for the bus stand, approaches and roads and eject forcibly any person in possession thereof, on payment of such compensation as may be determined by the Collector Acquisition in accordance with the principles laid down in the land Acquisition Act, 1894; and
- (b) direct the Municipal Committee, Peshawar, to regulate the administration of bus stand established under this Act, in accordance with the rules framed for the purpose.

7. Officer authorised to impound stage carriage.—Any stage carriage found plying or at halt in contravention of any of the provisions of this Act or the directions issued by the Commissioner in pursuance of this Act shall be impounded by an officer authorised by the Commissioner in this behalf, or by any Police Officer not below the rank of an Assistant Sub-Inspector.

8. Payment of rent.—Any person, company or association using the bus stand, or using any land belonging to the Municipal Committee, Peshawar, for running a bus stand shall pay such rent to the Municipal Committee or to any person on its behalf as may be fixed by the rules, and any arrear of rent due from any such person, company or association shall be recoverable as arrears of land revenue.

9. Delegation of Powers.—The Commissioner may delegate any of the powers vested in him under this Act to any officer subordinate to him, or to the Municipal Committee, Peshawar, or any officer thereof.

10. Exemption.—The Commissioner may exempt any stage carriage or class of stage carriages from the operation of all or any of the provisions of this Act.

11. Penalty.—Any person who contravenes or attempts to contravene or abets the contravention of any provisions of this Act or any directions issued by the Commissioner in pursuance of this Act or the rules, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, on a complaint by the Chairman, Chief Officer or Taxation Officer of the Municipal Committee, Peshawar, or by a Police Officer not below the rank of an Assistant Sub-Inspector.

12. **Rules.**—Government may make rules to carry out the purposes of this Act.

13. **Repeal.**—The North-West Frontier Province Bus Stand and Traffic Control (Peshawar) Ordinance, 1975 (N.W.F.P. Ordinance No. IV of 1975), is hereby repealed.

M. A. HAQ.

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, APRIL 17, 1975

PART I

Acts Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 17th April, 1975

The following Act of Parliament received the assent of the President on the 17th April, 1975, and is hereby published for general information :—

ACT No. XXXVIII OF 1975

An Act further to amend the Imports and Exports (Control) Act, 1950

WHEREAS it is expedient further to amend the Imports and Exports (Control) Act, 1950 (XXXIX of 1950), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Imports and Exports (Control) (Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Amendment of the long title and preamble, Act XXXIX of 1950.**—In the Imports and Exports (Control) Act, 1950 (XXXIX of 1950), hereinafter referred to as the said Act, in the long title and preamble, the words “for a limited period” shall be omitted.

3. **Amendment of section 1, Act XXXIX of 1950.**—In the said Act, in section 1, in sub-section (3), the comma and words “, and shall remain in force for a period of twenty-five years” shall be omitted.

4. **Amendment of section 4A, Act XXXIX of 1950.**—In the said Act, in section 4A, the words “other than an import licence issued under the Export Bonus Scheme” and the Explanation shall be omitted.

5. **General.**—In the said Act, for the words “Central Government”, wherever occurring, the words “Federal Government” shall be substituted.

M. A. HAQ,
Secretary.

(119)

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI

Price : Ps. 6

[2063 Ex. Gaz.]



The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, APRIL 12, 1973

PART I

Act Orders, President's Orders and Regulations
NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 12th April, 1973

The following Act of Parliament received the assent of the President on the 12th April, 1973, and is hereby published for general information:—

ACT NO. XXXIX OF 1973

An Act further to amend the Import and Export (Control) Act, 1950

Whereas it is expedient further to amend the Import and Export (Control) Act, 1950 (XXXIX of 1950) for the purposes mentioned in the preamble:

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Import and Export (Control) (Amendment) Act, 1973.
- (2) It shall come into force at once.
2. Amendment of the long title and preamble, Act XXXIX of 1950.—In the long title and preamble of the Import and Export (Control) Act, 1950 (XXXIX of 1950), the words "the long title and preamble of the said Act" shall be omitted.
3. Amendment of section 1, Act XXXIX of 1950.—In the said Act, in section 1, in sub-section (3), the comma and words "and shall extend to a period of twenty-five years" shall be omitted.
4. Amendment of section 4A, Act XXXIX of 1950.—In the said Act, in section 4A, the words "other than an import licence issued under the Import and Export (Control) Act, 1950" shall be omitted.
5. General.—In the said Act, for the words "Central Government", where ever occurring, the words "Federal Government" shall be substituted.

