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THE CANTONMENTS ACT, 1924.
"ACT NO. II OF 1924

[16" February, 1924]

An Act to consolidate and amend the law relating to the administration of cantonments.

WHEREAS it is expedient to consolidate and amend the law relating to the administration of cantonments; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement. (1) This Act may be called the Cantonments Act, 1924.

?|(2) It extends to the whole of Pakistan.]

(3) The [Federal Government] may, by notification in the “[official Gazette]”, direct that this Act, or any provisions thereof which “[it] may specify, shall come into force on such date as “[it] may appoint in this behalf.

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

5[(i) “administrative division” means the division to which business of cantonments stands allocated;

(ia) "advertisement" includes advertisement through sign boards, hoardings, cutouts, neon-signs, pole signs, sky signs and boards, billboards, directional boards, banners, streamers, mopyy signs, temporary advertisement structures and stalls, posters, one way visions, hot air balloons and blimps, moving vehicles, electronic display screens including light emitting diode (LED) and surface mounted device (SMD), etc.;

(ib) "armed forces" means the armed forces mentioned in Article 243 of the Constitution of the Islamic Republic of Pakistan, 1973;]

'It has been extended to the Leased Areas of Baluchistan, see G.G.O 3 of 1950; and applied in the Federated States of India, see G.G.O 1 of 1937, Pt. I. p. 1499.

The Act has been extended to the Baluchistan States Union by G.G.O. 4 of 1953, as amended.

It has been extended to the Khairpur State, see G.G.O. 5 of 1953 as amended.

It has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September 2.

The Provisions of Chapters IX, X, XI, XII, XIV and XV of this Act and the rules and the Bye-laws made thereunder relating to the subject matter of any of the said Cantonment and in the vicinity thereof described in the Schedule to notification No. 976/63, dated the 17th May, 1963, see Gazette of Pakistan 1963, Pt. III, p. 130.

Subs. by Ordinance No. XXI of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

³Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

4Subs. by A.O., 1937.

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“Assistant Health Officer” means the medical officer appointed by the [Competent Authority], to be the Assistant Health Officer for a cantonment;

“Board” means a Cantonment Board constituted under this Act;

“brigade area” means one of the brigade areas, whether occupied by a brigade or not, into which 3[Pakistan] is for military purposes for the time being divided, and includes for all or any of the purposes of this Act any area which the 4[Federal Government] may, by notification in the *[official Gazette], declare to be a brigade area for such purpose or purposes;

“building” means a house, outhouse, stable, latrine, shed, hut [, shop, base transceiver station (BTS) towers] or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall (other than a boundary wall not exceeding eight feet in height and not abutting on a street) but does not include a tent or other portable and temporary shelter;]

“casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board ;

“classification”, “re-classification” or “sub-classification” means the classification, re-classification or sub-classification of the military lands and of the lands vested in or entrusted to a Board in the prescribed manner;]

*[(viii) “Competent Authority” means the Chief of the Army Staff or any other officer

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appointed by the Federal Government to be the Competent Authority in respect of one or more cantonments or class of cantonments;]

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“dairy” includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk ‘but does not include a shop from which milk is supplied only in the properly closed and unopened vessel in which it is delivered to the shop or other place in

which milk is sold for consumption on premises only];

¹Renumbered and ins. by Act No. XLVII of 2023, s.2.

^{*}Subs. by Ordinance No. XLIV of 1979, s.2.

³Subs. by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s.3.

^{*}Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

^{*}Subs. by A.O 1937.

Subs. by Act No. XXIV of 1936, s.2.

⁷Omitted by Ordinance No. XXXVIII of 1960, s. 2 (with effect from the 16th May, 1960).

^SOmitted by Act No. XII of 1935, s.2 and Ist Sch.

(xi) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which it offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy ;

'T(xia) "elected member" means a person elected under this Act as member of a Board;]

>> [(xib)] "entitled consumer" means a person in a cantonment who is paid from the Defence Services Estimates and is authorised by general or special order of the "[Federal Government] to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order;]

S[(xiii) "executive officer", "additional executive officer" or "deputy executive officer" means the cantonment executive officer, additional cantonment executive officer or deputy cantonment executive officer appointed under this Act in the prescribed manner and include such other officers as may be prescribed;]

S[(xiiia) "fee"? means a fee of any kind and description as may be determined and charged by a Board in the prescribed manner and includes a charge as may be determined in the like manner;]

(xiv) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

5[(xiva) "garrison area" means one of the brigade areas, whether occupied by a division or not, into which Pakistan is for purposes of armed forces for the time being divided and includes for all purposes of this Act any area which the Federal Government may, by notification in the official Gazette, declare to be a garrison area for such purposes;]

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(xvi) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;

'Subs. and omitted by Ordinance No. XLIV of 1979, s.3.

7Ins. and omitted by Act No. XXIV of 1936, s.2.

Re-numbered by Ordinance No. XXXVIII of 1960, s. 2 (with effect from the 16th May, 1960).

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

'Subs. and ins. by Act No. XLVII of 2023, s.2.

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"infectious or contagious disease" means cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, venereal disease, and any other epidemic, endemic or infectious disease which the '[Federal Government] may, by notification in the *[official Gazette], declare to be an infectious or contagious disease for the purposes of this Act ;

"inhabitant", in relation to a cantonment, or local area, means any person ordinarily residing or carrying on business or owning or occupying immoveable property therein, and in case of a dispute means any person declared by the District Magistrate to be an inhabitant ;

"intoxicating drug" means opium, ganja, bhang, charas and any preparation or admixture thereof, and includes any other intoxicating substance, or liquid which the '[Federal Government], >[* * *] may, by notification in the [official Gazette], declare to be an intoxicating drug for the purposes of this Act;

"land use" means the human use of land to represent economic and cultural activities and includes residential, commercial, industrial, mining, recreational uses and such other uses that are practiced at a given place;

"land use plan" means a plan drawn up and approved by the Board which provides for the actual land use and proposed land use both in the planned areas and non-planned areas within the local limits of the cantonment;

"lay out plan" means a plan of the entire site showing location of plots, building blocks, roads, open spaces, entry, exit, parking, landscaping, etc. indicating the activity for all land parcels;]

"Maintenance Engineer" means the public Works Officer of that grade, or the officer of the Military Engineer Services of the corresponding grade, having charge of the military works in a cantonment or, where more than one such officer has charge of the military works in a cantonment, such one of those officers as the officer Commanding the station may designate in

this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;]

“market” includes the place of commercial activity where goods or services are traded;]

“Military Estates Officer” means the officer appointed by the 7[Federal Government] to perform the duties of the Military Estates Officer under rules made under clauses (a) and (b) of sub-section (2) of section 280;)

“military lands” means the lands vested in the Federal Government which are classified, re-classified or sub-classified as such and includes lands acquired, purchased or allocated for the purposes of armed forces and all other connected purposes and entrusted to or placed under the management and control of armed forces or any other authority or department for the said

¹Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

²Subs. by A.O., 1937.

³Omitted by Act No. VII of 1925, s.2.

⁴Ins., re-numbered and subs. by Act No. XLVII of 2023, s.2.

⁵Ins. by Ordinance No. XLIV of 1979, s.3.

⁶Ins. by Act No. XXIV of 1936, s.2.

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purposes anywhere in Pakistan under the rules or regulations made under this Act or any other law for the time being in force and does not include lands requisitioned under any law;]

“Military officer” means—

a person who being an officer within the meaning of '[* * * 7[*]the Pakistan Army Act, 1952] 3[the Pakistan Navy Ordinance, 1961 (XXXV of 1961)], [***] [or the Pakistan Air Force Act, 1953], is commissioned and in pay as an officer doing military or air force duty with “[the military or air forces of Pakistan], or is an officer doing such duty in any arm branch or part of those forces; or

a person doing military or air force duty as a warrant officer with either of those forces or with any arm, branch, or part thereof, whether he is or is not an officer within the meaning of '[***] 7[*] the Pakistan Army Act, 1952] >[the Pakistan Navy ordinance, 1961 (XXXV of 1961)] 1p] 2for the of Pakistan Air Force Act, 1953] ;

“nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property ;

“occupier” includes an owner in occupation of, or otherwise using his own land or building ;

“Officer Commanding the District” means the Officer Commanding any one of the districts into which *[Pakistan] is for military purposes for the time being divided, or any brigade area which does not form part of any such district, or any area which the °[Federal Government] may, by notification in the ‘[official Gazette], declare to be such a district for all or any of the purposes of this Act ;

“Officer Commanding the station” means the military officer for the time being in command of the forces in a cantonment, or, if that officer is the Officer Commanding the District or ?[Competent Authority] the military officer who would be in command of those forces in the absence of the Officer Commanding the District and °[Competent Authority] ;]

10a * * * *]

'Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVII of 1981), s. 3 and Sch. II.
7Ins. by the Central Laws (Statute Reform) Ordinance, 1960 (Ordinance No. XXI of 1960), s. 3 and 2nd Sch. (with effect from

3Ins. by Act No. XLVII of 2023, s.2.

4Subs. by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

SSubs. by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s.3.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

TSubs. by A.O., 1937.

'Ins. by the Repealing and Amending Act, 1935 (Act No. XII of 1935), s.2 and 1st Sch.

°Subs. by Ordinance No. XLIV of 1979, s. 3.

Omitted by Ordinance No. XXXVII of 1960, s. 2 (with effect from the 16th May, 1960).

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“owner” includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant ;

“party wall” means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons ;

“peasant” means a person who owns agricultural land not exceeding five

acres and engages himself personally in the cultivation of land;]

“prescribed” means prescribed by rules, regulations or bye-laws made under this Act;]

““private market” means a market which is not maintained by a >[Board] and which is licensed by a *[Board] under the provisions of this Act ;

“private slaughter-house” means a slaughter-house which is not maintained by a *[Board] and which is licensed by a >[Board] under the provisions of this Act ;

“public market” means a market maintained by a >[Board];

“public place” means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not ;

“public slaughter-house” means a slaughter-house maintained by a

3[Board];

a person is deemed to reside in a cantonment if he maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself for his family;]

“regulations” means the regulations made under this Act;
“right of way” means the right belonging to any person or public authority

to pass over land or property of other person to provide services. It also includes underground and overhead space of such land or property;

‘ns. by Ordinance No. XLIV of 1979, s. 3.

7Ins. by Act No. XLVII of 2023, s.2.

3Subs. and ins. by Act No XXIV of 1936, s. 69.

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“rules” means the rules made under this Act;

“scheme” includes a residential, industrial, commercial or mixed-use scheme or any other scheme;]

“shed” means a slight or temporary structure for shade or shelter;

“slaughter-house” means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

“soldier” means a person who is a soldier or airman within the meaning of the Pakistan Army Act, 1952 (XXXIX of 1952), or the Pakistan Air Force Act, 1953 (VI of 1953), and who is not a military officer ;]

“spirituous liquor” means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the [Federal Government], 3[* * *] may, by notification in the “[official Gazette], declare to be a spirituous liquor for the purposes of this Act ;

“street” includes any way, road, lane, square, court, alley °[or passage] in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right-of-way and also the road-way or foot-way over any bridge or causeway ;

“vehicle” means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw ; °[*]

“water-works” includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits, and all machinery, lands, buildings,

bridges and things, used for, or intended for the purpose of, supplying water to. a cantonment; °[*]

“work” shall have the same meaning as in the Industrial Relations Ordinance, 1969, (XXIII of 1969), and shall include a self-employed craftsman like

black-smith, carpenter, tailor and shoe maker; and].

“year” means the year commencing on the first day of '[July].]

'Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVII of 1981), s. 3 and Sch. IL.

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

Omitted by Act No. VII of 1925, s. 2.

4Subs. by A.O., 1937.

'Subs. and omitted by Act No. XXIV of 1936, s. 2.

'Omitted and ins. by Ordinance No. XLIV of 1979, s. 3.

7Subs. by the Central Adaptation of Laws Order, 1964 (P.O. No.1 of 1964), Art. 2 and Sch.

CHAPTER II. DEFINITION AND DELIMITATION OF CANTONMENTS.

3. Definition of Cantonments. (1) The '[Federal Government], 7[* * *] may by notification in the [official Gazette], declare any place or places in which any part of *[“[armed forces] of Pakistan] is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and [* * *], may; by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The '[Federal Government], [* * *], may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

5[(3) When any place is declared a cantonment for the first time, the '[Federal Government] may, until a Board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to *[it] either for the administration of the Cantonment or for the constitution of the Board.]

°[(4) The '[Federal Government] may, by notification in the official Gazette, direct that in any place declared a cantonment under sub-section (1) the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.]

4. Alteration of limit of cantonments. (1) The '[Federal Government], [* * *], may, by notification in the [official Gazette], declare its intention to include within a cantonment any local area situated in the [*] vicinity thereof or to exclude from a cantonment any local area comprised therein.

(2) Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (1) may, within six weeks from the date of the notification, submit in writing to the '[Federal Government] through the *[Competent Authority] an objection to the notification, and the '[Federal Government] shall take such objection into consideration.

(3) On the expiry of six weeks from the date of the notification, the '[Federal Government] may, [* * *], after considering the objections, if any, which have been submitted under sub-section (2), by notification in the *[official Gazette], include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table. Omitted and subs. by A.O., 1937.

*Subs. by A.O., 1961, Art.2 and Sch. (with effect from the 23 March, 1956).

4Subs. by Act No. XLVII of 2023, s.3.

'Added by the Act No. XXIV of 1936, s. 3.

°Added by Act No. VIII of 1944, s. 2.

7Omitted by Act No. XXVI of 1927, s. 2.

SSubs. by Ordinance No. XLIV of 1979, s. 2.

5. The effect of including area in cantonment. When, by a notification under section 4, any local area is included in a cantonment, such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

6. Disposal of cantonment fund when area ceases to be a cantonment. (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the '[Board]' shall vest in such local authority, and the liabilities of the '[Board]' shall be transferred to such local authority.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the '[Board]' shall vest in "[Government]", and the liabilities of the '[Board]' shall be transferred to the >[Federal Government.]

7. Disposal of cantonment fund when area ceases to be included in a cantonment. (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular '[Board]' and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the '[Board]' and such portion of the liabilities of the '[Board]', as the *[Federal Government] may, by general or special order, direct, shall be transferred to that other local authority.

(2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular '[Board]' and is not immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the '[Board]' shall vest in [Government], and such portion of the liabilities of the '[Board]' shall be transferred to the [Federal Government], as the >[Federal Government] may, by general or special order, direct.

8. Application of funds and property transferred under sections 6 and 7. Any cantonment fund or portion of a cantonment fund or other property of a '[Board]' vesting in *[Government] under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the '[Board]' transferred under such provisions to the >[Federal Government], and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

4[8A. Management of property or land.—Subject to the provisions of this Act, the management and other matters relating to the military lands and properties thereof and the lands and properties of a Board shall be carried out in accordance with the provisions of this Act and the applicable rules, regulations and bye-laws made thereunder:

Provided that all such activities already undertaken if not inconsistent with the provisions of this Act shall always be deemed to have been validly done under this Act.]

'Subs. by Act No. XXIV of 1936, s. 69.

*Subs. by A.O., 1961, Art. 2. (with effect from the 23rd March, 1956).

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

'Ins. by Act No. XLVII of 2023, s.4.

9. Limitation of operation of Act. The '[Federal Government] may, [* * *], by notification in the [official Gazette], exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment—

2[*] in which the Board is superseded under section 54,] apply with such modifications as may be so specified.

3[Chapter ITA

Administration of military lands and cantonment

9A. Directorate of military lands and cantonments.—(1) For the purpose of monitoring and to oversee the military lands and cantonments, the directorate of military lands and cantonments, established by the Federal Government, shall stand established under this Act.

(2) The headquarters of the directorate of military lands and cantonments shall be at Rawalpindi or at Islamabad as it may determine and it may establish its regional offices in the prescribed manner.

(3) The directorate of military lands and cantonments shall be headed by a director general who shall be appointed in accordance with the rules as may be prescribed under the Civil Servants Act, 1973 (LXXI of 1973) from amongst serving major generals of Pakistan Army on secondment for a term of two years extendable for another term or terms on recommendation of the competent authority,

(4) In addition to the director general appointed under sub-section (3), the directorate of military lands and cantonments shall consist of so many additional directors general, directors, additional directors, deputy directors general, assistant directors general and such other officers and staff members as may be appointed by such officers or authorities, in such manner and on such terms and conditions as may be prescribed in accordance with the Civil Servants Act, 1973 (LXXI of 1973) and the Federal Public Service Commission Ordinance, 1977 (XLV of 1977).

(5) The director general and other officers and staff members appointed under this section shall exercise such powers and perform such functions as may be prescribed and as may be assigned to them by the secretary of the administrative division.]

CHAPTER III.

4[{CANTONMENT BOARDS].

>[Boards].

5[10. Cantonment Board and Executive Officer. For every cantonment there shall be a Cantonment Board and an Executive Officer.

'Subs. and omitted by A.O., 1937.

Omitted by A.O., 1949.

3Ins. by Act No. XLVII of 2023, s.5.

4Amended by the Repealing and Amending Act, 1939 (Act No. XXXIV of 1939), s.2 and 1st Sch.
'Subs. by Act No. XXIV of 1936, ss. 69 and 5.

11. Incorporation of Cantonment Board. Every Board shall, by the name of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both moveable and immoveable and to contract and shall, by the said name, sue and be sued.

Provided that an Executive Officer appointed before the "commencement of the Cantonments (Amendment) Act, 7[1952] (XXII of 1952), shall, unless the [Federal Government] otherwise directs in any case, be deemed to have been duly appointed in accordance with this sub-section.

(2) Not less than half the cost of the salary of the Executive Officer *[and a proportionate share of his leave salary and pension contribution shall be paid to the '[Federal Government]] from the cantonment fund:

Provided that the salary of an Executive Officer appointed before the "commencement of the Cantonments (Amendment) Act, *[1952] (XXII of 1952), shall, until the [Federal Government] otherwise directs, continue to be paid from the source from which it was being paid at the commencement of the said Act.

(3) The Executive Officer shall be 7[the Principal Executive Officer of the Cantonment Board and] the Secretary of the Board and of every committee of the Board, but shall not be a member of the Board or of any such committee. 7[He shall have the right to take part in the discussions but not to move any proposals at the meetings of the Board and of the Committees.]

13. 5[Classification of Cantonments.] °[(1) Cantonments shall be divided into three classes, namely:—

(i) Class I Cantonments, in which the civil population is one hundred thousand or more ;

(ii) Class II Cantonments, in which the civil population is fifty thousands or more but less than one hundred thousand; and

(iii) — Class II] Cantonments, in which the civil population is less than fifty thousand.]

'Subs. by the Federal Adaptation of Laws Orders, 191

*Subs., ins. and added by Act No. XXV of 1952, s. 2.

Omitted by Central Laws Adaptation Order, 1961 (P.C.)

¹‘Subs. by Ordinance No. XXXVIII of 1960, s. 3. (with effect from the 16th May, 1960).

Subs. by Ordinance No. XLIV of 1979, s. 4.

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(2) For the purposes of sub-section (1), the civil population shall be calculated in accordance with the latest official census, or, if the ?[Federal Government], by general or special order, so directs, in accordance with a special census taken for the purpose.

4[13A. Constitution of Cantonment Boards.—(1) The Board for a Class I Cantonment shall consist of the following members, namely:—

(a) the Officer Commanding the station or, if the Federal Government so directs in respect of any cantonment, such other military officer as may be nominated by the Competent Authority;

(b) twelve elected members ;

(c) the Health Officer;

(d) the Maintenance Engineer;

(e) a Magistrate of the first class nominated by the District Magistrate ; and

(f) nine civil or military officers nominated by the Officer Commanding the station by order in writing.

(2) The Board for a Class II Cantonment shall consist of the following members, namely:—

(a) the Officer Commanding the station or, if the Federal Government so directs in respect of any Cantonment, such other military officer as may be nominated by the Competent Authority;

(b) seven elected members;

(c) the Health Officer;

(d) the Maintenance Engineer;

(e) a Magistrate of the first class nominated by the District Magistrate ; and

(f) four military officers nominated by the Officer Commanding the station by order in writing.

(3) The Board for a Class III Cantonment shall consist of the following members, namely:—

‘Omitted by Ordinance No. XXXVIII of 1960, s .3, (with effect from the 16th May, 1960).

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Sub-sections (3), (4), (5), (5A), (6) and (7) have been omitted by Ordinance No. XXXVIII of 1960, s. 3 (w)

4Subs. by Ordinance No. XLIV of 1979, s. 5.

(a) the Officer Commanding the station or, if the Federal Government so directs in respect of any cantonment, such other military officer as may be nominated by the Competent Authority;

(b) two elected members:

Provided that the Federal Government may, by notification in the official Gazette, increase the number of elected members to such extent not exceeding five as it deems fit;

(c) the Health Officer; and

(d) one military officer nominated by the Officer Commanding the station by order in writing:

Provided that, if the number of elected members is increased under clause (b), the number of members so nominated shall be one less than the number of elected members so increased.

(4) The Federal Government may, by notification in the official Gazette, reserve a number of seats for women, peasants, workers and minority communities in the Board of a particular cantonment:

Provided that nothing contained in this Act or the rules made thereunder shall be construed as making a woman, peasant or worker ineligible for election to a general seat in any Board.

(5) The name of every elected or nominated member of the Board shall forthwith be reported to the Federal Government which shall notify in the official Gazette the name of the person so nominated or elected.

(6) The Officer Commanding the station may, with the sanction of the Competent Authority, nominate, in place of a military officer whom he is empowered to nominate under clause (f) of sub-section (1), clause (f) of sub-section (2) or clause (d) of sub-section (3), any person who is ordinarily resident in the cantonment or in the vicinity thereof.]

14. Power to vary constitution of Boards in special circumstances.—(1) Notwithstanding anything contained in [section 13A], if the [Federal Government] is satisfied—

(a) that, by reason of military operations it is necessary or

(b) 3[* * *], that, for the administration of the cantonment, it is desirable,

to vary the constitution of the Board in any cantonment under this section, the *[Federal Government] may, by notification in the *[official Gazette], make a declaration to that effect.

(2) Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely:—

'Subs. by Ordinance No. XXXVIII of 1960, s. 5, (with effect from the 16th May, 1960).

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table. Omitted and subs. by A.O., 1937.

(a) the Officer Commanding the station ;

(b) one military officer nominated by name by the Officer Commanding the station by order in writing;

(o) one member, not being a person in the service of the Government, nominated by the Officer Commanding the station.

[Provided that in its application to the Wah Cantonment this sub-section shall be read as if in clause (a), at the end thereof, the words 'or, if the *[Federal Government] so directs, any civil or military officer nominated by the >[Competent Authority] were added, and in clause (b) for the words "military officer" the words 'civil or military officer' were substituted.]

(3) Every nomination of a member of a Board constituted under this section, and every vacancy in the membership thereof, shall be notified by the *[Federal Government] in the "[official Gazette].

(4) The term of office of a Board constituted by a declaration under sub-section (1) shall not ordinarily extend beyond one year:

Provided that the *[Federal Government] may from time to time, by a like declaration, extend the term of office of such a Board by any period not exceeding one year at a time:

Provided also that the *[Federal Government] shall forthwith direct that the term of office of such a Board shall cease if, in the opinion of the *[Federal Government], the reasons stated in the declaration whereby such Board was constituted, or its term of office was extended, have ceased to exist.

(5) When the term of office of a Board constituted under this section has expired or ceased, the Board shall be replaced by the former Board which, but for the declaration under sub-section (1), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under *[section 13A].]

15-151. °[Omitted]

16. 5[Omitted]

17. 5[Omitted]

18. 6[Omitted]

19. *[Omitted]

\$ (19A. Local Area.—For the purpose of this Act, local area shall be the whole of cantonment.

19B. Delimitation of cantonment into wards.—(1) The Election Commission shall delimit a cantonment into wards in such a way that the number of wards is equal to the number of members to be elected on general seats of a Board specified under section 13A.

'Added by Act No. XXXIV of 1956, s. 2.

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

Subs. by Ordinance No. XLIV of 1979, s. 2.

4Subs. by A.O., 1937.

'Subs. and omitted by Ordinance No. XXXVIII of 1960, s. 5, (with effect from the 16th May, 1960).

'Omitted and ins. by Act No. XLVII of 2023, ss.6 and 7. (In main law from section 15 to 15] are available b omitted the sections from section.15-151 instead of 15 to 151)

(2) For the purposes of delimitation of wards of a cantonment,—

(a) a ward shall consist of a village or revenue estate or census block or adjoining census blocks as determined for purposes of the last preceding census or delimited and notified as such by the Election Commission;

(b) the boundaries of a ward shall not cross the limits of the cantonment; and

(c) the population of wards within a cantonment shall, as far as possible, be uniform.

(3) The wards of a cantonment shall be delimited in accordance with this Act and the rules made thereunder. As far as possible, principles of delimitation as laid down under the Elections Act, 2017 (XXXIII of 2017) or any other law for the time being in force shall be followed.

19C. Election on the basis of adult franchise.—The election of members to be elected on general seats of a Board shall be held on the basis of single member constituency and adult franchise through secret ballot.

19D. Authority for local government election.—(1) An election to a Board under this Act shall be conducted by the Election Commission in accordance with the rules made under this Act and such rules may provide for all matters connected therewith or incidental thereto, including the time of holding the elections, by-elections, corrupt or illegal practices and other election offences and the submission, trial and disposal of election petitions.

(2) The Election Commission shall on receipt of a request in writing from the Federal Government issue a program for the conduct of elections in the Boards and shall fix the dates for filing of nomination papers, scrutiny, allotment of symbols and poll, etc.

19E. Indirect elections.—(1) Election to the seats reserved for women, peasants, youth, workers and Non-Muslims shall immediately be held after the notification of the names of returned candidates on general seats.

(2) The members against seats reserved for women, peasants, youth, workers and Non-Muslims shall be elected through secret ballot by the directly elected members under section 19C.

(3) The elected members of a Board shall, amongst themselves, elect through secret ballot a vice-president of that Board.

19F. Qualifications for candidates and elected members.—(1) A person shall qualify to be elected or to be chosen or to hold an elective office or membership of the Board, if he—

(a) is a citizen of Pakistan;

(b) is at least twenty-five years of age;

(c) is enrolled as a voter in the electoral roll of the relevant ward and, in case for reserved seats, in any electoral area for that Board;

(d) has not been by a competent court declared to be of unsound mind;

(e) is not in the service of the Federal Government, a Provincial Government or a local government or any statutory body or a body which is controlled by any

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such Government or in which any of such Governments has a controlling share or interest, except the holders of elected public office and part time officials remunerated either by salary or fee:

Provided that the disqualification under this clause shall not apply to a person who has resigned or retired from such service and a period of not less than six months has elapsed since his retirement;

has not been dismissed, removed or compulsorily retired from public service on grounds of moral turpitude;

does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of his dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;

has not been adjudged a willful-defaulter of any tax or other financial dues owed to the Federal Government, a Provincial Government or a local government or any financial institution, including utility bills outstanding for six months or more;

has not been sentenced to imprisonment for a term of two years or more and in case of imprisonment for a term of two years or more, a period of five years has elapsed since his release;

has not failed to file the required return of election expenses or is not convicted for exceeding the limits of elections expenses prescribed under the electoral laws;

has not been by any court declared an undischarged insolvent or his application in this regard is not pending adjudication;

does not engage in any transaction involving pecuniary interest with the Board of which he is a member;

does not absent himself without reasonable cause from three consecutive meetings of the Board of which he is a member;

Provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;

has not been and is not involved in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people and the

good order and harmony of society; and

takes oath within the specified period.

Whoever—

(a)

is found by the Election Commission to have contravened the provisions of subsection (1) shall stand disqualified from being a candidate for election to a Board for a period of five years; or

(b) having been elected as a member of the Board or being a holder of an elective office of a Board is found by the Election Commission to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and also shall stand disqualified from being a candidate for election to a Board for a period of five years.

19G. Electoral rolls.—(1) The Election Commission shall prepare electoral rolls in accordance with the provisions of the Elections Act, 2017 (XXXIII of 2017) and rules made thereunder for the purposes of election to a Board or general seats.

(2) The Election Commission may issue directions to adjust the electoral rolls or cause to prepare an electoral roll for any area forming part of a Board.

(3) The electoral rolls shall not be rendered invalid by reason of any erroneous description contained therein of any person listed or of an omission of the name of any person entitled to be enrolled as a voter or of inclusion of the name of any person not so entitled.

19H. Election to vacant seats.—(1) If a seat of a member becomes vacant during the term of office of a Board, a new member shall be elected through bye-elections and the member elected in bye-elections shall hold office for the remaining portion of the term of the Board.

(2) If any seat reserved for a member under section 19E through indirect election becomes vacant it shall be filled through bye-elections in the same manner applicable to the indirect election and the member so elected shall hold office for the residual period of the term of the member whose seat has become vacant.

(3) A vacancy of vice-president shall be filled through bye-election within sixty days of the occurrence of vacancy.

(4) When the office of vice-president falls vacant, the elected members of a Board shall, by a majority vote, elect an officiating vice-president from amongst the elected members of the Board.

191. Term of office.—(1) Subject to the provisions of this Act, a member of a Board shall hold office for a term of four years from the date of oath.

(2) On expiry of term of a Board, the Federal Government shall, by notification in the official Gazette, appoint till the holding of the elections a caretaker Board comprising officer commanding the station and two nominated members, one civil and one officer of armed forces, as may be nominated by officer commanding the station.

19J. Declaration of property.—Every elected member shall, before entering upon office submit to an officer authorized by the Federal Government in this behalf, and in such manner as the Federal Government may direct, a declaration in writing of properties, both movable and immovable, whether within or outside Pakistan, which he or any member of his family owns, or has in his possession or under his control, or in which he or any member of his family has any beneficial interest.

Explanation.—For the purposes of this section, the expression “member of his family” in relation to a person, includes—

(a) the spouse of such person, and
(b) such of the children, parents, brothers and sisters as reside with and are wholly

dependent upon such person.

19K. Oath of office—The vice-president and members shall, before entering upon their respective offices, make oath as may be prescribed.

19L. Removal.—(1) Where proceedings of disqualification under sub-section (2) of section 19F have been initiated on an application made by any person or by the President on his own motion against a member or the vice-president, the President may issue to a member or, as the case may be, the vice-president a notice to show cause within a specified period as to why proceedings against him may not be taken for his removal for breach of any of the provisions of section 19F.

(2) Where the President is not satisfied with the reply to the notice to show cause referred to in sub-section (1) or any reply to the said notice is not submitted within the period fixed by him, he may order for an inquiry into the matter and for that purpose appoint an inquiry officer.

(3) On the basis of inquiry held under sub-section (2), the President shall submit through the administrative division the inquiry report along with his comments to the Election Commission for final decision:

Provided that no order of removal of a member or the vice-president against whom inquiry proceedings are carried out shall be passed without providing him the opportunity of being heard.

19M. Resignation of member.—(1) A nominated or elected member who wishes to resign his office may submit his resignation in writing to the President of the Board where upon the resignation shall be deemed, to have been accepted and effective forthwith.

(2) Copies of all resignations under sub-section (1), shall be forwarded by the President to the Election Commission and the administrative division for nomination or, as the case may be, election of another member in his place.

(3) Notwithstanding the resignation of a member under sub-section (1), the proceedings for his removal, if any, under section 19L, already initiated shall not abate.

19N. Ineligibility for re-election.—Where a member or vice-president has been removed, recalled or disqualified, he shall not be eligible for re-election to any office of Board for a period of five years.

19O. Notification to be issued.—The Election Commission shall notify every election, bye-election and result of such election and resignation, removal or recall of a member or vice-president, as the case may be.

19P. Offences.—(1) A person guilty of bribery, personating or undue influence shall be punishable for an offence of corrupt practice with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both.

(2) A person is guilty of bribery, if he, directly or indirectly, by himself or by another person on his behalf, —

(a) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from an election; or

(b) gives, offers or promises any gratification to any person for the purpose of

inducing—

- (i) a person to be or to refrain from being a candidate at an election;
- (ii) a voter to vote or refrain from voting at any election;
- (iii) a candidate to withdraw or retire from an election;
- (iv) for rewarding a person for having been or for having refrained from being a candidate at an election;
- (v) for rewarding a voter for having voted or refrained from voting at an election; or
- (vi) for rewarding a candidate for having withdrawn or retired from an election.

Explanation.—In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

(3) A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.

(4) A person is guilty of undue influences, if he,—

- (a) in order to compel any person to vote, refrain from voting or to induce or compel any person to withdraw his candidature at any election, directly or indirectly, by himself or by any other person on his behalf, —
 - (i) makes or threatens to make use of any force violence or restraint;
 - (ii) inflicts or threatens to inflict any injury, damage, harm or loss;
 - (iii) uses any official influence or governmental patronage; or

(b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a); or

(c) by abduction, duress or any fraudulent device or contrivances.
(i) impedes or prevents the free exercise of the franchise by a voter; or

(ii) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

(5) A person is guilty of illegal practice punishable with fine which may extend to one hundred thousand rupees, if he—

- (a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a local government or authority to further or hinder the election of a candidate;

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(i)

votes or applies for a ballot paper for voting at an election knowing that he is not qualified, for voting or is disqualified from voting;

votes or applies for a ballot paper for voting more than once at any polling station;

removes a ballot paper or a ballot box from a polling station or destroys, damages, tampers with the ballot box used at a polling station;

knowingly induces or procures any person, to do any of the aforesaid acts; or fails to provide statement of election expenses as required under this Act; makes or publishes a false statement—

(i) concerning the personal character of a candidate or his relation calculated to adversely affect the election of such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;

(ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate;

(iii) regarding the withdrawal of a candidate;

knowingly, in order to support or oppose a candidate, lets, tends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station; or

causes or attempts to cause any person present or waiting to vote at the polling station to depart without voting.

(6) A person is guilty of an offence punishable with fine which may extend to one hundred thousand rupees, if he, on the polling day in connection with the election—

(a)

(b)

(iv)

convene, calls or organizes within a ward any meeting: or

within a radius of two hundred meters of the polling station—

(i) canvasses for votes;

(ii) solicits vote of any voter;

(ii) persuades any voter not to vote at the election or for a particular candidate; or

exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voter to vote, or discourage the voters from voting, for any contesting candidate.

(7) A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred thousand rupees, or with both, if he—

(a)

(b)

(c)

uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds;

persistently shouts in such manner as to be audible within the polling station; or

does any act which—

(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting;

(ii) interferes with the performance of the duty of the presiding officer, polling officer or any other person performing any duty at a polling

station; or

(iii) —_abets the doing of any of the aforesaid acts.

(8) A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred thousand rupees, or with both, if he—

(a)

(b)

(c)

(d)

(e)

fraudulently defaces or destroys any nomination paper or ballot paper; fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in;

without due authority—

(i) supplies any ballot paper to any person;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot paper in use for the purpose of election; or

(iii) breaks any seal affixed in accordance with the provisions of the rules; or

causes any delay or interruption in the beginning, conduct or the completion of the procedure required to be immediately carried out on the close of the poll; or

fraudulently or without due authority attempts to do any of aforesaid acts.

(9) A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to three hundred thousand rupees or with both, if he—

(a)
(b)

(c)

interferes or attempts to interfere with a voter when he records his vote;

in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted, or

communicates at any time any information obtained in a polling station as to the

candidate for whom a voter in that station is about to vote or has voted.

(10) Any candidate or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months or with fine which may extend to three hundred thousand rupees, or with both, if he—

(a) fails to maintain or aid in maintaining the secrecy of voting; or

(b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

(11) A presiding officer, polling officer or any officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to three hundred thousand rupees, or with both, if he, during the conduct or management of an election or maintenance of order at the polling station—

(a) persuades any person to give his vote;

(b) dissuades any person to give his vote;

(c) influences in any manner the voting of any person;

(d) does any other act calculated to further or hinder the election of a candidate;

(e) fails to maintain or aid in maintaining the secrecy of voting;

(f) communicates, except for any purpose authorized by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; or

(g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

(12) A presiding officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act, is guilty of an offence punishable with fine which may extend to three hundred thousand rupees, if he, without reasonable cause does or omits to do an act to breach of any official duty.

(13) A person in the service of the Federal Government, a Provincial Government, a local government, or a body owned or controlled by the Federal Government or a Provincial Government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred thousand rupees, or with both, if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

19Q. Summary trial.—All offences under this Chapter, except the offences under sub-sections (2), (3) and (4) of section 19P, shall be tried summarily under the provisions of the Code of Criminal Procedure; 1898 (Act V 1898).

19R. Jurisdiction courts barred.—No court shall question the legality of any action taken in good faith by or under the authority of the Election Commission, the Commissioner, a returning officer, presiding officer or an assistant presiding officer or any decision given by any of them or any other

officer or authority appointed under this Act or the rules made thereunder.

19S. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Chapter.

19T. Removal of nominated member.—Where the officer commanding the station makes a report to the effect that any nominated member, being a civil or military officer, is unable to discharge his duties for any reason, the Federal Government may, by order in writing, relieve such member of his office.

19U. Casual vacancy in the office of nominated member.—(1) Every casual vacancy occurring in the office of a nominated member shall forthwith be reported to the secretary of the administrative division who shall, by notification in the official Gazette, declare the occurrence of such vacancy.

(2) A casual vacancy in the office of a nominated member shall be filled for the remainder of the term of such member by nominating another person in his place in the same manner in which such member was nominated.]

1(20. President and Vice-President.—(1) The Officer Commanding the station, or the civil or military officer nominated in his place under section 13A, shall be the President of the Board.