M. A. HAN

12

PRINTED AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, ISLAMABAD

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, APRIL 18, 1975

PART I

Acts, Ordinances, President's Orders and Regulation NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 18th April, 1975

The following Act of Parliament received the assent of the President on the 17th April, 1975, and is hereby published for general information:—

ACT No. XXXIX OF 1975

An Act further to amend the Land Reforms Regulation, 1972

WHEREAS it is expedient further to amend the Land Reforms Regulation, 1972, for the purpose hereinafter appearing;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is in force,

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Land Reforms (Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Amendment of the Land Reforms Regulation, 1972.**—In the Land Reforms Regulation, 1972, in paragraph 29,—

(a) after the words "this Regulation", twice occurring, the words "or under the repealed Regulation" shall be inserted and shall be deemed always to have been so inserted; and

(b) in the third proviso, in clause (a), for the figures, letters, words and comma "31st day of March, 1975" the figures, letters, words and comma "30th day of September, 1975" shall be substituted and shall be deemed to have been so substituted on the first day of April, 1975.

M. A. HAQ,
Secretary.

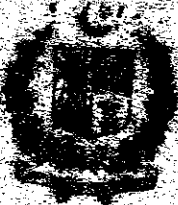
(-12-)

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI

Price : Ps. 6

[2062 Ex. Gaz.]

THE GAZETTE OF INDIA



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, APRIL 18, 1973

PART I

Act Ordinance President's Orders and Regulations
NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 18th April 1973

The following Act of Parliament received the assent of the President of the Islamic Republic of Pakistan on the 18th April 1973, and is hereby published for general information.

SECTION XXXIX OF 1973

An Act to amend the Land Revenue Regulation 1973

WHEREAS it is expedient further to amend the Land Revenue Regulation 1973 for the purpose hereinafter appearing;
AND WHEREAS the Commission of Enquiry, referred to in Article 140 of the Constitution is in force;

It is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be cited the Land Revenue (Amendment) Act 1973.

(2) It shall come into force at once.

2. Amendment of the Land Revenue Regulation 1973 in the Land Revenue Regulation 1973 in paragraph 29.—
(a) after the words "this Regulation" shall be inserted the words "and the words 'this Regulation' shall be inserted and shall be deemed to have been so inserted; and

(b) in the third proviso in clause (a) of the said Regulation, the words "and the words 'this Regulation' shall be inserted and shall be deemed to have been so inserted; and

M. A. HAD

SECRETARY

PRINTED AND PUBLISHED BY THE MANAGER OF THE GAZETTE OF INDIA, ISLAMABAD

Price: Rs. 0.50

1973

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, APRIL 23, 1975

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 23rd April, 1975

The following Acts of Parliament received the assent of the President on the 19th April, 1975, and are hereby published for general information :—

ACT No. XL OF 1975

An Act further to amend the Explosive Substances Act, 1908

WHEREAS it is expedient further to amend the Explosive Substances Act, 1908 (VI of 1908), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Explosive Substances (Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Amendment of section 3, Act VI of 1908.**—In the Explosive Substances Act, 1908 (VI of 1908), hereinafter referred to as the said Act, in section 3, for the words and commas “transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added” the words “death or imprisonment for life” shall be substituted.

3. **Amendment of section 4, Act VI of 1908.**—In the said Act, in section 4, for the words and commas “transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added” the words “imprisonment for life or any shorter term which shall not be less than seven years” shall be substituted.

(125)

Price : Ps. 37

4. Amendment of section 5, Act VI of 1908.—In the said Act, in section 5, for the words and commas “transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added” the words “imprisonment for a term which may extend to fourteen years” shall be substituted.

5. Insertion of new section 5A, Act VI of 1908.—In the said Act, after section 5 amended as aforesaid, the following new section shall be inserted, namely :—

“**5A. Forfeiture of property.**—A Court convicting a person for an offence against this Act shall direct that the whole of his property shall stand forfeited to Government.”.

ACT No. XII OF 1975

An Act to provide for the regulation of the Baluchistan Constabulary in Baluchistan

WHEREAS it is expedient to provide for the regulation of the Baluchistan Constabulary in Baluchistan and for matters connected therewith or ancillary thereto ;

It is hereby enacted as follows :—

1. Short title, application and commencement.—(1) This Act may be called the Baluchistan Constabulary Act, 1975.

(2) It shall apply to the members of the Baluchistan Constabulary wherever they may be.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “active service” means service against an external aggressor or enemy, or against hostile tribes, raiders or other hostile persons, or persons cooperating with or assisting such aggressor, enemy, tribes, raiders or other hostile persons ;

(b) “Commandant” means a person appointed by the Federal Government to be the Commandant of the Baluchistan Constabulary under section 6 ;

(c) “custody” means the arrest or confinement of a person according to the usage of the service ;

(d) “member of the Constabulary” means a person other than a person appointed under section 6 by the Federal Government who, at the commencement of this Act, is serving in the Baluchistan Constabulary or who, after such commencement, is appointed to the Baluchistan Constabulary under this Act and has signed a recruiting-roll set out in the Schedule :

Provided that every person who has for a period of six months been in receipt of pay as a member of the Constabulary and has

been borne on its roll shall be deemed to be a member of the Constabulary notwithstanding that he has not signed the said recruiting-roll ;

- (e) "Political Officer" means any Civil or Military Officer detailed by the Federal Government as Political Officer accompanying the force ;
- (f) "prescribed" means prescribed by rules made under this Act ; and
- (g) "the expressions", "assault", "criminal force", "fraudulently", "murder", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the Pakistan Panel Code (Act XLV of 1860).

3. Power to maintain Baluchistan Constabulary.—There shall continue to be maintained by the Federal Government a force called the Baluchistan Constabulary for the better protection and administration of the external frontiers of Pakistan within the limits of or adjoining Baluchistan or any part thereof.

4. Power to employ Baluchistan Constabulary in other parts of Pakistan.—Notwithstanding anything contained in this Act, it shall be lawful, and shall be deemed always to have been lawful, for the Federal Government to employ the Baluchistan Constabulary outside the limits of or adjoining Baluchistan in other parts of Pakistan for the better protection and administration of those parts.

5. Constitution of Constabulary.—The Baluchistan Constabulary shall be constituted in such manner, and the members of the Constabulary shall receive such pay, pension and other remuneration and shall enjoy such leave and other privileges as may from time to time be ordered by the Federal Government.

6. Appointment and powers of superior officers.—(1) The Federal Government may appoint any person to be the Commandant and may appoint other persons to be the Deputy Commandant, District Constabulary Officers or Assistant Constabulary officers of the Baluchistan Constabulary, or of any unit thereof constituted in any one or more districts.

(2) The Commandant and every other officer so appointed shall possess, and may exercise, such powers and authority over the subordinate officers and members of the Constabulary for the time being under his command as is provided by or under this Act.

7. Appointment of subordinate officers and men.—The appointment of all officers and other members of the Constabulary, other than those mentioned in sub-section (1) of section 6, shall be made by the Commandant, Deputy Commandant or the District Constabulary Officers who shall respectively exercise such powers in such manner as may be prescribed.

8. Superintendence, control and administration of Constabulary.—(1) The superintendence of, and command and control over, the Baluchistan Constabulary shall vest in the Federal Government ; and the Baluchistan Constabulary shall be administered, commanded and controlled by the Commandant, Deputy Commandant and District Constabulary Officers in accordance with the provisions of this Act and any rules made thereunder and such orders and instructions as may be made or issued by the Federal Government from time to time.

(2) Save in respect of administration, internal economy and training, any unit of the Baluchistan Constabulary and the officer in command of that unit employed in a district shall, in time of peace, be subject to the directions of the Deputy Commissioner of the district.

(3) In exercising authority under sub-section (2), the Deputy Commissioner shall be governed by such rules, orders and instructions as the Federal Government may make or give in this behalf.