(2) In every Board in which there is more than one elected member, there shall be a Vice-President elected by the elected members only from amongst their number in accordance with such procedure as the 7[Federal Government] may by rule prescribe.]

21. Term of office of Vice-President. *[1) *[Unless he resigns his office under sub-section (2) or is removed under sub-section (3), the term of office of a Vice-President shall be '[five years] or the residue of his term of office as a member, whichever is less.]}]

(2) A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

41(3) A Vice-President may be removed from his office by the *[Federal Government] at any time during the term of his office if a no-confidence motion is passed against him by a two-third majority of the elected members of the Board at a meeting specially convened for this purpose, and on such removal the office shall become vacant.]

'Subs. by Ordinance No. XXXVIII of 1960, s. 9 (with effect from the 16th May, 1960).

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
3Subs. by Act No. XXIV of 1936, s. 8.

'Subs. by Act No. XXXIV of 1956, s. 4.

22. Duties of President. (1) It shall be the duty of the President of every Board—

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat ;

(b) to exercise supervision and control over the financial and executive administration of the Board ;

(c) to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act ; and

(d) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act.

(2) The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (c) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

(3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the '[Competent Authority].

23. Duties of Vice-President. It shall be the duty of the Vice-President of every Board—

(a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 22 ;

(b) during the incapacity or temporary absence of the President or pending his appointment or succession, to perform any other duty and exercise any other power of the President ; and

(c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 22.

24. Duties of the Executive Officer. The Executive Officer shall perform all the duties imposed upon him by or under this Act, and shall be responsible for the custody of all the records of the [Board], and shall arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him, and shall comply with every requisition of the [Board] on any matter pertaining to the administration of the cantonment.

¹Subs. by Ordinance No. XLIV of 1979, s. 2.

²Subs. by Act No. XXIV of 1936, s. 69.

25. Special power of the Executive Officer. The Executive Officer may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the '[Board] and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund:

Provided that—

(a) ' [* * *]. he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President;

(b) he shall not act under this section in contravention of any order of the '[Board] prohibiting the execution of any particular work or the doing of any particular act ; and

(c) he shall report forthwith the action taken under this section and the reasons therefor to the '[Board].

Elections.

26. [Omitted]

27. [Omitted]

28. [Omitted]

29. 7[Omitted]

30. [Omitted]

31. [Omitted]

Members.

32. Member not to vote on matter in which he is interested. No member of a Board shall vote at a meeting of the Board 3[or of any committee of the Board] on any question relating to his own conduct or on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

33. Liability of members. Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the "[Federal Government].

34, >[Omitted]

35. *[Omitted]

'Subs. by Act No. XXIV of 1936, ss. 69 and 9.

2Omitted by Ordinance NO. XXXVIII of 1960, s.11. (with effect from the 16th May, 1960).

3Ins. by Act No. XXXI of 1940, s. 3.

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table. Omitted by Act No. XLVII of 2023, s.8.

Servants.

36. Disqualification of person as servant of Board. (1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a '[Board] or in any employment under, by or on behalf of a '[Board], otherwise than as a servant of the '[Board], shall become or remain a servant of such '[Board].

(2) A servant of a '[Board] who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the '[Board] or, in any employment under, by or on behalf of, the '[Board], otherwise than as a servant of the '[Board], shall be deemed to have committed an offence under section 168 of the Pakistan Penal Code (XLV of 1860).

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of, a '[Board] if the same is a share in a company contracting with, or employed by, or on behalf of, the '[Board] or is a share or interest acquired or retained with the permission of the [Competent Authority] in any lease or sale to, or purchase by, the 'TBoard] of land or buildings or in any agreement for the same.

11(4) Every person applying for employment as a servant of a Board shall, if he is related by blood or marriage to any member of the Board or to any person, not being a menial servant, in receipt of remuneration from the Board, notify the fact and the nature of such relationship to the appointing authority before the appointment is made, and if he has failed to do so, his appointment shall be invalid but without prejudice to the validity of anything previously done by him.]

3[36A. Cantonment servant to be deemed a public servant. Every officer or servant, permanent or temporary, of a '[Board] shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, (XLV of 1860) and in the definition of "Legal remuneration" in section 161 of that Code the word "Government" shall, for the purpose of this section, be deemed to include a 'TBoard].]

Procedure.

37. Meetings. (1) Every Board shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided, by regulations made by the Board under this Chapter.

(2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner.

38. Business to be transacted. Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:

'Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 13.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

'Ins. by Act No. VII of 1925, s.5.

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

39. Quorum. (1) The quorum necessary for the transaction of business at a meeting of a Board [in which there is more than one elected member] shall be five or one-half of the number of members of the Board actually holding office at the time, whichever is the greater number :

1T(1A) The quorum necessary for the transaction of business at a meeting of a Board constituted under 7[sub-section (3) of section 13A] or under sub-section (1) of section 14, shall be two.]

(2) If a quorum is not present, the President shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

1140. Presiding officer. In the absence of

(a) both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,

(b) the President from a meeting of a Board constituted under [sub-section (3) of section 13A] or sub-section (1) of section 14,

the members present shall elect one from among their own number to preside.]

41. Minutes. (1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the President before the close of the meeting, and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to *[the “[Competent Authority]”], °[Officer Commanding the garrison area, the Director General, Director] [and the Military Estates Officer].

42. Meetings to be Public. Every meeting of a Board shall be open to the public unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

43. Method of deciding questions. (1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the President shall have a second or casting vote.

*Ins. omitted and subs. by Act No. XXIV of 1936, ss.14, 15 and 16. (In sub-section (2) of section 41 some of 1936 later on some words are subs. by amendment Act No. XLVII of 2023).

*Subs. by Ordinance No. XXVIII of 1960), s. 13. (with effect from the 16th May, 1960).

3Ins. by Act No. XXV of 1926, s. 3.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

Subs. by Act No. XLVII of 2023, s.9.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the grounds for such dissent.

[43A. Committees or Bazars.—(1) Every Board constituted under 7[section 13A] in a Class I Cantonment *[Class II Cantonment or Class III Cantonment] shall appoint a committee consisting of the elected members of the Board, the Health Officer and °[, in the case of a Class I Cantonment or Class II Cantonment, the Maintenance Engineer] for the administration of such areas in the cantonment as the “[Federal Government] may by notification in the *[official Gazette], declare to be bazar areas, and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 44.

(2) The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).]

6[43B. Local reconciliation or magami masalihat committee—The secretary of administrative division may constitute a local reconciliation or magami masalihat committee in the cantonment areas on the basis of consensus for amicable resolution of disputes and for performing such other socio-economic functions as may be prescribed by rules made under this Act.]

44. Power to make regulations. (1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely :—

(a) the time and place of its meetings ;

(b) the manner in which notice of the meeting shall be given ;

(c) the conduct of proceedings at meetings and the adjournment of meetings;

(da) the custody of the common seal of the Board and the purposes for which it shall be used ; and

(e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

(2) No regulation made under clause (e) of sub-section (1) shall take effect until it has been approved by the [Federal Government].

(3) No regulation made under this section shall take effect until it has been published in such manner as the “[Federal Government] may direct.

‘ns. by Act No. XXIV of 1936, s. 17.

*Subs. by Ordinance No. XXXVIII of 1960, s. 14. (with effect from the 16th May, 1960).

3Subs. by Ordinance No. XLIV of 1979, s. 9.

‘Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Subs. by A.O., 1937.

Subs. by Act No. XLVII of 2023, s.10.

45. Joint action with other local authority. (1) A '[Board] may—

(a)

(b)

Join with any other local authority—

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;

(ii) in delegating to such committee power to frame terms binding on the 'TBoard] and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by '[the Board or by such other local authority] ; and

(iii) in making rules for regulating the proceedings of any such committee relating to the purposes for which it has been appointed ; or

with the previous sanction of '[the 2[Competent Authority] and] the *[Provincial Government concerned], enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the >[Board and by such other local authority] may be levied together instead of separately within the limits of the aggregate area comprising the areas subject to the control of the *[Board and such other local authority].

(2) If any difference of opinion arises between any *[Board and other local authority] acting together under this section, the decision thereon of the '[Federal Government] or of an officer appointed by the "[Federal Government] in this behalf shall be final.

(3) When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into, then—

(a)

(b)

()

where the agreement relates to an octroi or terminal tax or toll, the other local authority with which the '[Board] has made such agreement shall have the same powers to establish octroi limits and octroi stations and places for the collection of the terminal tax and terminal toll within the cantonment, as it has within the area ordinarily subject to its control;

such other local authority shall have the same power of collecting such tax or toll in the cantonment, and the provisions of any enactment in force relating to the levy of such tax or toll by such other local authority shall apply in the same manner, as if the cantonment were comprised within the area ordinarily subject to its control ; and

the total of the collection of such tax and toll made in the cantonment and in the area ordinarily subject to the control of such other local authority and the costs thereby incurred shall be divided between the cantonment fund and the fund

subject to the control of such other local authority, in such proportion as may have been determined by the agreement.

'Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 18.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

*Subs. by A.O., 1937.

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

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'[45A. Report on administration. Every board shall, as soon as may be after the close of the year and not later than the date fixed in this behalf by the 7[Federal Government], submit to the *[Federal Government] through the *[Competent Authority], a report on the administration of the cantonment during the preceding financial year, in such form and containing such details as the *[Federal Government] may direct. The comments, if any, of the >[Competent Authority], on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereto, and the comments together with the reply, if any, shall be forwarded to the *[Federal Government] alongwith the report.

Control.

46. Power of *[Federal Government] to require production of documents. The 7[Federal Government] 7[* * *] may at any time require a '[Board]—

- (a) o produce any record, correspondence, plan or other document in its possession or under its control;
- (b) o furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works;
- (c) o furnish or obtain and furnish any report.

47. Inspection. The *[?][Federal Government] or the *[Competent Authority] may depute any person in the service of the *[State] to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a '[Board], and to report thereon, and the '[Board] and its officers and servants shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the '[Board] and .to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

48. Power to call for documents. '[The *[Competent Authority] may, by order in writing,—

- (a) call for any book or document in the possession or under the control of the '[Board]
- >
- (b) require the '[Board] to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties, or works as he thinks fit.

49. Power to require execution of work, etc. If, on receipt of any information or report obtained 'Tunder section 46 or section 47] or section 48, the "[?][Federal Government] or the [Competent Authority] is of opinion—

- (a) that any duty imposed on a [[Board] by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

'Ins and subs. by Act No. XXIV of 1936, ss. 19,20,21 and 69.

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

Subs. by Ordinance No. XLIV of 1979, s. 2.

4Subs. by Act No. XXXV of 1926.

*Subs. by Central Laws (Adaptation) Order, 1961 (P.O No. 1 of 1961), Art. 2 and Sch. (with effect from th

(b) that adequate financial provision has not been made for the performance of any such duty;

'Tit or] he may, 7[* * *] direct the *[Board], within such period as '[it or] he thinks fit, to make arrangements to '[its or] his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to ![its or] his satisfaction for the performance of the duty:

Provided that, unless in the opinion of the "[Federal Government] or the *[Competent Authority] as the case may be], the immediate execution of such order is necessary, *[it or] he shall, before making any direction under this section, give the >[Board] an opportunity of showing cause why such direction should not be made.

50. Power to provide for enforcement of direction under section 49. If, within the period fixed by a direction made under section 49, any action the taking of which has been directed under that section has not been duly taken, the "[Federal Government] or the *[Competent Authority] as the case may be,] may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

51. Power to override decision of Board. (1) If the President dissents from any decision of the Board, which he considers prejudicial to the health, welfare or discipline of the troops in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does, so, shall forthwith refer the matter to the [Competent Authority] 7[* * * * * *], who may make such recommendations thereon as he thinks fit.

(2) If the "[Director General] considers any decision of a >[Board] to be [prejudicial to the interest of the cantonment], he may, after giving notice in writing of his intention to the 3[Board], refer the matter to the [secretary administrative division] ; and, pending the disposal of the reference to the "[secretary administrative division], no action shall be taken on the decision.

52. Power of [Competent Authority] on reference under section 51 or otherwise. (1) The 5[Competent Authority], may at any time 8[* * *]-

(a) direct that any matter or any specific proposal other than one which has been referred to the "[secretary administrative division] under sub-section (2) of section 51 be considered or re-considered by the >[Board] ; or

¹Ins. by the Federal Adaptation of Laws Orders, 1975 (P. O No. 4 of 1975), Art. 2 and Table.
²Omitted, by A.O., 1937.

3Subs. by Act No. XXIV of 1936, s. 69.

4Subs. by Act No. XXXV of 1926.

Subs. by Ordinance No. XLIV of 1979, s. 2.

³Ins. by A.O., 1937.

7Omitted and Subs. by Act XLVII of 2023, ss.11 and 12.

SOmitted by Act No. VII of 1931, s. 3.

(b) direct the suspension, for such period as may be stated in the order, of action on any decision of a '[Board], other than a decision which has been referred to him under sub-section (1) of section 51, and thereafter cancel the suspension or 'after giving the Board a reasonable opportunity of showing cause why such direction should not be made,] direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub-section (1) of section 51, the ?[Competent Authority] may, by order in writing,—

(a) cancel the order given by the President directing the suspension of action ; or
(b) extend the duration of the order for such period as he thinks fit; or

'(c) after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect by the Board with such modifications as he may specify.]

53. Powers of *[secretary administrative division] on a reference made under section 51. When any decision of a '[Board] has been referred to the *[secretary administrative division] under sub-section (2) of section 51, the *[secretary administrative division] may, after consulting the [Competent Authority] by order in writing,—

(a) direct that no action be taken on the decision ; or

(b) direct that the decision be carried into effect either without modification or with such modifications as it may specify.

54. Supersession of Board. (1) If, in the opinion of the *[Federal Government], any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the "[Federal Government] may, *[* * *] by an order published, together with the statement of the reasons therefor, in the [official Gazette], declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order :

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession.

(2) When a Board is superseded by an order under sub-section (1)—

(a) all members of the Board shall, on such date as may be specified in the order,

vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c) ;

'Subs. by Act No. XXIV of 1936, ss. 69 and 22.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

3Subs. by Act No. XLVII of 2023, s.13.

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
'Omitted by A.O. 1937.

(b) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act or otherwise by law shall be exercised and performed by the '[Officer Commanding the station] subject to such reservation, if any, as the *[Federal Government] may prescribe in this behalf ; and

(o) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

Validity of Proceedings.

55. Validity of proceedings, etc. (1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

(2) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(3) Any document or minutes which purport to be the record of the proceedings of a Board or of any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

CHAPTER IV.

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

56. Unauthorised sale of spirituous liquor or intoxicating drug. If within a cantonment, or within such limits adjoining a cantonment as the 7[Federal Government] may, by notification in the 3[official Gazette] define, any person not subject to military or air-force law or any person subject to military or air-force law otherwise than as a military officer or a soldier knowingly barters, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife or minor child without the written permission of the '[Officer Commanding the station] or of some person authorised by the '[Officer Commanding the station] to grant such permission, he shall be punishable with fine which may extend to one hundred 4

57. Unauthorised possession of spirituous liquor. If within a cantonment, or within any limits defined under section 56,—

(a) any person subject to military or air-force law otherwise than as a military officer or a soldier, or

(b) the wife or servant of any such person or of a soldier,

'Subs. by Act No. VII of 1925, s. 14.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Subs. by A.O., 1937.

'Ins. by Act No. XLVI of 2023, s.14.

has in his or her possession, except on behalf of the [Federal Government] or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented maltliquor, without the written permission of the [Officer Commanding the station] or of some person authorised by the [Officer Commanding the station] to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to fifty *[thousand] rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred 3[thousand] rupees.

58. Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections. (1) Any police officer or excise officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence under section 56 or section 57, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence under section 56 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a "[Magistrate of the first class]", seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The Court convicting a person of an offence under section 56 or section 57 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section(2).

(4) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898 (V of 1898), anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

59. Saving of articles sold or supplied for medicinal purposes. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the ?[Officer Commanding the station].

CHAPTER V.

TAXATION.

Imposition of Taxation.

5P[60. Power to levy taxes, etc.— (1) The Board may, with the previous sanction of the administrative division, impose in a cantonment any or all the taxes, fees, tolls and charges as specified in the Schedule VII]

(2) Any tax imposed under this section shall take effect from the date of its notification in the [official Gazette].]

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

Subs. by Act No. VII of 1925, s. 14.

3Ins. and subs. by Act No. XLVII of 2023, ss.15 and 16.

4Subs. by Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVI of 1981), s.3 :

*Subs. by Act XXIV of 1936, s. 23.

Omitted and subs. by A.O., 1937.

‘61. Framing of preliminary proposals. When a resolution has been passed by the Board proposing to impose a tax, fee, toll or any other charge under section 60, the Board shall in the manner prescribed in section 255 publish a notice specifying—

- (a) the tax, fee, toll or any other charge which it proposed to impose;
- (b) the persons or classes of persons to be made liable and the description of the property or other thing or circumstance in respect of which they are to be made liable;
- (c) the method of assessment of the proposed tax, fee, rate, rent, toll or other charges;
- (d) the incidence at which the tax, fee, rate, rent, toll or other charge is to be levied; and
- (e) the rate at which the tax, fee, toll or any other charge is to be levied.]

[62. Objections and disposal thereof.—(1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 61, submit to the Board an objection in writing to all or any of the proposals contained therein.

(2) The Board shall take all the objections into consideration and pass orders thereon by special resolution.

(3) The Board while passing an order under sub-section (2) may—

(a) accept all or any of the objections and modify the proposal made under section 61 accordingly; or

(b) reject the objections and maintain the original proposal made under section 61.]

1163. Imposition of tax, fee, toll etc. The Board, after passing an order under sub-section (2) of section 62, may impose the tax, fee, toll or any other charge so proposed.]

64. Definition of “annual value”. For the purposes of this Chapter, “annual value” means—

(a) in the case of ![* * * * *] buildings which a *[Board] decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and

(b) in the case of a building or land not assessed under clause (a), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the *[Board] is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:

‘Subs. and omitted by Act No. XLVII of 2023, ss.17, 18,19 and 20.

Subs. by Act No. XXIV of 1936, s. 69.

Provided that, where the annual value of any building is, by reason of exceptional circumstances, in the opinion of the [Board], excessive if calculated in the aforesaid manner, the [Board] may fix the annual value at any less amount which appears to it to be just.

65. Incidence of taxation. (1) Save as otherwise expressly provided in the notification imposing the tax, every tax [assessed] on the *[annual rental value] of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease [granted by or on behalf of the [Government] or] the [Board] or on a building lease from any person.

(2) In any other case, the tax shall be primarily leviable as follows, namely:—

- (a) if the property is let, upon the lessor ;
- (b) if the property is sub-let, upon the superior lessor ;
- (c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

Assessment List.

66. Assessment list. When a tax "[assessed] on the 3[annual rental value] of buildings or lands or both is imposed, the [Board] shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form as the *[Federal Government] may by rule prescribe.