9. More heinous offences.—(1) Every member of the Constabulary who—

- (a) begins, excites, causes or conspires to cause, or joins in, any mutiny ; or being present at any mutiny, does not use his utmost endeavours to suppress it, or knowing, or having reason to believe in, the existence of any mutiny or of any intention to mutiny or of any conspiracy against the State does not, without delay, give information thereof to his commanding or other superior officer ; or
- (b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer whether on or off duty, knowing or having reason to believe him to be such officer ; or
- (c) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is his duty to defend ; or
- (d) directly or indirectly holds correspondence with, or assists or relieves, any person in arms against the State, or omits to disclose immediately to his commanding or other superior officer any such correspondence coming to his knowledge ; or
- (e) while on active service,—
 - (i) disobeys the lawful command of his superior officer ; or
 - (ii) deserts the service ; or
 - (iii) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or
 - (iv) without authority, leaves his commanding officer, or his post or party to go in search of plunder ; or
 - (v) quits his Company, unit, guard, picquet, party, or patrol without being regularly relieved or without leave ; or
 - (vi) uses criminal force to, or commits an assault on, any person bringing provisions or other necessities to camp or quarters, or forces a safeguard or, without authority, breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind ; or
 - (vii) intentionally causes or spreads a false alarm in action or in camp, garrison, or quarters ; or
 - (viii) displays cowardice in the execution of his duty ;

shall be punishable with imprisonment for life, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay in addition to such sentence of imprisonment as may be passed upon him under this section.

(2) If any member of the Constabulary, while on active service with a force beyond the limits of Pakistan, is charged with committing any offence described in clause (c), clause (d), or sub-clause (ii) of clause (f), of sub-section (1) or the offence of culpable homicide amounting to murder, he may, notwithstanding anything contained in this Act or any other law for the time being in force, be summarily tried for such offence by the Political Officer, sitting with two other officers appointed by him for the purpose.

(3) Every officer appointed under sub-section (2) shall be either—

- (a) a commissioned officer, other than a junior commissioned officer, of the Pakistan Army,
- (b) a civil officer of Grade 17 or above, or
- (c) a Constabulary officer appointed under section 6:

Provided that, if circumstances permit, not less than one such officer shall be a Constabulary officer appointed under section 6.

(4) Notwithstanding anything contained in any other law for the time being in force, if in a trial under sub-section (2) one or both of the officers sitting with the Political Officer concur with him in finding the accused person guilty of an offence referred to in that sub-section, and the Political Officer considers the case one in which the sentence of death should be passed, he may, in passing such sentence, direct that the accused person shall be forthwith shot to death, and such sentence shall be carried out in accordance with such direction.

10. Less heinous offences.—Every member of the Constabulary who—

- (a) is in a state of intoxication when on, or after having been warned for, any duty, or on parade or on the line of march; or
- (b) strikes or attempts to strike any sentry; or
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge, or releases without proper authority any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape; or
- (d) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by proper authority; or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (f) refuses to superintend or assist in the making of any fieldwork or other work of any description ordered to be made either in quarters or in the field; or
- (g) strikes or otherwise ill-uses any member of the Constabulary subordinate to him in rank or position; or
- (h) being in command at any post or on the march, and receiving a report that any one under his command has beaten or otherwise maltreated or oppressed any person or has committed any riot or trespass, fails, on proof of the truth of the report, to have reparation made, as far as possible, to the injured person or to report the case to the proper authority; or

- (i) designedly or through neglect injures or loses or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements, animals or Baluchistan Constabulary necessities, or any such articles entrusted to him or belonging to any other person or any animals belonging to the Baluchistan Constabulary ; or
- (j) maligners or feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or
- (k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; or
- (l) does not, when called upon by his superior officer so to do or, upon ceasing to be a member of the Constabulary, forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements or other property issued or supplied to him, or in his custody or possession, as a member of the Constabulary ; or
- (m) knowingly furnishes a false return or report of the number or state of any men under his command or charge or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any member of, or any person attached to, the Baluchistan Constabulary or through design or culpable neglect omits or refuses to make or send any return or report of any of the matters aforesaid ; or
- (n) absents himself without leave, or without sufficient cause overstays leave granted to him ; or
- (o) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline ; or
- (p) while not on active service, commits any of the offences described in clause (e) of sub-section (1) of section 9,

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

11. Minor punishments.—(1) The Commandant, Deputy Commandant or District Constabulary Officer may, subject to any rules made under this Act, award to any member of the Constabulary whom the Commandant, Deputy Commandant or District Constabulary Officer, as the case may be, considers to be guilty of disobedience, neglect of duty or remissness in the discharge of any duty, or of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as a member of the Constabulary, in lieu of, or in addition to, suspension, removal or dismissal from service, any one or more of the following punishments, that is to say,—

- (a) reduction in rank and emoluments ;
- (b) fine to any amount not exceeding one month's pay and allowances ;
- (c) confinement to quarters for a term not exceeding one month ;
- (d) confinement in the quarter guard for not more than twenty-eight days, with or without punishment-drill or extra guard, fatigue or other duty ; and
- (e) removal from any office of distinction or special emolument in the Baluchistan Constabulary.

(2) The Commandant, Deputy Commandant or District Constabulary Officer or an officer not being below the rank of Subedar, commanding a separate detachment or an outpost, or in temporary command at the headquarters of a district during the absence of the Commandant, Deputy Commandant and District Constabulary Officer, may, without a formal trial, award to any member of the Constabulary who is subject to his authority, for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a criminal court, any of the following punishments that is to say,—

- (a) confinement for not more than seven days in the quarter guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance; and
 - (b) punishment-drill, or extra guard, fatigue or other duty, for not more than thirty days, with or without confinement to quarters.
- (3) Any one of the punishments described in sub-section (1) or sub-section (2) may be awarded separately, or in combination with any one or more of the said punishments, respectively.

12. Place of imprisonment and liability to dismissal on imprisonment.—

(1) Every person sentenced under this Act to imprisonment may be dismissed from the Baluchistan Constabulary and shall be further liable, by special order of the Federal Government or the court, to forfeiture of pay and allowances and other public money due to him as well as of medals and decorations received by him.

(2) Every person so sentenced to imprisonment shall, if he is so dismissed, be imprisoned in the nearest prison or such other prison as the Federal Government may, by general or special order, direct; but, if he is not so dismissed, he may, if the court or the Commandant so directs, be confined in the quarter guard or such other place as the court or the Commandant may consider suitable.

13. Deductions from pay and allowances.—The following penal deductions may be made from the pay and allowances of a member of the Constabulary, that is to say,—

- (a) all pay and allowances for every day of absence either on desertion or without leave, and for every day of imprisonment awarded by a criminal court or of confinement awarded under section 11;
- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted;
- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the proper Medical Officer attending on him at the hospital to have been caused by an offence under this Ordinance committed by him;
- (d) all pay and allowances ordered to be forfeited under section 11; and
- (e) any sum required to make good such compensation for any expenses caused by him, or for any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments, Baluchistan Constabulary necessities or decoration, or to any building or property, as may be awarded by the Commandant, Deputy Commandant or District Constabulary Officer.

14. Collective fines.—Whenever any weapon or part of a weapon or ammunition forming part of the equipment of a company or other similar unit is lost or stolen, the Commandant may, after making such enquiry as he thinks fit and subject to such rules as may be prescribed, impose a collective fine upon the subordinate officers and men of such company or unit, or upon so many of them as, in his judgement, should be held responsible for such loss or theft.

15. Resignation and withdrawal from the Constabulary.—No member of the Constabulary shall be at liberty to—

- (a) resign his appointment during the term of his engagement, except before the expiration of the first three months of his service; or
- (b) withdraw himself from all or any of the duties of his appointment, without the sanction of the Commandant, Deputy Commandant or District Constabulary Officer under whom he is serving or some other officer authorised by the Commandant to grant such sanction.

16. General duties of members of the Constabulary.—(1) It shall be the duty of every member of the Constabulary promptly to obey and to execute all orders and warrants lawfully issued to him by any competent authority, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

(2) Every member of the Constabulary shall be liable to serve without and beyond, as well as within, the limits of Pakistan.

17. Power to confer Police Power on members of the Constabulary.—The Federal Government may, by general or special order, confer or impose upon any member of the Constabulary, for the purposes of this Act, any of the powers or duties of a Police Officer of any class or grade under any law for the time being in force.

18. Protection for acts of members of the Constabulary.—(1) In any suit or proceeding against any person appointed under section 6 or any member of the Constabulary for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the defendant shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued the warrant or order.

(3) Notwithstanding anything contained in any law for the time being in force, all suits and proceedings (whether civil or criminal) against any person which may lawfully be brought for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules made thereunder, shall be commenced within three months after the act complained of was committed, and not otherwise; and notice in writing of such suit or proceeding and of the cause thereof shall be given to the defendant or his superior officer one month at least before the commencement of the suit or proceeding.

19. Apprehension for desertion.—(1) Whenever any member of the Constabulary deserts, his District Constabulary Officer shall give written information of the desertion to such civil authorities as in his opinion may be able to afford assistance towards the capture of the deserter and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, to the custody of the Baluchistan Constabulary.