67. Publication of assessment list. When the assessment list has been prepared, the [Board] shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

'Subs. by Act No. XXIV of 1936, ss. 69 and 25.

"Ins. by Act No. XXVI of 1927, ss. 7 and 8.

3Subs. by Act No. XLVI of 2023, ss.21 and 22.

*Subs. by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956).

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

68. Revision of assessment list. (1) The '[Board] shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed 7[* * * * * * *], it shall also give written notice thereof to the owner and to any lessee or occupier of the property.

(2) Any objection to a valuation or assessment shall be made in writing to the '[Board] before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the '[Board].

(3) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by an Assessment Committee appointed by the '[Board].

(4) The Assessment Committee shall consist of not less than three persons, and, ![* * *] it shall not be necessary to appoint to the Assessment Committee any member '[of the Board].

69. Authentication of assessment list. (1) When all objections made under section 68 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.

(2) The assessment list so authenticated shall be deposited in the office of the '[Board], and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

70. Evidential value of assessment list. Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence—

(i) for the purpose of assessing any tax imposed under this Act, of the annual value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

71. Amendment of assessment list. '(1) The Board may amend the assessment list at any time—

(a) by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted, or

'Subs. and omitted by Act No. XXIV of 1936, ss. 69, 26 and 27.
Omitted by Act No. XLVII of 2023, s.23.

(b) by inserting or omitting any property which ought to have been or ought to be inserted or omitted, or

(o) by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Board or of the Assessment Committee or of the assessee, or

(d) by revaluing or re-assessing any property the value of which has been increased, or

(e) in the case of a tax payable by an occupier, by changing the name of the occupier

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*[(1A) Before making any amendment under sub-section (1) the Board shall give to any person affected by the amendment notice of not less than one month that it proposes to make the amendment.]

(2) Any person interested in any such amendment may tender an objection to the *[Board] in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

72. Preparation of new assessment list. The *[Board] shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

73. Notice of transfers. (1) Whenever the title of any person primarily liable for the payment of a tax on the '[annual rental value] of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Executive Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the Executive Officer may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

(4) Every person whom makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the 7[Board], but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

'Subs. and omitted by Act No. XLVII of 2023, ss.24 and 25.

"Ins. by the Act No. XXIV of 1936, ss. 27 and 69.

1165) The Executive Officer shall record *[every transfer or devolution] of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Board.]

74. Notice of erection of buildings. (1) If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to fifty >[thousand] rupees or 3[one time] the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of *[one year], whichever is greater.

Remission and Refund.

75. Demolition, etc., of buildings. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the '[Board] may, on the application “[in writing] of the owner '[or occupier], remit or refund such portion of >[any tax assessed on the 3[annual rental value] thereof] as it thinks fit.

76. Remission of tax. In a cantonment ' [* * *], when any building or land has remained vacant and unproductive of rent for '[sixty] or more consecutive days ![* * *], the '[Board] shall remit or refund, as the case may be, such portion of '[any tax assessed on the [annual rental value] thereof and payable] as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent:

6[Provided that in any cantonment which the '[Federal Government], by notification in the official Gazette, has declared to be a hill cantonment and in respect of which the '[Federal Government] by the same or a like notification has declared a portion of the year to be the season for the cantonment, when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant, but in respect of any time, not being less than sixty consecutive days during which within the season such building or land has remained vacant and unproductive of rent, the Board shall remit or refund such portion of any tax assessed on the *[annual rental value] thereof as bears to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season.]

'Ins. subs. and omitted by Act No. XXIV of 1936, ss. 28, 29,30 and 69.

*Subs. by the Repealing and Amending Act , 1940 (Act No. XXXII of 1940), s. 3 and 2nd Sch.

3Ins. and Subs. by Act No. XLVII of 2023, ss.26 and 27.

'Ins. by Act No. VII of 1931, s. 4.

Subs. by Act No. XXVI of 1927, s. 9.

® Added by Act No. XV of 1942, s. 7.

7Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

77. Power to require entry in assessment list of details of building. For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the '[Board], at the time of the assessment of the building, to enter in the assessment list, in addition to the *[annual rental value] of the whole building, a note recording in detail the *[annual rental value] of each separate tenement. When any tenement, the 7[annual rental value] of which has been thus separately recorded, has remained vacant and unproductive of rent for '[sixty] or more consecutive days ![* * *], such portion of *[any tax assessed on the 7[annual rental value] of the whole building [* * *] shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

3[77A.] Notice to be given of the circumstances in which remission or refund is claimed.

3[No remission or refund under [* *] section 76, or section 77] shall be made unless notice in writing of the "[fact that the building, land or tenement has become vacant and un-productive of rent] has been given to the '[Board], and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

78. What buildings, etc., are to be deemed vacant. (1) For the purposes of sections 76 and 77 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

(2) The burden of proving all facts entitling any person to claim relief under section 75, or section 76, or section 77, shall be upon him.

79. Notice to be given of every occupation of vacant building or house. (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building *[tenement] or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to 7[five thousand] rupees, or to ten times the amount of the said tax, whichever sum is greater.

Charge on Immoveable Property.

80. Tax on buildings and land to be a charge thereon. A tax assessed on the 7[annual rental

value] of any building or land shall, subject to the prior payment of the land-revenue, if any due to the Government thereon be a first charge upon the building or land.

'Subs. omitted and repealed by Act No. XXIV of 1936, ss. 69 and 30.

Subs. by Act No. XLVII of 2023, ss.27,28 and 29.

3Subs. by Act No. XXVI of 1927, s. 11.

4Repealed and subs. by Act No. VII of 1931, s. 5.

'Ins. by the Repealing and Amending Act, 1936 (Act No. XXIV of 1936), s. 2, and 1st Sch.

81. Inspection of imported goods, etc. Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall, when so required by an officer duly authorized by the '[Board] in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable—

(a) permit that officer to inspect, examine or weigh such goods, vehicles or animals 3 and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

82. Evasion of octroi or terminal tax. (1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll, and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to *[five thousand] rupees, whichever is greater and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

(2) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand [and shall give a receipt specifying the items seized].

(3) The '[Board]', after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid:

Provided that the Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept save at a cost which, together with the amount of octroi, terminal tax or toll, is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper.

(4) If at any time before the sale has begun, the person whose property has been seized tenders to the Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Executive Officer shall release the property seized.

(5) The surplus, if any, of the sale-proceeds shall be credited to the cantonment fund, and shall, on application made to the '[Board] within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the '[Board].

'Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 31.

Subs. by Act No. XLVI of 2023, s.30.

83. Lease of octroi, terminal tax or toll. It shall be lawful for the '[Board]', with the previous sanction of the [Competent Authority], to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,—

- (a) be bound by any orders made by the '[Board]' for their guidance;
- (b) have such powers exercisable by officers or servants of the '[Board]' under this Act as the '[Board]' may confer upon them ; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the [Board] for the management and collection of the octroi, terminal tax or toll, as the case may be:

Provided that no article distrained may be sold except under the orders of the '[Board]'. Appeals.

84. Appeals against assessment. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the *[regional director] °[.]

3[* * * * *]

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908).

85. Costs of appeal. In every appeal the costs shall be in the discretion of the officer hearing the appeal.

86. Recovery of costs from Board. If the '[Board]' fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the Officer awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

87. Conditions of right to appeal. No appeal shall be heard or determined under this Chapter unless:—

(a) the appeal is, in the case of a tax assessed on the *[annual rental value] of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days

'Subs. by Act No. XXIV of 1936, s. 69.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

3Subs. and omitted by Act No. XLVII of 2023, ss.3 and 32.

of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the '[Board].

88. Finality of appellate orders. The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

Payment and Recovery of Taxes.

89. Time and manner of payment of taxes. Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such instalments, if any, as the '[Board] may 7[* * * * *] direct.

2[89A. Late payment surcharge.—A late payment surcharge at the rate of one per cent of the gross payable tax shall stand imposed on the first day of every month of delay if the tax payable for any year is not paid by the date fixed by the Board under section 89.]

2[90. Presentation of bill—(1) When any sum becomes due for payment on account of any tax, fee, toll, rent or other charges, the Executive Officer or any person authorized him, shall cause to be presented to the person liable for the payment thereof a bill.

(2) Every such bill shall specify the particulars of the tax, fee, rent, toll or other charges, the period for which the charge is made, the period within it is to be paid and the liability in case of default of payment]

91. Notice of demand. (1) If the amount of the tax 7[, fee, rent, toll or other charges] for which any bill has been presented is not paid to the '[Board] within thirty days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(2) For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding *[two hundred rupees], as shall in each case be fixed by the Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

¹Subs. by Act No. XXIV of 1936, s. 69.

Omitted, Ins. and Subs. by Act No. XLVII of 2023, ss.33, 34,35 and 36.

1192. Recovery of tax, fee, toll or other charges.—(1) If the person liable for the payment of any tax, fee, toll or other charges does not within thirty days from the service of the notice of demand pay the amount due or does not show sufficient cause for non-payment of the same to the satisfaction of the Executive Officer, such sum with all costs of recovery may be recovered under a warrant issued in the form set forth in Schedule II by—

- (a) distress and sale of the moveable property of the defaulter; or
- (b) sealing, attachment and sale of the immovable property if the amount so recoverable pertains to such immovable property.

Explanation.—The warrant may be addressed to any servant of the Board for execution and in executing it he may obtain such assistance from other servants of the Board as he may consider necessary:

Provided that the executive officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.

(2) Every warrant issued under this section shall be signed by the executive officer.

(3) The executive officer after due process of law may request to the State Bank of Pakistan for attachment or seizure of the tax defaulter's bank account through a warrant served in the manner specified in the form set forth in Schedule-II. In case, the amount of tax default exceeds one hundred thousand rupees, the amount of tax default shall be made good from the account of the tax defaulter or the account shall remain seized till such time the tax defaulters clears the outstanding amount of tax.]

1192. Surcharge payable on taxes, fee, etc. due.—(1) If a person on whom a notice of demand has been served under section 91 does not within a period specified in such notice pay the sum demanded in the notice, he shall be liable to pay a surcharge in addition to the sum and other charges due at the rate of one percent of the sum due, for each complete month from the date of expiry of the period as aforesaid.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 259:

Provided that—

(a) where no appeal has been preferred, the executive officer with the previous sanction of the Board; and

(b) in any other case, the Director hearing the appeal under section 84, may remit the whole or any part of the interest payable in respect of any period.]

93. Distress. (1) It shall be lawful for any servant of the 7[Board] to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found 7[in the cantonment], any moveable property of *[or standing timber, growing crops or grass belonging to] the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:—

'Subs. and Ins. by Act No. XLVII of 2023, ss.37 and 38.

Subs. by Act No. XXIV of 1936, s. 69.

(a) the following property shall not be distrained :—

- (i) the necessary wearing apparel and bedding of the defaulter, his wife and children,
- (ii) tools of artisans,
- (iii) books of account, or

(iv) | when the defaulter is an agriculturist his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained, it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

94. Disposal of distrained property. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 93, be sold by public auction by order of the Executive Officer.

(3) The surplus of the sale-proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit, shall be given at the same time to the person from whose possession the property was taken, and, if the same is claimed by written application to the '[Board] within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year as aforesaid shall be the property of the '[Board].

(4) For every distraint made under this Chapter a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

95. Recovery from a person about to leave cantonment. (1) If the Executive Officer has reason to believe that any person from whom any sum is due 7[or is about to become due] on account of any tax is about to remove from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a bill for the same to be served on such person.

¹Subs. by Act No. XXIV of 1936, s. 69.

⁷Ins. by the Repealing and Amending Act No. VIII of 1930, s. 2 and 1st Sch.

(2) If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

96. Power to institute suit for recovery. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

Special Provisions relating to Taxation.

97. Power to prohibit or exempt from taxation. Every '[Board] shall be deemed to be a Municipal Committee for the purposes of the Municipal Taxation Act, 1881 (XI of 1881).

98. Power to make special provision for conservancy in certain cases. A '[Board] may make special provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands :

Provided that, in fixing the amount, proper regard shall be had to the probable cost to the '[Board] of the services to be rendered.

99. Exemption in the case of buildings. (1) When, in pursuance of section 98, a [Board] has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment.

?[(2) The Board may exempt following buildings and lands from any tax on property other than a tax imposed to cover the cost of specific services rendered by the Board, namely:—

(a) places set apart for public worship and either actually so used or used for no other purpose;

(b) buildings used for educational purposes which are open to public and from which no income is derived;

(c) public libraries, play-grounds and dharmsalas which are open to the public and from which no income is derived;

(d) hospitals and dispensaries maintained wholly by charitable contributions;

(e) burning and burial grounds, not being the property of the Government or a Board, which are controlled under the provisions of this Act;

¹Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. XLVII of 2023, s.39.

(f) buildings or lands vested in a Board; and
(g) buildings which are the property of the Federal or Provincial Government.]

[99A. General power of exemption. The 7[Federal Government] may, by notification in the 3[official Gazette], exempt, either wholly or in part from the payment of any tax imposed under this Act, any person or class of persons or any property or goods or class of property or goods “* * *].

100. Exemption of poor persons. A *[Board] may exempt, for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Act, any person who is in its opinion by reason of poverty unable to pay the same.

101. Composition. (1) A °[Board] may, °[* * * * *] allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable as if it were a tax.

102. Irrecoverable debts. A *[Board] may write-off any sum due on account of any tax *[or rate] or of the costs of recovering any tax *[or rate] if such sum is, in its opinion, irrecoverable :

5[Provided that, where the sum written-off in favour of any one person exceeds *[one hundred thousand] rupees, °[the concurrence of Director General] shall be first obtained.]

103. Obligation to disclose liability. (1) The Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—

(a) whether such inhabitant is liable to pay any tax imposed under this Act ;
(b) at what amount he should be assessed ; or

(c) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to °[ten thousand] rupees.

104. Immaterial error not to affect liability. No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment charge or demand, if the directions contained in this Act and the rules and bye-laws made thereunder have in substance and effect been complied with ; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

'ns. by Act No. XXXV of 1926, s.7.

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
*Subs. by A.O. 1937.

4Omitted by Act No. VII of 1931, s. 6.

'Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 34.

Omitted and Subs. by Act No. XLVII of 2023, ss.40, 41 and 42.

105. Distraint not to be invalid by reason of immaterial defect. No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or other proceeding relating thereto ; nor shall any such person be deemed a trespasser ab initio on account of any irregularity afterwards committed by him ; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

CHAPTER VI. CANTONMENT FUND AND PROPERTY.

Cantonment Fund.

106. Cantonment fund. There shall be formed for every cantonment a cantonment fund, and there shall be placed to the credit thereof the following sums, namely:—

(a) the balance, if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1910, (XV of 1910);

(b) all sums received by or on behalf of the ![Board], *[^{*}]

2[* * * * *]

107. Custody of cantonment fund. (1) Where in or near a cantonment there is a Government treasury or sub-treasury, or a branch of the *[State Bank of Pakistan], the cantonment fund shall be kept in such treasury, sub-treasury or bank, as the case may be.

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any bank to which the Government treasury business has been entrusted, and, in the absence of such a bank with any banker or person acting as a banker who has given such security for the safe custody of the fund and the payment on demand of the funds so deposited as the “[Federal Government] may in each case direct.

5[(3) A '[Board] may, from time to time, with the previous sanction of the °[Competent Authority], invest any portion of its cantonment fund in securities of the “[Federal Government] or in such other securities, including fixed deposits in banks, as the “[Federal Government] may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.]

(4) The income resulting from any fixed deposit or from any such security as is referred to in sub-section (3) or from the proceeds of the sale of any such security shall be credited to the cantonment fund.

'Subs. by Act No. XXIV of 1936, s. 69.

Repealed by A.O., 1937.

+Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (Ordinance No. XXI of 1960, s. 3 and 2nd 'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Subs. by Act No. XXXVI of 1927, s. 12.

Subs. by Ordinance No. XLIV of 1979, s. 2.

Property.

108. Property. Subject to any special reservation made by the '[Federal Government] ?[* * *]', all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a >[Board] shall vest in and belong to that >[Board], and shall be under its direction, management and control, that is to say,—

- (a)
- (b)
- ()
- (d)
- (2)
- (g)

all markets, slaughter-houses, manure and nightsoil depots, and buildings of every description ;

all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto ;

all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto ;

all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the >[Board] from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the 3[Board] for such purpose;

all lamps and lamp-posts and apparatus connected therewith or appertaining thereto ;

all land or other property transferred to the *[Board] *[by the '[Federal] or a Provincial Government] or by gift, purchase or otherwise for local public purposes ; and

all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

109. Application of cantonment fund and property. The cantonment fund and all property vested in a >[Board] shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the >[Board]:

Provided that the >[Board] shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—

- (a)
- (b)

with the sanction of the '[Federal Government], and

on such terms and conditions as the '[Federal Government] may impose:

Provided, further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a *[Board], that is to say,—

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

Omitted and subs. by A.O., 1937.

3Subs. by Act No. XXIV of 1936, s. 69.

- (a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the '[Board] ;
- (b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914 (IX of 1914) ;
- (c) to the payment of establishment charges ;
- (d) to the payment of such expenses on account of pauper lunatics sent from the cantonment to public lunatic asylums and mental hospitals as the *[Federal Government] directs the '[Board] to pay; and
- (e) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

110. Acquisition of immovable property. When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a '[Board] for the purposes of this Act, the *[Federal Government] may, at the request of the '[Board], >[procure the acquisition thereof] under the provisions of the Land Acquisition Act, 1894 (of 1894) and, on payment by the '[Board] of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the '[Board].

111. Power to make rules regarding cantonment fund and property. The [Federal Government] may make rules consistent with this Act to provide for all or any of the following matters, namely —

- (a) the conditions on which property may be acquired by '[Boards] or on which property vested in a '[Board] may be transferred by sale, mortgage, lease, exchange or otherwise ; and
- (b) any other matter relating to the cantonment fund or cantonment property in respect of which no provision or insufficient provision is made by or under this Act, and provision is, in the opinion of the *[Federal Government], necessary.

CHAPTER VII. CONTRACTS.

112. Contracts by whom to be executed. Subject to the provisions of this Chapter, every '[Board] shall be competent to enter into and perform any contract necessary for the purposes of this Act.

113. Sanction. (1) Every contract—
(a) for which budget provision does not exist, or
(b) which involves a value or amount exceeding one hundred rupees,

shall require the sanction of the '[Board].

'Subs. by Act No. XXIV of 1936, s. 69.

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Subs. by A.O., 1937.

(2) Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the '[Board] or by the Executive Officer on behalf of the '[Board].

114. Execution of contracts. (1) Every contract made by or on behalf of a '[Board], the value or amount of which exceeds fifty rupees, shall be in writing, and every such contract shall, ![* * *], be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Executive Officer and be sealed with the common seal of the Board, ![* * *]:

Provided that, [* * *], the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred rupees.

(2) Where an Executive Officer executes a contract on behalf of a Board under sub-section (1), he shall submit a report of his action and of the reasons therefor to the Board at its next meeting.

115. Contracts improperly executed not to be binding on a Board. If any contract is executed by or on behalf of a '[Board] otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the '[Board].

CHAPTER VIII.

DUTIES AND DISCRETIONARY FUNCTIONS OF '[BOARDS].

116. [Functions] of Board. *[Subject to any fee or charge payable under this Act, it] shall be the duty of every '[Board], so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

(a) lighting streets and other public places ;
(b) watering streets and other public places ;

(c) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation ;

(d) regulating offensive, dangerous or obnoxious trades, callings and practices ;

(e) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places ;

(f) securing or removing dangerous buildings and places ;

(g) acquiring, maintaining, changing and regulating places for the disposal of the dead ;

(h) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works ;

'Subs. omitted and ins. by Act No. XXIV of 1936, ss. 69 and 36.
Subs. by Act No. XLVI of 2023, s.43.

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planting and maintaining trees on roadsides and other public places ;
providing or arranging for a sufficient supply of pure and wholesome water,
where such supply does not exist, guarding from pollution water used for human
consumption, and preventing polluted water from being so used ;

registering births and deaths ;

establishing and maintaining a system of public vaccination ;

establishing and maintaining or supporting public hospitals and dispensaries,
and providing public medical relief ;

establishing and maintaining '[or assisting] primary schools ;

rendering assistance in extinguishing fires, and protecting life and property
when fires occur;

maintaining and developing the value of property vested in, or entrusted to the
management of, the '[Board] ; 7[*]

fulfilling any other obligation imposed upon it by or under this Act or any other
law for the time being in force 7[;]

exercise control over land-use and connected matters in the manner as may be
prescribed;

enforce building control as may be prescribed;

regulate in the prescribed manner different schemes and matters connected thereto;

lease and rent out properties vested in, managed or maintained by the Board in the prescribed manner;

undertake in the prescribed manner landscape, parks, monuments and municipal ornamentation;

approve in the prescribed manner such taxes and fees etc. as set out in Schedule VIL

collect in the prescribed manner approved taxes, fees, rates, rents, tolls, charges, fines and penalties; and

any other matter for carrying out the purposes of this Act.]

Ins. and subs. by Act No. XXIV of 1936, ss. 37 and 69.

Omitted, Subs. and added by Act No. XLVII of 2023, s.43.

11116A. Power to manage property. A 7[Board] may, subject to any conditions imposed by the *[Federal Government], manage any property entrusted to its management by the *[Federal Government] on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 280.].

4[117. Discretionary functions of Board.— (1)] A *[Board] may, within the cantonment, make provision for—

(a)

(b)

()
(d)

(2)

(g)

(h)

laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets ;

constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility ;

reclaiming unhealthy localities ;

furthering educational objects by measures other than the establishment and maintenance of primary schools ;

taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics ;

making a survey ;

giving relief on the occurrence of local epidemics by the establishment or maintenance of relief works or otherwise ;

securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation ;

establishing and maintaining a farm or other place for the disposal of sewage ;

constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works ; “[or]

adopting any measure, other than a measure specified in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment ; “[*]

* * * * *

'ns. by Act No. VII of 1925, s. 6.

Subs. by Act No. XXIV of 1936, s. 69.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

4Re-numbered, added and omitted by Act No. XV of 1942, s. 9.

1[(2) A Board may, either within or outside the cantonment make provision for the doing of anything on which expenditure is declared by the *[Federal Government], or by the Board with the sanction of the *[Federal Government], to be an appropriate charge on the cantonment fund.]

3[117A. Power of expenditure for educational purposes outside the cantonment. A 4[Board] may make provision for educational objects outside the cantonment if it is satisfied that the interests of the residents of the cantonment will be served thereby.]

CHAPTER IX. PUBLIC SAFETY AND SUPPRESSION OF NUISANCES.

General Nuisances.

118. Penalty for causing nuisances. (1) Whoever—

(a) in any street or other public place within a cantonment,—

(i) is drunk and disorderly or drunk and incapable of taking care of himself
5 or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned ; or

(ili) eases himself, or wilfully or indecently exposes his person ; or
(iv) loiters, or begs importunately, for alms ; or

(v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ; or

(vi) carries meat exposed to public view ; or

(vii) is found gaming ; or

(viii) pickets animals, or collects carts ; or

(ix) being engaged in the removal of night-soil or other offensive matter or rubbish, wilfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place ; or

(x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document ; or

(xi) — without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing ; or

'Added by Act No. XV of 1942, s.9.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
3Ins. by Act No. XXXV of 1926, s. 8.

4Subs. by Act No. XXIV of 1936, s. 69.

(b)

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(d)

(2)

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V)

(xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act ; or

(xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, storm water-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the '[Board] in any such street or public place, or extinguishes a public light ; or

(xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers by or to persons dwelling in the neighbourhood; or

(xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the '[Board] by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the '[Board]', or fails to close such cart or receptacle when in use; or

carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the '[Board] by public notice ; or

deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the '[Board]' ; or

having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death ; or

makes any grave or buries or burns any corpse in any place not set apart for such purpose ; or

keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house ; or

at any time or place at which the same has been prohibited by the '[Board] by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music

5 or

disturbs the public peace or order by singing, screaming or shouting ; or

lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person ; or

¹Subs. by Act No. XXIV of 1936, s. 69.

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) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—

(i) to report the occurrence to the Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcase by the public conservancy establishment ; or

(ii) to remove and dispose of the carcase in accordance with any general directions given by the '[Board] by public notice or any special directions given by the Executive Officer on receipt of such report as aforesaid ; or

(k) save with the written permission of the '[Board] and in such manner as it may authorise, stores or use night-soil, manure, rubbish or any other substance emitting an offensive smell ; or

(l) uses or permits to be used as a latrine any place not intended for that purpose ; shall be punishable with fine which may extend to [five thousand] rupees.

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to [five thousand] rupees.

(3) The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to 7[five thousand] rupees.

(4) Any animal found picketed as aforesaid may be removed by any officer or servant of the '[Board] or by any police officer to a pound as if the animal had been found straying.

Dogs.

119. Registration and control of dogs. (1) A '[Board] may make bye-laws to provide for the registration of all dogs kept within the cantonment.

(2) Such bye-laws shall—

(a) require the registration, by the Officer Commanding each military unit, of all dogs kept in the lines occupied by that unit ;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof ;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose ; and

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. XLVII of 2023, s.44.

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week ;

and may provide for such other matters as the [Board] thinks fit.

(3) A [Board] may—

(a) cause to be destroyed, or to be confined for such period as *[it] may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies ;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which—

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the [Board] has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads,

shall be punishable with fine which may extend to *[five thousand] rupees.

(6) Whoever in a cantonment—

(a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or

in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Executive Officer or gives information which is false,

shall be punishable with fine which may extend to two hundred rupees.

¹Subs. by Act No. XXIV of 1936, s. 69.

²Subs. by the Repealing and Amending Act No. XXXIV of 1939, s. 2, and 1st Sch.

³Subs. by Act No. XLVII of 2023, s.45.

Traffic.

120. Rule of the road. Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity, —

(a) to keep to the left when passing a vehicle coming from the opposite direction, or

(b) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to '[five thousand] rupees.

Prevention of fire, etc.

121. Use of inflammable materials for building purposes. (1) A [Board] may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the *[Board], be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) A *[Board] may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the *[Board] or before the issue of such public notice:

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the *[Board], that Authority shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

122. Stacking or collecting inflammable materials. A [Board] may, by public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice.

123. Care of naked lights. No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the [Board], of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

'Subs. by Act No. XLVI of 2023, s.46.

Subs. by Act No. XXIV of 1936, s. 69.

124. Regulation of cinematographic and dramatic performances. (1) Notwithstanding anything contained in the '[Motion Pictures Ordinance, 1979 (XLIII of 1979)]', no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime, shall be given in any cantonment elsewhere than in premises for which a licence has been granted by the ?[Board] under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to *[ten thousand] rupees, and, in the case of a continuing offence, with an additional fine which may extend to *[two thousand] rupees for each day after the first during which the offence continues [and if it continues more than seven days then his cinematograph or other apparatus shall be liable to sealing].

(3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance or pantomime in any theatre or institute which is the property of "[the Government]" where the exhibition, performance or pantomime is held with the permission and under the control of the military authorities.

125. Discharging fireworks, fire-arms, etc. Whoever in a cantonment discharges any fire-arm or lets off fireworks or fire-balloons, or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to 3[ten thousand] rupees.

126. Power to require buildings, wells, etc., to be rendered safe. Where in a cantonment any building, or wall, or any thing affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the 7[Board] *[in a ruinous state or], for want of sufficient repairs, protection or enclosure *[a nuisance or], dangerous to persons passing by or dwelling or working in the neighbourhood the 7[Board] °[by notice in writing may], require the owner "[or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier] *[thereof to remove the same, or may require him to repair], *[or to protect or to enclose] the same in such manner as it thinks necessary ; and, if the danger is, in the opinion of the 7[Board], imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

127. Enclosure of waste land used for improper purposes. A ?[Board] may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

'Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVIII of 1981), Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 38.

3Subs. and Ins. by Act No. XLVII of 2023, ss.47and 48.

'Subs. by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956).

'Ins. by Act No. VII of 1925, s.7.

Subs. by Act No. VIII of 1944, s. 6.

CHAPTER X. SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE.

Sanitary Authorities.

128. Responsibility for sanitation. The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say :—

(a) the '[Officer Commanding the station] —all buildings and lands which are occupied or used for military purposes ;

(b) the Officer Commanding the air forces in the cantonment— all buildings and lands which are occupied or used for air-force purposes;

(c) the head of any civil department or railway administration occupying as such any part of the cantonment— all buildings and lands in his charge as head of that department or administration.

129. General duties of Health Officer. (1) The Health Officer shall exercise a general sanitary supervision over the whole cantonment, and shall submit monthly to the *[Board] a report as to the sanitary condition of the cantonment, together with such recommendations in connection therewith as he thinks fit.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the *[Board], allotted to him by the Health Officer.

Conservancy and Sanitation.

130. Public latrines, urinals, and conservancy establishments. All public latrines and urinals provided or maintained by a 7[Board] shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments and shall regularly be cleansed and kept in proper order.

131. Power of Board to undertake private conservancy arrangements. (1) on the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the *[Board] for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, a *[Board] may undertake the house scavenging of any building or land in the cantonment for such period as it thinks fit on such terms as it may prescribe in this behalf.

(2) Where the 7[Board] has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of [that Board].

(3) For the purposes of this section, "house scavenging" means the removal of filth or rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool, or other common receptacle for such matter.

¹Subs. by Act NO. VII of 1925, s. 14.

^{*}Subs. by Act NO. XXIV of 1936, s. 69.

³Subs. by the Repealing and Amending Act, 1939 Act NO. XXXIV of 1939), s. 2 and 1st Sch.

132. Deposit and disposal of rubbish, etc. (1) Every [Board] shall provide or appoint, in proper and convenient situations, public receptacles, depots or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals and sewage.

(2) The [Board] may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

(3) All matter deposited in receptacles, depots or places provided or appointed under this section shall be the property of the [Board].

133. Cess-pools, receptacles for filth, etc. The Executive Officer of any cantonment may, by notice in writing,—

(a) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to close any cesspool appertaining to the land or building which is, in the opinion of the Executive Officer, a nuisance, or

(ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle for filth or sewage accumulating on the land or in the building, or

(iii) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose, or

(iv) _ to collect and deposit for removal by the conservancy establishment of the [Board], within such time and in such receptacle or place, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land ; or

(b) require any person to desist from making or altering any drain leading into a public drain ; or

(c) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

134. Filling up of tank, etc. (1) Where any well, tank, cistern, reservoir, receptacle, or other place in the cantonment where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the [Board] may, by notice in writing, require the owner, lessee or occupier thereof, within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be.

'Subs. by Act NO. XXIV of 1936, s. 69.

(2) The '[Board] may, if it thinks fit, with the previous sanction of the 7[Competent Authority] meet the whole or any portion of the expenses incurred in complying with a requisition under sub-section (1).

135. Provision of latrines, etc. A '[Board] may, by notice in writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, a latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

136. Sanitation in factories, etc. Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the '[Board], and shall provide such latrine, and urinals, and shall employ such number of sweepers, as the '[Board] thinks fit, and shall cause the urinals to be kept clean and in proper order:

Provided that nothing in this section shall apply in the case of a factory to which the *[Factories Act, 1934 (XXV of 1934)].

137. Private latrines. A '[Board] may, by notice in writing,—

(a) require the owner or other person having of any private latrine or urinal in the cantonment not to put the same to public use ; or

(b) where any plan for the construction of private latrines or urinals has been approved by the '[Board], and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Health Officer and approved by him as conforming with such plan ; or

(ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan ; or

(c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the '[Board], constitutes a nuisance, to remove the latrine or urinal ; or

(d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or

(ii) to cleanse in such manner as the '[Board] may specify in the notice any latrine or urinal belonging to the land or building ;

¹Subs. by Act No. XXIV of 1936, s. 69.

²Subs. by Ordinance No. XLIV of 1979, s. 2.

³Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981(Ordinance No. XXVII of 1981),

(e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

138. Removal of congested buildings. (1) Where it appears to a '[Board] that any block of buildings in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

(a) the Health Officer,

(b) the Civil Surgeon of the district, or, if his services are not available, some other medical officer [in the service of the State],

(c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and

*[(d) where the cantonment is a Class I or Class II cantonment, two non-official members of the Board, or where the cantonment is a Class III cantonment, one non-official member of the Board.]

(2) The committee shall make a report in writing to the '[Board] regarding the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the '[Board] is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the '[Board] shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:

Provided, further, that the '[Board] may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(4) For the purposes of this section "buildings" includes enclosure walls and fences appertaining to buildings.

139. Overcrowding of dwelling houses. (1) Where it appears to a '[Board] that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by

*Subs. by Act No. XXIV of 1936, ss. 69 and 39.

*Subs. by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to [five hundred] rupees, and, in the case of a continuing offence, to an additional fine which may extend to '[one hundred] rupees for every day after the first during which the failure has continued.

140. Power to require repair or alteration of building. (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the [Board], in an insanitary state, the ?[Board] may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

141. Power to require land or building to be cleansed. (1) The Executive Officer may, by notice in writing, require the owner, lessee or occupier of any building or land in the cantonment, which appears to him to be in a filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.

(2) If, within three months from the date of the service of a notice under sub-section (1), any building or land in respect of which the notice was issued is again in a filthy or insanitary state, the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to '[five thousand] rupees.

142. Power to order disuse of house. If a 7[Board] is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the *[Board].

143. Removal of noxious vegetation. A *[Board] may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to persons residing in the neighbourhood.

144. Agriculture and Irrigation. Where, in the opinion of a *[Board], the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighbourhood, the *[Board] may, by public notice, prohibit such cultivation, use or irrigation after such

'Subs. by Act No. XLVII of 2023, ss.49 and 50.

Subs. by Act No. XXIV of 1936, s. 69.

date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the '[Board] thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the '[Board] shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

Burial and Burning Grounds.

145. Power to call for information regarding burial and burning grounds. A '[Board] may, by notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

146. Permission for use of new burial or burning ground. (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the '[Board].

(2) Such permission may be granted subject to any conditions which the '[Board] thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

147. Power to require closing of burial or burning ground. (1) Where a '[Board], after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the *[Federal Government], by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) Where the 7[Federal Government] sanctions the issue of any notice under sub-section (1), it shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of such declaration shall be annexed to the notice.

(3) Where the 7[Federal Government] sanctions the issue of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the *[Federal Government] shall require a grant to be made from the cantonment fund towards the cost of the same.

(4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

148. Exemption from operation of sections 145 to 147. The provisions of sections 145, 146 and 147 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

149. Removal of corpses. A '[Board] may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds.

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

Prevention of Infectious or Contagious Diseases.

150. Obligation to give information of infectious or contagious diseases. [Any person], being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the [Board] respecting the existence of such disease, be punishable with fine which may extend to 3[five thousand] rupees:

Provided that no person shall be punishable under this section for failure to give information if he had reasonable cause to believe that the information had already been duly given:

Provided, further, that this section shall not apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is, by reason of his habits and conditions of life and residence, unlikely to spread the disease.

151. Special measures in case of outbreak of infectious or epidemic diseases. (1) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the 4[Competent Authority], if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the 5[Federal Government],—

(a) take such special measures, and

(b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public,

as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that, where in the opinion of the “[Competent Authority] immediate measures are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the *[Federal Government].

(2) Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Pakistan Penal Code (XLV of 1860).

152. Power to require names of dairyman's customers. Where it is certified to the Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

'Subs. by the Repealing and Amending Act, 1930 (Act No. VIII of 1930), s. 2 and 1st Sch.
Subs. by Act No. XXIV of 1936, s. 69.

3Subs. by Act No. XLVI of 2023, s.51.

4Subs. by Ordinance No. XLIV of 1979, s.2.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

153. Power to require names of a washerman's customers. Where it is certified to the Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

154. Report after inspection of dairy or washerman's place of business. Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Executive Officer.

155. Action on report submitted by Health Officer. Upon receipt of a report submitted by the Health Officer under section 154, the Executive Officer may, by notice in writing,—

(a) prohibit the supply of milk from the dairy until the notice has been withdrawn ; or

(b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner, or washes by such process, as the Executive Officer may direct in the notice.

156. Examination of milk or washed clothes. The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 152, or of any clothes or other articles which are or have recently been in the possession of any washerman, on whom a notice has been served under section 153, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary ; and the '[Board] shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or 7[other] articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

157. Contamination of public conveyance. Whoever in a cantonment—

(a) uses a public conveyance while suffering from an infectious or contagious disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

*Subs. by Act No. XXIV of 1936, s. 69.

*Subs. by the Repealing and Amending Act, 1930 (Act No. VIII of 1930) s. 2 and 1st Sch.

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further to report without delay to the Executive Officer the number of the conveyance and the name of the person so notified.

158. Disinfection of public conveyance. (1) Where any person suffering from, or the corpse of any person who has died from, an infectious or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(2) No such conveyance shall be brought again into use until the Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

159. Penalty for failure to report. Whoever fails to make to the Executive Officer any report which he is required to make by section 157 or section 158, shall be punishable with fine which may extend to ![five thousand] rupees.

160. Driver of conveyance not bound to carry person suffering from infectious or contagious disease. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

161. Disinfection of building or articles therein. Where a *[Board] is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring, within such time as may be specified in the notice:

Provided that where, in the opinion of the *[Board], the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the ?[Board] may, at the expense of the cantonment fund, cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring.

162. Destruction of infectious hut or shed. (1) Where the destruction of any hut or shed in a cantonment is, in the opinion of the 7[Board], necessary to prevent the spread of any infectious or contagious disease, the [Board] may, by notice in writing, require the owner to destroy the hut, or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the President of a Board °[* * *] is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

'Subs. by Act No. XLVII of 2023, s.52.