(2) A provost-marshal appointed under the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953), or the Pakistan Navy Ordinance, 1961 (XXXV of 1961), or any person legally exercising authority under him or on his behalf, or any police officer may arrest without warrant any person whom he reasonably believes to be a member of the Constabulary and a deserter or absence without leave and bring him without delay before the nearest magistrate as if he were a deserter from the Pakistan Army, the Pakistan Air Force or the Pakistan Navy.

20. Jurisdiction.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Federal Government may declare that any Court specified for the purpose and no other shall be deemed to be the Court of Session or the Court of a Magistrate for the disposal of cases or any class of cases arising under this Act and that appeals from sentences passed under this Act or from any class of such sentences shall lie to any authority specified by the Federal Government and to no other.

(2) Any person invested with any powers under the Code of Criminal Procedure, 1898 (Act V of 1898), for the disposal of any case under this Act within the limits of Pakistan shall, in relation to any case arising under this Act beyond such limits, have the same power and be subject to the same conditions as to appeal and other matters as if such case had arisen within such limits.

21. Application of Act to other bodies enrolled for service on frontier.—The Federal Government may, by notification in the official Gazette, apply, with such modifications, if any, as it may think fit, any of the provisions of this Act and the rules made thereunder to any persons for the time being enrolled for similar service on the external frontier of Pakistan.

22. Indemnity.—No suit, prosecution or other legal proceeding shall lie for any thing which is in good faith done or intended to be done under this Act or any rules made thereunder.

23. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules—

- (a) regulating the functions and powers of the Deputy Commissioner, Commandant, Deputy Commandant, District Constabulary Officer and Assistant District Constabulary Officer, respectively, under this Act ;
- (b) regulating the classes and grades of, and the remuneration to be paid to, and leave and other privileges enjoyed by, the officers and members of the Constabulary, and their other conditions of service ;
- (c) fixing the period of service for members of the Constabulary in any district or local area ;

- (d) regulating the award of minor punishments under section 11, and providing for appeals from, or the revision of, orders under that section, and for the remission of fines imposed under that section and of deductions made under section 13;
- (e) regulating the several or collective liability of members of the Constabulary in the case of the loss or theft of weapons and ammunition; and
- (f) generally, for the purpose of carrying into effect the provisions of this Act.

THE SCHEDULE

[See section 2 (a)]

(RECRUITING ROLL)

After you have served in the Baluchistan Constabulary for such period as has been fixed under the Baluchistan Constabulary Act, 1975, you may at any time, when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to the Commandant and you will be granted your discharge after three months from the date of your application, unless your discharge would cause the vacancies in the Baluchistan Constabulary to exceed one-tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived or removed. But when on active service, you shall have no claim to a discharge, and you shall be bound to remain to do your duty until the necessity for retaining you in the Baluchistan Constabulary ceases, when you may make your application in the manner mentioned above:

Provided that, if you wish to withdraw from the Baluchistan Constabulary, you may resign at any time before the expiration of the first three months of your service:

Provided further that the Commandant may, if he thinks fit allow you to resign at any time on your giving three months' notice of your wish to do so.

Signature of the member of the Constabulary in acknowledgement of the above having been read to him.	}	A. B.
--	---	-------

Signed in my presence after I had ascertained that A. B. understood the purport of what he signed.	}	C. D.
--	---	-------

Commandant, Deputy Commandant or, District
Constabulary Officer.

ACT No. XLII OF 1975

An Act further to amend the Opium Act, 1878

WHEREAS it is expedient further to amend the Opium Act, 1878 (I of 1878), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Opium (Amendment) Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Insertion of new section 20D, Act I of 1878.—In the Opium Act, 1878 (I of 1878), after section 20C, the following new section shall be inserted, namely :—

“20D. *Certain powers exercisable by officers of Pakistan Narcotics Control Board.*—Any officer of the Pakistan Narcotics Control Board authorised by the Chairman of the Board may, within such area as may be specified in the order authorising him, exercise the powers of an officer of the department of Excise under sections 14, 15 and 20, in respect of opium which he has reason to believe to be liable to confiscation under this Act by virtue of its having been, or being about to be, imported or exported in contravention of this Act ; and reference in this Act to an officer of the said department shall be deemed to include a reference to an officer of the Board so authorised.

Explanation.—In this section, ‘Pakistan Narcotics Control Board’ means the Pakistan Narcotics Control Board reconstituted under the Government of Pakistan, Planning Division, Resolution dated the 8th March, 1973. ”.

M. A. HAQ.

Secretary.