Subs. and omitted by Act No. XXIV of 1936, ss. 69 and 40.

(3) The '[Board] shall pay compensation to the owner of any hut or shed destroyed under this section.

163. Temporary shelter for inmates of disinfected or destroyed building or shed. The '[Board] shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 161 or section 162, and who desire such shelter or accommodation as aforesaid to be provided for them.

164. Disinfection of building before letting the same. (1) Where in a cantonment any building or part of a building is intended to be let in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the '[Board] may, by public or special notice, direct, together with all articles therein liable to retain infection.

(2) For the purposes of this section, the keeper of a hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

165. Disposal of infected article without disinfection. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

166. Means of disinfection. (1) Every '[Board] shall—

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection ;

(b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as it may fix.

(2) A [Board] may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The President of a Board ['* * *] may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

167. Making or selling of food, etc., or washing clothes by infected person. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

'Subs. and repealed by Act No. XXIV of 1936, ss. 69 and 41.

(a) makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) takes any part in the business of the washing or carrying of clothes, shall be punishable with fine which may extend to [five thousand] rupees.

168. Power to restrict or prohibit sale of food or drink. When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the *[Board] may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

169. Control over wells, tanks, etc. (1) If a [Board] is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, it may, —

(a) by public notice, prohibit the removal or use of such water for drinking ;

(b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water ; or

(c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

170. Disposal of infectious corpse. Where any person has died in a cantonment from any infectious or contagious disease, the Executive Officer may, by notice in writing,—

(a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law ; or

(b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and Dispensaries.

171. Maintenance or aiding of hospitals or dispensaries. (1) A *[Board] may—

(a) provide and maintain either within or without the cantonment as many hospitals and dispensaries as it thinks fit ; or

'Subs. by Act No. XLVII of 2023, s.53.

Subs. by Act No. XXIV of 1936, s. 69.

(b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary [or veterinary hospital], whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(3) A medical officer, appointed in such manner as the *[Federal Government] may direct, shall be in charge of every hospital or dispensary maintained or aided under this section.

172. Medical supplies, appliances, etc. (1) Every hospital or dispensary maintained or aided under section 171 shall be maintained in accordance with any general or special orders of the [Federal Government] 7[* * *] for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the >[Federal Government] °[* * *], 3[* * *] thinks fit.

(2) The '[Board] shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient costs, bedding and clothing for in-patients.

173. Free patients. At every hospital or dispensary maintained or aided under section 171, the sick poor of the cantonment and other inhabitants of the cantonment suffering from infectious or contagious diseases, and, with the sanction of the '[Board], any other sick persons may receive medical 'for surgical] treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the 'TBoard] may fix:

Provided that the subsistence allowance shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment debtors by the 7[Provincial Government] under section 57 of the Code of Civil Procedure, 1908 (V of 1908).

174. Paying patients. Any sick person who is ineligible to receive medical '[or surgical] treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the '[Board] thinks fit.

175. Power to order person to attend hospital or dispensary. (1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 has reason to believe that any person living in the cantonment is suffering from an infectious or contagious disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the medical officer in charge ; and on the arrival of such person at the hospital or dispensary, the medical officer in charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious or contagious disease:

Provided that, if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or medical officer, as the case may be, considers that the attendance of such person at a hospital or

Ins. and subs. by Act No. XXIV of 1936, ss. 42, 43, 44 and 69.

*Subs. by A.O., 1937.

Subs. and repealed by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Tabl

dispensary is likely to prove unnecessary or inexpedient, he shall examine such person at such person's own residence.

(2) If any person, on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or medical officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

176. Power to exclude from cantonment persons refusing to attend hospital or dispensary.

(1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 reports in writing to the [Officer Commanding the station] that any person having received a notice under section 175 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or that any person has failed to comply with any direction given to him under section 175, the [Officer Commanding the station] may, by order in writing, direct such person to remove from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

(2) No person who has under sub-section (1) been ordered to remove from and not to re-enter a cantonment shall enter any other cantonment in *[Pakistan] without the written permission of the [Officer Commanding the station].

Control of Traffic for Hygienic Purposes.

177. Routes for pilgrims and others. (1) A *[Board] may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs or places of pilgrimage or other places of public resort ; or

(b) during times when an infectious or contagious disease is prevalent ; and may, by public notice, require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the >[Board].

Special Conditions regarding Essential Services.

178. Conditions of service of sweepers. (1) Whoever, being a sweeper employed by a *[Board] in the absence of a written contract authorising him so to do and without reasonable cause, resigns his employment or absents himself from his duty, without having given one month's notice to the *[Board], or neglects or refuses to perform his duties, or any of them, shall be punishable with imprisonment which may extend to one month.

'Subs. by Act No. VII of 1925, ss. 14 and 8.

*Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (Ordinance No. XXI of 1960), s. 3 and 2nd 1955).

Subs. by Act No. XXIV of 1936, s. 69.

(2) The '[Federal Government] may, by notification in the *[official Gazette], direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of servants employed by a >[Board] whose functions intimately concern the public health or safety.

(3) For the purpose of this section, "sweeper" includes any menial servant employed by a 3[Board] in the removal or disposal of filth or rubbish.

CHAPTER XI. CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TREES, ETC.

Buildings.

3[178A. Sanction for building. No person shall erect or re-erect a building on any land in a cantonment, except with the previous sanction of the Board, nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.]

4[178AA. Land use planning, layout planning, control over building plan, etc. — (1) The cantonment executive officer, with the approval of Board, may cause to be prepared a spatial plan for land use to be followed in the cantonment which shall include, but not limited to,—

(a) earmarking of zones for residential, institutional, commercial, industrial and other activities; and

(b) improvement schemes for areas within the cantonment if so required.

(2) The Board shall give publicity to the land use plan prepared under sub-section (1) by publishing the gist of plan in a local newspaper and by other public information means including uploading on official website:

Provided that till the preparation and execution of land use plan, all the actions and decisions of the Board in view of implementation of land use plan under various policies issued by administrative division from time to time shall be deemed to have been validly issued under this Act.]

179. Notice of new buildings. (1) Whoever intends to erect or re-erect any building in a cantonment shall *[apply for sanction by giving notice] in writing of his intention to the *[Board].

(2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—

(a) makes any material alteration or enlargement of any building, or

(b) converts into a place for human habitation any building not originally constructed for that purpose, or

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Subs. by A.O. 1937.

3Subs. and ins. by Act No. XXIV of 1936, ss. 69, 45 and 46.

'Ins. by Act No. XLVI of 2023, s.54.

(o) converts into more than one place for human habitation a building originally constructed as one such place, or

(d) converts two or more places of human habitation into a greater number of such places, or

(e) converts into a stable, cattle-shed or cowhouse any building originally constructed for human habitation, or

p makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or

(g) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

'II79A. Notice and sanction of new scheme.—(1) Whoever intends to develop or revise a scheme shall apply for sanction by giving notice in writing of his intention to the Board.

(2) The Board may either refuse to sanction or may sanction it either absolutely or subject to such modifications or limitations as it thinks fit for the welfare of users of the scheme.

(3) Every sanction for the new or revised layout plan of a scheme shall be valid for one year in line with section 183.

(4) A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the development of layout plan is to be completed in line with section 183A.

(5) In cases of illegal development of a scheme, the provisions of sections 184 and 185 shall apply.]

180. Conditions of valid notice. (1) A person giving the notice required by section 179 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required under bye-laws made under this Act have been furnished to the satisfaction of the *[Board] alongwith the notice.

181. Power of Board to sanction or refuse. The *[Board] may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely:—

Ins. by Act No. XLVI of 2023, s.55.

Subs. by Act No. XXIV of 1936, s. 69.

- (a) the free passage or way to be left in front of the building ;
- (b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire ;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist ;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth ;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure ;
- (f) the line of frontage with neighbouring buildings if the building abuts on a street
- (g) the means to be provided for egress from the building in case of fire ;
- (h) the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys ;
- (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ; and
- (j) any other matter affecting the ventilation and sanitation of the buildings ;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

1[(2) The Board may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Board affecting the particular building, or in pursuance of a general scheme sanctioned by the [Competent Authority], restricting the erection or re-erection of buildings within specified limits for the prevention of over-crowding or in the interests of persons residing within such limits or for any other public purpose.

(3) The Board before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer, shall refer the application to the Military Estates Officer for ascertaining whether there is any objection on the part of Government to such erection or re-erection ; and the Military Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.

(4) The Board may refuse to sanction the erection or re-erection of any building—
(a) when the land on which it is proposed to erect or re-erect the building is held on

a lease *[from the Government], if the erection or re-erection constitutes a breach of the terms of the lease, or

'Subs. by Act No. XXIV of 1936, s. 47.

Subs. by Ordinance No. XLIV of 1979, s. 2.

3Subs. by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956).

(b) when the land on which it is proposed to erect or re-erect the building is not held on a lease [from the Government], if the right to build on such land is in dispute between the person applying for sanction and the Government.

(5) If the Board decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally:

Provided that, in any case to which the provisions of sub-section (3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.]

182. Compensation. (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the [Board] of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 181.

(2) The [Board] shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the [Board] shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

183. Lapse of sanction. Every sanction for the erection or re-erection of a building given or deemed to have been given by the [Board] as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun [unless the Board on application made therefor has allowed an extension of that period.]

2[183A. Period for completion of building. A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Board on application made therefor has allowed an extension of that period:]

Provided that not more than two such extensions shall be allowed by the Board in any case.]

¹Subs. by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956).

^{*}Subs. and ins. by Act No. XXIV of 1936, ss. 69, 48 and 49.

184. Illegal erection and re-erection. Whoever begins, continues or completes the erection or re-erection of a building—

(a) without having given a valid notice as required by sections 179 and 180, or before the building has been sanctioned or is deemed to have been sanctioned, or

(b) without complying with any direction made under sub-section (1) of section 181, or

(c) when sanction has been refused, or has ceased to be available, [or has been suspended by the [Competent Authority], under clause (b) of sub-section (1) of section 52],

shall be punishable with fine which may extend to *[fifty thousand] rupees.

185. Power to stop erection or re-erection or to demolish. !(1) A [Board] may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the [Board] considers that such erection or re-erection is an offence under section 184, and may in any such case for in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 184, >[* *] direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

Provided that the [Board] may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable:

[Provided further that the Board shall not, without the previous concurrence of the [Competent Authority], accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the management of the Board.]

1[(2) A Board shall by notice in writing direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the order under section 181 sanctioning the erection or re-erection has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52, and shall in any such case in like manner direct the demolition or alteration, as the case may be, of the building or any part thereof so erected or re-erected where the 7[Competent Authority], thereafter directs that the order of the Board sanctioning the erection or re-erection of the building shall not be carried into effect or shall be carried into effect with modifications specified by him:

Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of the demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the Officer Commanding-in-Chief, the Command, has been communicated to him.]

'Ins. renumbered and subs. by Act No. XXIV of 1936, ss. 50,51 and 69.

Subs. by Ordinance No. XLIV of 1979), s. 2.

3Subs. and omitted by Act No. XLVII of 2023, ss.56 and 57. (In sub-section (1) of section 185 some words 1936 later on the word "within" omitted by amendment Act No. XLVII of 2023).

'1185A. Restrictions on use of buildings, layout plan of scheme and conversion, etc.—(1) No person shall without written permission of the Board or otherwise than in conformity with the conditions, if any, of such permission—

(a) use or permit to be used for human habitation any part of a building not originally erected or authorized to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act;

(b) change or allow change of use of any land or building;

(c) convert or allow conversion of one kind of building or land or tenement to another kind.

(2) Any person seeking change of use or conversion under sub-section (1) shall pay the fee prescribed by the Board.

(3) Any person who contravenes the provisions of this section shall be liable for payment of reasonable amount of fine along with penalty as may be determined by the Board.]

186. Power to make bye-laws. A [Board] may make bye-laws prescribing—

(a) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the 7[Board] and the information and plans to be furnished with the notice ;

(b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected *[in the cantonment or any part thereof];

(c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected ;7[*]

(d) the fees payable on provision by the *[Board] of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof ;

*[(e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected ; and

p with reference to the erection or re-erection of buildings, or of any class of building, all or any of the following matters, namely :—

(i) the line of frontage where the building abuts on a street ;

(ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire ;

'ns. by Act No. XLVI of 2023, s.58.

?Subs. repealed and ins. by Act No. XXIV of 1936, ss. 69 and 52.

Subs. by Act No. XXXI of 1940, s. 6.

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the materials and method of construction to be used for external and party-walls, roofs and floors ;

the position, the material and the method of construction of fire-places, chimneys, drains, latrines, privies, urinals and cesspools ;

height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;

the level and width of the foundation, the level of the lowest floor and the stability of the structure ;

the number and height of the storeys of which the building may consist

the means to be provided for egress from the building in case of fire ; the safeguarding of wells from pollution ; or

the materials and method of construction to be used for godowns intended for the storage of food-grains in excess of fifty maunds in order to render them rat proof ![;]]

classification and zoning of buildings;

regulation of Schemes;

conversion of plots or buildings from one use to another;

fee, if any, in connection with the matters covered under this Chapter, imposed under this Act; and

any other matter ancillary or incidental to the matters mentioned under this Chapter.]

187. Projections and obstructions. (1) No owner or occupier of any building in a cantonment

shall, without the permission in writing of the *[Board], add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The *[Board] may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the *[Board] shall make compensation for any damage caused by the removal or alteration.

(3) The *[Board] may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any

'Subs. and added by Act No. XLVII of 2023, s.59.

Subs. by Act No. XXIV of 1936, s. 69.

upper story thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

188. Unauthorised buildings over drains, etc. A '[Board] may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any 7[structure] over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or otherwise deal with the same as it thinks fit.

189. Drainage and sewer connections. (1) A '[Board] may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the 'TBoard] thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of efficiently draining any building or land in the cantonment, the '[Board] may, by notice in writing, require the owner or lessee of the building or land—

(a) to pave, with such materials and in such manner as it thinks fit, any courtyard, alley or passage between two or more buildings, or

(b) to keep any such paving in proper repair.

190. Power to attach brackets for lamps. A '[Board] may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

Streets.

191. Temporary occupation of street, land, etc. A '[Board] may, by order in writing, permit the temporary occupation of any street, or of any land vested in the '[Board], for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

192. Closing and opening of streets. (1) A ![Board] shall not permanently close any street or open any new street without the previous sanction of the *[Director General].

(2) A '[Board] may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which it is by or under this Act required or permitted to carry out:

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the '[Board], is such as to be likely to cause danger to the public, the '[Board] shall—

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. XXXI of 1940), s. 7.

Subs. by Act No. XLVI of 2023, s.60.

(a) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto ;

(b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

193. Names of streets and numbers of buildings. (1) A [Board] may cause a name to be given to any street and to be affixed on any building in the cantonment in such place as it thinks fit, and may also cause a number to be affixed to any such building.

(2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the [Board] shall be punishable with fine which may extend to 7[ten thousand] rupees.

11(3) When a number has been affixed to any building under sub-section (1), the owner of the building shall maintain the number in order, and shall replace it if removed or defaced, and if he fails to do so the Board may by notice in writing require him to replace it.]

Boundaries and Trees.

194. Boundary walls, hedges and fences. (1) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Board].

(2) A [Board] may, by notice in writing, require the owner or lessee of any land in the cantonment—

(a) to remove from the land any boundary wall, hedge or fence which is, in its opinion unsuitable, unsightly or otherwise objectionable ; or

(b) to construct on the land. sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice ; or

(c) to maintain the boundary walls, hedges or fences of such lands in good order:

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the [Board], or which was in existence at the commencement of this Act, the [Board] shall make compensation for any damage caused by the removal thereof.

(3) The [Board] may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

195. Felling, lopping and trimming of trees. (1) Where, in the opinion of a [Board], the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the [Board] may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

¹Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 53.

^{*}Sus. by Act No. XLVII of 2023, s. 61.

(2) A '[Board] may—

(a) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to *[the Government] ; or

(b) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

196. Digging of public land. Whoever, without the permission in writing of the [Board], digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to >[two thousand] rupees, and, in the case of a continuing offence, *[with an additional fine] which may extend to 3[fifty] rupees for every day after the first during which the offence continues.

197. Improper use of land. (1) If, in the opinion of a '[Board], the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the '[Board] may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such "[working] or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the [Board] may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the '[Board] is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XII. MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS.

198. Public markets and slaughter-houses. (1) A '[Board] may provide and maintain, either within or without the cantonment, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the '[Board] shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(3) The '[Board] may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

'Subs. by Act No. XXIV of 1936, s. 69.

*Subs. by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956).

3Subs. by Act No. XLVII of 2023, s. 62.

'Subs. by the Repealing and Amending Act, 1930 (Act No. VIII of 1930), s. 2 and 1st Sch.

(4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the '[Board] without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

199. Use of public market. (1) No person shall, without the general or special permission in writing of the '[Board], sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Executive Officer or any officer or servant of the '[Board] authorised by it in this behalf.

200. Levy of stallages, rents and fees. A '[Board] may—

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market, or public slaughter-house, or for the right to expose goods for sale in a public market, or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit ; or

(b) with the sanction of the ?[Competent Authority], farm the stallages, rents and fees leivable as aforesaid or any portion thereof for any period not exceeding one year at a time ; or

(c) put up to public auction, or with the sanction of the *[Competent Authority], dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

201. Stallages, rents, etc., to be published. A copy of the table of stallages, rents and fees, if any, leivable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in the English language and in such other language or languages as the '[Board] may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

202. Private markets and slaughter-houses. (1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house as the case may be, by the '[Board]:

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Government.

(2) Nothing in sub-section (1) shall be deemed—

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Ordinance No. XLIV of 1979, s. 2.

(a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf, or

(b) to prevent the Executive Officer, with the sanction of the '[Board]', from setting apart places for the slaughter of animals in accordance with religious custom, when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops.

(3) Whoever omits to comply with any condition imposed by the Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to 7[five thousand] rupees and, in the case of a continuing offence, with an additional fine which may extend to *[one hundred] rupees for every day after the first during which the offence is continued.

203. Conditions of grant of license for private market or slaughter-house. (1) A '[Board]' may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the cantonment, and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose.

(2) The '[Board]' may refuse to grant any such licence without giving reasons for such refusal.

204. Penalty for keeping market or slaughter-house open without licence, etc. (1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Act, without obtaining licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to *[five thousand] rupees and, in the case of a continuing offence, with an additional fine which may extend to [fifty] rupees for every day after the first during which the offence is continued.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the '[Board]' shall cause a notice of the grant, refusal, suspension or cancellation to be posted in English, and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

205. Penalty for using unlicensed market or slaughter-house. Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to 7[ten thousand] rupees and, in the case of a continuing offence, with an additional fine which may extend to *[five thousand] rupees for every day after the first during which the offence is continued.

206. Prohibition and restriction of use of slaughter-house. (1) Where, in the opinion of the '[Board]', it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. XLVII of 2023, ss. 63, 64 and 65.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

207. Power to inspect slaughter-houses. (1) Any servant of a '[Board], authorised by order in writing in this behalf by the President of the Board [* *] or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

208. Power to make bye-laws. A '[Board] may, with the approval of the *[Federal Government], make bye-laws consistent with this Act to provide for all or any of the following matters, namely :—

(a) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use ;

(b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof ;

(c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same ;

(da) the manner in which animals shall be stalled at a slaughter-house ;

(e) the manner in which animals may be slaughtered ;

) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption ; and

(g) the destruction of carcases which from disease or any other cause are found after slaughter to be unfit for human consumption.

Trades and Occupations.

209. Provisions of washing places. (1) A '[Board] may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

(2) Where the '[Board] has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment:

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

¹Subs. and omitted by Act No. XXIV of 1936, ss. 69 and 54.

²Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

(3) Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to '[two thousand] rupees.

210. Licences required for carrying on of certain occupations. (1) No person of any of the following classes, namely :—

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butchers and vendors of poultry, game or fish ;

persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in 7[Pakistan] ;

persons keeping milch cattle or milch goats for profit ;

persons keeping for profit any animals other than pigs, milch cattle or milch goats ;

dairymen, buttermen and makers and vendors of ghee;

makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in *[Pakistan];

vendors of fruit or vegetables ;

manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same ;

vendors of any medicines, drugs or articles of food or drink, for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature ;

vendors of water to be used for drinking purposes ;

washermen ;

dealers in hay, straw, wood, charcoal or other inflammable material ;*

dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit ;

tanners and dyers ;

persons carrying on any trade or occupation from which offensive or unwholesome smells arise ;

vendors of wheat, rice and other grain or of flour ;**

makers and vendors of sugar or sweetmeats ; "[and

*Subs. by Act No. XLVII of 2023, s. 66.

*Subs. by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949) s. 3.

3Re-lettered by the Repealing and Amending Act, 1934 (Act No. XXIV of 1934), s. 2 and 1st Sch.

4Omitted and ins. by Act No. XXIV of 1936, s. 55.

(r) barbers and keepers of shaving saloons ;]
'T(s) or any other occupation as the Board may notify from time to time,]

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the 7[Board].

(2) A licence granted under sub-section (1) shall be valid *[until the end of the year in which it is issued] and the grant of such licence shall not be withheld by the [Board] unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub-section (1),—

(a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the [Board] not less than three months' notice in writing of his obligation to do so, and if the *[Board] refuses to grant him a licence, it shall pay compensation for any loss, incurred by reason of such refusal ;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage or possession for sale by or under the *[Petroleum Act, 1934 (XXX of 1934)], or the Poisons Act, 1919 (XII of 1919).

(4) The ?[Board] may charge for the grant of licences under this section such fees ' [* * * * *] as it may fix with the previous sanction of the "[Federal Government].

211. Conditions which may be attached to licences. A licence granted to any person under section 210 shall specify the part of the cantonment which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the >[Board] thinks fit to impose in accordance with bye-laws made under this Act.

General Provisions.

212. Power to vary licence. If a 7[Board] is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the 7[Board] may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the *[Board], render it no longer a nuisance or dangerous.

'Ins. and omitted by Act No. XLVII of 2023, s. 67.

Subs. by Act No. XXIV of 1936, ss. 69 and 55.

*Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVI of 1981), 4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

213. Carrying on trade, etc., without licence or in contravention of section 212. Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 212, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to ![five thousand] rupees and, in the case of a continuing offence, with an additional fine which may extend to '[two thousand] rupees for every day after the first during which the offence is continued.

214. Feeding animals on dirt, etc. Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the *[Board] shall be punishable with fine which may extend to ![two thousand] rupees.

Entry, Inspection and Seizure.

215. Powers of entry and seizure. (1) The President or the Vice-President 7[* * *] the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a *[Board] authorised by it in writing in this behalf,—

(a) may at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein ;

(b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate *[who shall give orders as to its disposal].

'Subs. by Act No. XLVII of 2023, ss. 68 and 69.

Subs. and omitted by Act No. XXIV of 1936, ss. 69 and 56.

Added by Act No. VIII of 1944, s. 7.

(4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcase which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to '[ten thousand] rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the *[Board] or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation II.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that—

(a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or

(b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or

(d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

Import of Cattle and Flesh.

216. Import of cattle and flesh. (1) No person shall, without the permission in writing of the *[Board], bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Government or the *[Board].

'Subs. by Act No. XLVII of 2023, s.70.

*Subs. by Act No. XXIV of 1936, s. 69.

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Executive Officer or by any servant of the '[Board] and sold or otherwise disposed of as the *[President of the Board] may direct, and, if it is sold, the sale-proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to 3[five thousand] rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption:

Provided that the '[Board] may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

CHAPTER XIII.

WATER-SUPPLY, DRAINAGE AND LIGHTING.

Water supply.

217. Maintenance of water-supply. (1) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the '[Board] shall provide or arrange for the provision of such a supply.

(2) The '[Board] shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times pure and fit for human consumption.

218. Control over sources of public water-supply. (1) The '[Board] may, with the previous sanction of the "[Federal Government]", by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of water-supply under the control of the °[Military Engineer] Services or the Public Works Department) from which water is or may be made available for the use of the public in the cantonment to be a source of public water-supply.

(2) Every such source shall be under the control of the '[Board].

219. Power to require maintenance or closing of private source of public drinking water supply. The '[Board] may, by notice in writing, require the owner or any person having the control of

any source of public water-supply which is used for drinking purposes—

(a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation, or

(b) to protect the same from contamination in such manner as the '[Board] may direct, or

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. VIII of 1944, s. 8.

3Subs. by Act No. XLVI of 2023, s.71.

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
Subs. by Act No. VII of 1925, s. 9.

(o) if the water therein is proved to the satisfaction of the '[Board] to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the '[Board] for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the '[Board] shall undertake the control and supervision of the well.

220. Supply of water. (1) The '[Board] may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the '[Board] may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the '[Board] may fix.

(4) The supply of water for domestic use shall not be deemed to include any supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire ;

(b) for any trade, manufacture or business ;

(c) for fountains, swimming baths or any ornamental or mechanical purpose ;

(d) for gardens or for purposes of irrigation ;

(e) for making or watering roads or paths ; or

or for building purposes.

221. Power to require water supply to be taken. If it appears to the '[Board] that any building or land in the cantonment is without a proper supply of pure water, the '[Board] may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

'Subs. by Act No. XXIV of 1936, s. 69.

222. supply of water under agreement. (1) The '[Board] may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the '[Board] and such owner, lessee or occupier.

(2) The '[Board] may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

223. Board not liable for failure of supply. Notwithstanding any obligation imposed on [Boards] under this Act, a '[Board] shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 222, the '[Board] has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

224. Conditions of universal application. Notwithstanding anything hereinbefore contained or contained in any agreement under section 222, the supply of water by a '[Board] to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:—

(a) the owner, lessee or occupier of any building or land in or on which water supplied by the '[Board] is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the '[Board] may appoint in this behalf ;

(b) the Executive Officer or any other officer or servant of the '[Board] authorised by it in writing in this behalf may enter into or on any premises supplied with water by the '[Board], for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water ;

(o) the '[Board] may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water tax or other charges connected with the water-supply within one month from the date on which such tax or charge falls due for payment ;

(ii) the occupier refuses to admit the Executive Officer or other authorised officer or servant of the '[Board] into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry ;

(iii) the occupier wilfully or negligently misuses or causes waste of water ;

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works ;

'Subs. by Act No. XXIV of 1936, s. 69.

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water ;

(d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land ;

(e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

225. Supply to persons outside cantonment. A [Board] may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water-supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

226. Penalty. Whoever—

(a) uses for other than domestic purposes any water supplied by a [Board] for domestic use, or

(b) where water is supplied by agreement with a [Board] for a specified purpose, uses that water for any other purpose,

shall be punishable with fine which may extend to 7[one thousand] rupees, and the [Board] shall be entitled to recover from him the price of the water misused.

Water, Drainage and other Connections.

227. Power of Board to lay wires, connections, etc. A [Board] may carry any cable, wire, pipe, drain, sewer or channel of any kind,—

(a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated within the cantonment, or

(b) for the purpose of supplying water or of the introduction or distribution of outfall of water or for the removal or outfall of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment ;

and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

'Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. XLVII of 2023, s.72.

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:

Provided, further, that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

228. Wires, etc., laid above surface of ground. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the '[Board] in respect of any substantial interference with the right to any such enjoyment.

229. Connection with main not to be made without permission. No person shall, for any purpose whatsoever, without the permission of the '[Board], at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, a '[Board].

230. Power to prescribe ferrules and to establish meters, etc. A '[Board] may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of testing the quantity of any water, or the quantity or quality of any gas supplied to any premises by the '[Board].

231. Power of inspection. The ferrules, communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a '[Board], and the pipes, fittings, and works inside any such house or within the limits of any such land, shall in all cases be 7[installed or] executed subject to the inspection and to the satisfaction of the '[Board].

232. Power to fix rates and charges. A [[Board] may fix the charges to be made for the establishment by them or through their agency of communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Application of this Chapter to Government Water-supplies.

233. Government water-supply. (1) Where in any cantonment there is a water-supply under the control of the >[Military Engineer] Services or the Public Works Department, the Officer of the 3[Military Engineer] Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereinafter in '[this Chapter] referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring that any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of public water-supply) under the control of the '[Board] is a source of public water-supply and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the '[Board] to exercise any power conferred upon "[it] by section 219.

'Subs. by Act No. XXIV of 1936, ss. 69 and 57.

7Ins. by the Repealing and Amending Act, 1930 (Act No. VIII of 1930), s. 2 and 1st Sch.
Subs. by Act NO. VII of 1925), s. 9.

4Subs. by the Repealing and Amending Act, 1939 (Act No. XXXIV of 1939), s. 2 and 1st Sch.

(2) In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 220, 222, 223, 224, 226, 227, 228, 229, 230, 231, and 232 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the '[Board] shall be construed as references to the Officer, and references to the Executive Officer or other officer or servant of the 'TBoard] shall be construed as references to such person as may be authorised in this behalf by the Officer.

2[(3) The provisions of section 222 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment.]

234. Recovery of charges. In any case in which the provisions of section 233 apply '[and in which the Board is not receiving a bulk supply of water under section 234A,] the water-tax, if any, imposed in the cantonment and all other charges arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 233 shall be recovered by the '[Board], and all monies so recovered, or such proportion thereof as the >[Federal Government] may in each case determine, shall be paid by the '[Board] to the Officer.

11234A. Supply of water from Government water-supply to the Board.—(1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 233, the Board may 7[and so long as the Board is unable to provide a water-supply of its own, it shall] receive from the Military Engineer Services or the Public Works Department, as the case may be, at such point or points as may be agreed upon between the Board and the Officer, a supply of water adequate to the requirements for domestic use of all persons in the cantonment other than entitled consumers.

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall make such payments to the Officer for all water so received as may be agreed upon between the Board and the Officer, or, in default of such agreement, as may be determined by the 3[Federal Government] to be reasonable having regard to the actual cost of supplying the water in the cantonment and the rate charged for water in any adjacent municipality:

Provided that, notwithstanding anything contained in this Act, the Board shall not charge for the supply to persons in the cantonment of water received by the Board under this section a rate calculated to produce more than the sum of the payments made to the Officer for water received and the actual cost of the supply thereof by the Board to consumers.

(3) If any dispute arises between the Board and the Officer regarding the amount of water adequate to the requirements of persons in the cantonment other than entitled consumers, the dispute shall be referred to the *[Federal Government] whose decision shall be final.

234B. Functions of the Board in relation to distribution of bulk supply. Where under the provisions of sub-section (1) of section 234A a bulk supply of water is received by the Board, the Board shall be solely responsible for the supply of water to all persons in the cantonment other than entitled consumers; and the provisions of this Act shall apply as if such bulk supply were a source of public

¹Subs. and ins. by Act No. XXIV of 1936, ss. 69, 58 and 59.

⁷Ins. by Act No. XV of 1942, ss. 10 and 11.

³Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

water-supply under the control of the Board and as if the communications from and connections with such bulk supply of the purpose of supplying water to such persons were a system of water-supply established and maintained by the Board.]

CHAPTER XIV.

REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY.

235. Power to remove brothels and prostitutes. The '[Officer Commanding the station] may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the '[Officer Commanding the station] is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

236. Penalty for loitering and importuning for purposes of prostitution. (1) Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to *[twenty thousand] rupees.

(2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military or Air Force Police, being employed in the cantonment and authorised in this behalf by the '[Officer Commanding the station], in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector *[or a sergeant] who is employed in the cantonment and authorised in this behalf by the '[Officer Commanding the station] *[with the concurrence of the District Magistrate].

237. Removal of lewd person from cantonment. If the '[Officer Commanding the station] is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the '[Officer Commanding the station].

238. Removal and exclusion from cantonment of disorderly persons. (1) A Magistrate of the first class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

(a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or

(b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Pakistan Penal Code (KLV of 1860), or

'Subs. by Act No. VII of 1925, ss. 10 and 14.

Subs. by Act No. XLVI of 2023, s.74.

3Ins. by Act No. VII of 1931, s. 7.

(c) ITs * * * * *]

(da) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898 (V of 1898), either within the cantonment or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid, and the copy shall be served alongwith the summons on the person against whom the summons is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and be prohibited from re-entering the cantonment, the Magistrate shall report the matter to the *[Officer Commanding the station], and, if the [Officer Commanding the station] so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the *[Officer Commanding the station].

239. Removal and exclusion from cantonment of seditious persons. (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of *[the armed forces of Pakistan] or is a person who, the ?[Officer Commanding the station] has reason to believe, is likely to do any such act, the *[Officer Commanding the station] may make an order in writing setting forth the reasons for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the *[Officer Commanding the station]:

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the district, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the *[Officer Commanding the station] shall forthwith send a copy of the same to the “[Federal Government].

(4) The “[Federal Government] may, of its own motion, and shall, on application, made to it in this behalf within one month of the date of the order by the person against whom the order has been made, cause upon the District Magistrate to make, after such inquiry as the “[Federal Government] may prescribe, a report regarding the justice of the order and the necessity therefor. At every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

*Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVIII of 1981)
*Subs. by Act No. VII of 1925), s. 14.

3Subs. by Central Laws (Adaptation) Order, 1961 (P.O. No. 1 of 1961) (with effect from the 23rd March, 1961).

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O. No. 4 of 1975), Art. 2 and Table.

(5) The '[Federal Government] may, at any time after the receipt of a copy of an order sent under sub-section (3), or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, 7[make such order thereon as it thinks fit].

(6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the *[Competent Authority] for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

240. Penalty. Whoever—

(a) fails to comply with an order issued under this Chapter within the period specified therein, or, whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission, or

(b) knowing that any person has, under this Chapter, been required to remove from the cantonment and has not obtained the requisite permission to reenter it, harbours or conceals such person in the cantonment,

shall be punishable with fine which may extend to "[twenty thousand] rupees, and, in the case of a continuing offence, with an additional fine which may extend to "[five hundred] rupees for every day after the first during which he has persisted in the offence.

CHAPTER XV. POWERS, PROCEDURE, PENALTIES AND APPEALS.

Entry and Inspection.

241. Powers of entry. It shall be lawful for the President or the Vice-President of a Board, or the Executive Officer, or the Health Officer or Assistant Health Officer, or any person specially authorised by the Health Officer or the Assistant Health Officer, or for any other person authorised by general or special order of a *[Board] in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorise the conferment upon any person of any such power.

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

*Subs. by A. O., 1937.

3Subs. by Ordinance No. XLIV of 1979, s. 2.

4Subs. by Act No. XLVII of 2023, s. 75.

Subs. by Act No. XXIV of 1936, s. 69.

242. Powers of inspection by member of a Board. With the previous sanction of the President, any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book, accounts or other document belonging to, or in the possession of, the Board.

243. Powers of inspection, etc. (1) A [Board] may, by general or special order, authorise any person—

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be ;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the [Board].

244. Power to enter land adjoining land where work is in progress. (1) The Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(2) The Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the [Board] to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

245. Breaking into premises. It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry ; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

246. Entry to be made in the day time. Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

'Subs. by Act No. XXIV of 1936, s. 69.

247. Owner's consent ordinarily to be obtained. Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours' written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle, or a latrine, privy or urinal, or a work under construction.

248. Regard to be had to social and religious usages. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

249. Penalty for obstruction. Whoever obstructs or molests any person employed by a [Board], who is not a public servant within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860), or any person with whom the [Board] has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or of any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to 7[five thousand] rupees.

Powers and Duties of Police Officers.

250. Arrest without warrant. Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that—

(a) in the case of the breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained ; and

(b) no person shall be so arrested for an offence under section 236 except—

(i) at the request of the person importuned or of a military officer in whose presence the offence was committed ; or

(ii) by or at the request of a member of the Military or Air Force Police, who is employed in the cantonment and authorised in this behalf by the 3[Officer Commanding the station], and in whose presence the offence was committed or by or at the request of any police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the *[Officer Commanding the station].

¹Subs. by Act No. XXIV of 1936, s. 69.

Subs. by Act No. XLVII of 2023, s.76.

Subs. by Act No. VII of 1925, s. 14.

251. Duties of police officers. It shall be the duty of all police officers to give immediate information to the '[Board] of the commission of any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and servants in the exercise of the lawful authority.

Notices.

252. Notices to fix reasonable time. Where any notice, order or requisition made under this Act or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

253. Authentication and validity of notices issued by Board. Every notice, order or requisition issued by a '[Board] under this Act or any rule or bye-law made thereunder shall be signed—

(a) '*** either by the President of the Board or by the Executive Officer, or, '***]

(b) by the members of any committee especially authorised by the '[Board] in this behalf.

254. Service of notice, etc. (1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

'a by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended ; or

(b) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees or occupiers than one ?[to any one of them] ; or

(b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

'Subs. and omitted by Act No. XXIV of 1936, ss. 69 and 60.

?Subs. by the Repealing and Amending Act, 1940 (Act No. XXXII of 1940), s. 3 and 2nd Sch.

255. Method of giving notice. Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the '[Board] or in such other public place, during such period, or is published in such local newspaper [or published on Board's official website] or in such other manner, as the '[Board] may direct.

256. Powers of Board in case of non-compliance with notice, etc. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act, or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the '{Board}', whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the '[Board].

Recovery of Money.

257. Liability of occupier to pay in default of owner. (1) If any such notice as is referred to in section 256 has been given to any person in respect of property of which he is the owner, the '[Board] may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 256:

Provided that, if the occupier, on application made to him by the '[Board], refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the '[Board], may recover from the occupier the whole amount recoverable under section 256.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

258. Relief to agents and trustees. (1) Where any person, by reason of his receiving the rent of immoveable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

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(3) Where any agent or trustee has claimed and established his right to relief under this section, the '[Board] may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

¹Subs. by Act No. XXIV of 1936, s. 69.

²Ins. by Act No. XLVII of 2023, s.77.

11259. Method of recovery.—(1) Notwithstanding anything elsewhere contained in this Act, arrears of any tax and any other money recoverable by a Board under this Act may be recovered together with the cost of recovery either by suit or, on application to a Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax or money is recoverable may for the time being be residing, by the distress and sale of any moveable property 7[, or by sealing, attachment and sale of immovable property of], such person which is within the limits of such Magistrate's jurisdiction, and shall, if payable by the owner of any property as such, be a charge on the property until paid:

Provided that the tools of artisans shall be exempt from such distress or sale.

(2) An application to a Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Executive Officer, but shall not require to be personally presented. |

Committees of Arbitration.

260. Application for a Committee of Arbitration. In the event of any disagreement as to the liability of a '[Board] to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the '[Board] for the reference of the matter to a Committee of Arbitration, and the '[Board] shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

261. Procedure for convening Committee of Arbitration. When a Committee of Arbitration is to be convened, the '[Board] shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee, as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of that section.

262. Constitution of Committee of Arbitration. (1) Every Committee of Arbitration shall consist of five members, namely:—

(a) a Chairman who shall be a person not in the service of the *[State] or the '[Board], and who shall be nominated by the *[Officer Commanding the station]

(b) two persons nominated by the '[Board] ; and

(o) two persons nominated by the other party concerned, ![* * *].

(2) If the '[Board] or the other party concerned or the "[Officer Commanding the station] fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make or, if any member who has been so nominated neglects or refuses to

'Subs. and omitted by Act No. XXIV of 1936, ss. 61, 69 and 62.

Subs. by Act No. XLVII of 2023, s.78.

3Subs. by Central Laws (Adaptation) Order, 1961 (P.O No. 1 of 1961), Art. 2 and Sch. (with effect from the date of issue of the order).
'Subs. by Act No. VII of 1925, s. 14.

act and the '[Board] or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

263. No person to be nominated who has direct interest or whose services are not immediately available. (1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the '[Board] or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

264. Meetings and Powers of Committees of Arbitration. (1) When a Committee of Arbitration has been duly constituted, the '[Board] shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Chairman of the Committee shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

265. Decision of Committees of Arbitration. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

Prosecutions.

266. Prosecution. ![(1)] Save as otherwise expressly provided in this Act, no Court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from, the '[Board] concerned or a person authorised by the '[Board] by a general or special order in this behalf.

'Subs. and renumbered by Act No. XXIV of 1936, ss. 69 and 63.

11(2) No offence made punishable under this Act shall be tried by any Magistrate or by any Bench, if such Magistrate or any of the Magistrates composing the Bench is a member of the Board.]

267. Compensation of offence. (1) A '[Board] or any person authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the '[Board], unless and until the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings, shall be taken against him in respect of the offence so compounded.

General Penalty Provisions.

268. General penalty. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

2[268A. Orderly use of building —(1) No building shall be put to unauthorized use.

(2) Where a building is put to a use in violation of sub-section (1), the executive officer shall serve a notice allowing seven days for discontinuation of the un-authorized use.

(3) Where a person to whom a notice has been issued under sub-section (2), fails to discontinue the unauthorized use, the executive officer may impose upon such person a daily fine of ten thousand rupees and where the violation continues for thirty days from the date of imposition of fine, the executive officer may seal the building or property which shall continue till the recovery of fine and restoration of authorized use.]

269. Cancellation and suspension of licences. Where any person to whom a licence has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence is to be or may be done, the '[Board] may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or suspend it for such period as it thinks fit:

Provided that no such order shall be made until an opportunity has been given to the holder of the licence to show cause why it should not be made.

270. Recovery of amount payable in respect of damage to cantonment property. Where any person has incurred a penalty by reason of having caused any damage to the property of a '[Board], he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered by distress

'Added and subs. by Act No. XXIV of 1936, ss. 63 and 69.

7Ins. by Act No. XLVII of 2023, s.79.

and sale of the moveable property of such persons, and the Magistrate shall issue a warrant for its recovery accordingly.

Limitation.

271. Limitation for prosecution. No Court shall try any person for an offence made punishable by or under this Act, after the expiry of six months from the date of the commission of the offence, unless complaint in respect of the offence has been made to a Magistrate within the six months aforesaid.

Suits.

272. Protection of '! [Board], Executive Officer, etc. No suit or prosecution shall be entertained in any Court against any '[Board] ' [* * *] or against any 7[Officer Commanding a station], or against any member of a Board, or against any officer or servant of a '[Board], for anything in good faith done, or intended to be done, under this Act or any rule or bye-law made thereunder.

273. Notice to be given of suits. (1) No suit shall be instituted against any '[Board] or against any member of a Board, or against any officer or servant of a '[Board], in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of the '[Board], and, in the case of such member officer or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the '[Board], member, officer or servant has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Appeals and Revision.

274. Appeals from executive orders. (1) Any person aggrieved by any order described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column thereof.

(2) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fourth column of the said Schedule.

(3) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act, 1908 (IX of 1908), with respect to the computation of periods of limitation thereunder.

'Subs. and repealed by Act No. XXIV of 1936, ss. 69 and 64.

Subs. by Act No. VII of 1925, s. 11.

275. Petition of appeal. (1) Every appeal under section 274 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

276. Suspension of action pending appeal. On the admission of an appeal from an order, other than an order contained in a notice issued under clause (a) of section 137, section 140, section 176, or section 238, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto, shall not be deemed to be an offence.

277. Revision. ['* —* * * * *']

'[(1)] Where an appeal from an order made by the 7[Board] has been disposed of by the *[Regional Director] [either party to the proceedings] may, within thirty days from the date thereof, apply, through the “[Competent Authority] to the *[Director General], or to such authority as the *[secretary administrative division] may appoint in this behalf, for a revision of the decision.

'[(2)] The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

278. Finality of appellate orders. Save as otherwise provided in section 277 every order of an appellate authority shall be final.

279. Right of appellant to be heard. No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.

CHAPTER XVI.

RULES AND BYE-LAWS.

280. Power to make rules. (1) The °[Federal Government] may, after previous publication, make rules to carry out the purposes and objects 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 manner in which, and the authority to which, application for permission to occupy land belonging to °[the Government] in a cantonment is to be made ;

'Omitted and re-numbered by Act No. XXXV of 1926, s. 9.

Subs. by Act No. XXIV of 1936, ss. 69 and 65.

3Subs. by Act No. XLVII of 2023, s. 80.

4Subs. by Ordinance No. XLIV of 1979, s. 2.

'Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

°Subs. by A.O., 1961, Art. 2 (with effect from the 23rd March, 1956).

(b)

'[(ba)

the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission ;

the classification, reclassification, sub-classification, usage, disposal, transfer, management or administration of land vested in the Federal Government including military lands;]

*[(bb) the allotment to a *[Board] of a share of the rents and profits accruing from

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property entrusted to its management under the provisions of section 116A ;]

the appointment, control, supervision, “[conditions of service, transfer,] suspension, removal, dismissal and punishment of servants of *[Boards] ;

the circumstances in which security shall be demanded from servants of 3[Boards] and the amount and nature of such security ;

the grant of leave, absentee or acting allowance to servants of >[Boards];

the creation and management of Provident Funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from cantonment funds and by servants of *[Boards] ;

the keeping of accounts by *[Boards] and the manner in which such accounts shall be audited and published ;

the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund ;

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the preparation of estimates of income and expenditure by *[Boards] and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned ;

the regulation of the procedure of Committees of Arbitration ; and

the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act.

281. Supplemental provisions respecting rules. (1) A rule under section 280 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.

¹ns. by Act No. XLVI of 2023, s. 81.

⁷Ins. by Act No. VII of 1925, s. 12.

³Subs. and omitted by Act No. XXIV of 1936, ss. 69 and 66.

¹Ins. by Act No. XXIII of 1953, s. 2.

¹Omitted by Act No. XXV of 1952, s. 3.

(2) All rules so made shall be published in the '[official Gazette] and in such other manner, if any, as the *[Federal Government] may direct and, on such publication, shall have effect as if enacted in this Act.

3[281A. Power to make regulations relating to military lands.—Subject to the provisions of this Act and the rules made thereunder, the Federal Government by way of regulations may apportion the military lands, determine the usages of the military lands and all other matters connected with and incidental thereto.]

282. Power to make bye-laws. Subject to the provisions of this Act and of the rules made thereunder, a "[Board] may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely :—

(1) the registration of births, deaths and marriages, and the taking of a census ;
(2) the enforcement of compulsory vaccination ;

3[(3) the regulation of the collection and recovery of taxes, development charges, tolls and fees under this Act and the refund thereof;]

(4) the regulation or prohibition of any description of traffic in the streets ;

(5) the manner in which vehicles 3[parking,] standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted ;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonment ;

(7) the prevention and extinction of fire ;

(8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon ;

(9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning, and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works ;

(10) the regulation or prohibition of the discharge into, or deposit in, drains or sewage, polluted water and other offensive or obstructive matter ;

(11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health ;

(12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund ;

'Subs. by A.O., 1937.

*Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table. 3Ins. and subs. by Act No. XLVII of 2023, ss. 82 and 83.

4Subs. by Act No. XXIV of 1936, s. 69.

(13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation ;

(14) the regulation and control of encamping grounds, pounds, washing-places, serais, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms and places of public recreation, entertainment or resort ;

(15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption ;

(16) the matters regarding which conditions may be imposed by licences granted under section 210;

(17) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom ;

(18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature '[BTS tower] on any land situated within the cantonment 'Texcept on military lands] ;

(19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets ;

(20) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places ;

(21) the regulation of the grazing of animals ;

(22) the fixing and regulation of the use of public bathing and washing places ;

(23) the regulation of the posting of bills and. advertisements, and. of the position, size, shape or style of name-boards, sign-boards and sign-posts ;

(24) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method ;

(25) the rendering necessary of licences within the cantonment—

(a) for persons working as job porters for the conveyance of goods ;

(b) for animals or vehicles let out on hire ;

(o) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire ; *[*]

Ins. by Act No. XLVI of 2023, s. 83.

Omitted by Act No. XV of 1942, s. 12.

(d) for persons impelling or carrying such vehicles or other conveyances ; ![or
(e) for persons practising as nurses, midwives or dias ;]

(26) the prescribing of the fee payable for any licence required under clause (25), and of the conditions subjects to which such licences may be granted, revised, suspended or withdrawn ;

(27) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (25) ;

(28) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act ;

(29) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act or of any rule or bye-law made thereunder, persons residing within or near the cantonment ;

(30) the prevention of the spread of infectious or contagious diseases within the cantonment ;

(31) the segregation in or the removal and exclusion from, the cantonment, or the destruction, of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease

?

(32) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment ;

(33) the manner in which connections with water-work may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance ;

(34) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same ;

(35) the maintenance of schools, and the furtherance of education generally ;

(36) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the [Board] to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or against the deposit thereon of sand, gravel or stones ;

(37) the rendering necessary of licences for the use of premises within the cantonment as stables or cowhouses or as accommodation for sheep, goats or fowls ;

(38) the control of the use in the cantonment of mechanical whistles, syrens or trumpets ; >[*]

Added by Act No. XV of 1942, s. 12.

Subs. by Act No. XXIV of 1936, s. 69.

3Omitted by Act No. XLVII of 2023, s. 83.

(39) generally for the regulation of the administration of the cantonment under this Act ![;]

11(40) subject to the provisions of this Act and the rules made thereunder, a Board may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely, residential, commercial, industrial and any other scheme, etc.; and

(41) attachment and sale of immovable property.]

283. Penalty for breach of bye-laws. Any bye-law made by a 7[Board] under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to ![fifty thousand] rupees ; or

(b) with fine which may extend to '[five thousand] rupees and, in the case of a continuing contravention, with an additional fine which may extend to ![two hundred] rupees for every day during which such contravention continues after conviction for the first such contravention ; or

(c) with fine which may extend to '[one thousand] rupees for every day during which the contravention continues after the receipt of a notice from the 7[Board] by the person contravening the bye-law requiring such person to discontinue such contravention.

284. Supplemental provisions regarding bye-laws. '[(1) Any power to make bye-laws in respect of a cantonment conferred by this Act shall be subject to the condition of previous publication and confirmation by the administrative division and publication in the official Gazette.]

(3) The [secretary of the administrative division] may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

285. Rules and bye-laws to be available for inspection and purchase. (1) A copy of all rules and bye-laws made under this Act shall be kept at the office of the ?[Board] and shall, during office hours, be open free of charge to inspection by any inhabitant of the cantonment.

(2) Copies of all such rules and bye-laws shall be kept at the office of the ?[Board], 7[and shall be sold to the public at cost price singly, or in collections at the option of the purchaser].

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

286. Extension of certain provisions of the Act and rules to places beyond cantonments.

The *[Federal Government] may, by notification in the “[official Gazette], and subject to any conditions as to compensation or otherwise which it thinks fit to impose, extend to any area beyond a

*Subs., added and omitted by Act No. XLVII of 2023, ss. 83, 84 and 85.

*Subs. by Act No. XXIV of 1936, ss. 69 and 67.

3Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

'Subs. by A.O. 1937.

cantonment and in the vicinity thereof, with or without restriction or modification, any of the provisions of Chapters IX, X, XI, XII, XIII, XIV and XV or of any rule '[, regulations] or bye-law made under this Act for the cantonment which relates to the subject-matter of any of those Chapters 'for any regulations made under this Act as may be deemed appropriate by the Federal Government for the purposes of armed forces,], and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

2[286A. Power to delegate functions of Executive Officer. The *[Board] may empower any of its members or officers to exercise or perform in the absence of the Executive Officer from the cantonment all or any of such powers or duties of an Executive Officer under this Act as the "[Federal Government] may, by notification in the *[official Gazette], specify in this behalf.]

6[286B. Delegation of powers.—(1) The Federal Government may, by notification in the official Gazette, delegate any of its powers under this Act or the rules made thereunder to any officer subordinate to it subject to such conditions or limitations as may be specified in the notification.

(2) The Board may, with the prior approval of the '[the administrative division], by resolution, delegate all or any of its powers under this Act or the rules made thereunder to any of its officers subject to such conditions or limitations as may be specified, in the resolution.]

287. Registration. (1) Paragraphs 2 and 3 of section 54, and sections 69, 107 and 123 of the Transfer of Property Act, 1882 (IV of 1882), with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment.

7[(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Registration Act, 1908 (XVI of 1908), in which any cantonment is situated, shall, *[when any document relating to immoveable property within the cantonment is registered, send information of the registration] forthwith to the *[Board] or such other authority as the "[Federal Government] may prescribe in this behalf.]

288. Validity of notices and other documents. No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

289. Admissibility of document or entry as evidence. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of a *[Board] shall, if duly certified by the legal keeper thereof or other person authorised by the *[Board] in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

'Ins. and Subs. by Act No. XLVII of 2023, ss. 86 and 87.

"Ins. by Act No. VII of 1931, s. 8.

3Subs. by Act No. XXIV of 1936, s. 69.

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
*Subs. by A.O., 1937.

'Ins. by Ordinance No. XLIV of 1979, s. 11.

7Subs. by Act No. XXXV of 1926, s. 11.

SSubs. by the Repealing and Amending Act, 1927 (Act No. X of 1927), s. 2 and Ist Sch.

290. Evidence by officer or servant of the Board. No officer or servant of a '[Board] shall, in any legal proceeding to which the '[Board] is not a party, be required to produce any register or document the contents of which can be proved under section 289 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the Court made for special cause.

291. Application of Act IV of 1899. For the purposes of the Government Buildings Act, 1899 (IV of 1899), cantonments and '[Boards] shall be deemed to be municipalities and municipal authorities respectively.

292. ?[Repealed]

3[292A. Repeal and saving.—(1) The following laws are hereby repealed, namely: —
(a) the Cantonments Ordinance, 2002 (CKXXVII of 2002); and

(b) the Cantonments Local Government (Elections) Ordinance, 2002 (LXXIX of 2002).

(2) The repeal of of laws under sub-section (1) shall not—

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Cantonments (Amendment) Act, 2023 (of 2023) had not been passed.

(3) On repeal of the laws under sub-section (1), unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-law made or issued under the said repealed laws shall, so far as it is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law made or issued under the provisions of this Act.]

'Subs. by Act No. XXIV of 1936, s. 69.

Repealed by the Repealing and Amending Act, 1927 (Act No. X of 1927), s. 2 and 1st Sch.

3Ins. by Act No. XLVI of 2023, s.88.

SCHEDULE-I
NOTICE OF DEMAND.
(See section 91.)

To
residing at
Take notice that the '[Board] demands from the sum of

due from on account of (here describe the property, occupation, circumstance or thing in respect of which the sum is payable) leviable under for the period of commencing on the day of 19, and ending on the

day of 19, and that if, within thirty days from the service of this notice, the said sum is not paid to the '[Board] at , or sufficient cause for non-payment is not shown to the

satisfaction of the Executive Officer, a *[warrant of distress, seal, attachment] will be issued for the recovery of the same with costs.

Dated this day of 19
(Signed)

Executive Officer,
Cantonment.

2ISCHEDULE-II
FORM OF WARRANT
(See section 92)

(Here insert the name of the officer charged with the execution of the warrant)

Whereas A. B. of has not paid, and has not shown satisfactory cause for the non-payment of the sum due on account of (Here describe the liability) for the period of commencing on the day of 20 ; and ending with the day of 20 , which sum is leviable under

>

And whereas thirty days have elapsed since the service on him of notice of demand for the same ;
This is to command you to—

(a) Distain, subject to the provision of the Cantonments Act, 1924, the moveable property of the said A. B. to the amount of the said sum of Rs. ; and forthwith to certify to me, together with this warrant, all particulars of the property seized by you thereunder.

'Subs. by Act No. XXIV of 1936, s. 69.

*Subs. by Act No. XLVII of 2023, ss. 89 and 90.

(b) Attach / seize the account held in the name of the said Mr.

(CNIC# and to transfer the defaulted amount of
Rs. to the account No. of CB
forthwith under intimation to me.
Dated this day of 20
(Signed)

Executive Officer Cantonment.]

SCHEDULE III.
FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE.
(See section 93.)

To

residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of due for the liability * mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19, together with Rs. due for service of notice of demand, and that, unless within seven days from the date of the service of this notice you pay to the [Board] the said amount, together with the costs of recovery, the said property will be sold by public auction.
Dated this day of 19

(Signature of officer executing the warrant)

INVENTORY
(Here state particulars of property seized)

SCHEDULE IV.
CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.
(See section 250.)

1 2

Section Subject

PART A.

118 (1) (a) @) .. Drunkenness. etc.

167 "

. Making or selling of food, etc., or washing of clothes, by infected person.

'Subs. by Act No. XXIV of 1936, s. 69.

*Here describe the liability.

Section. Subject.

PART B.

18 (1) (a) (ii) .. using threatening or abusive words, etc.

18 (1) (a) (iii) .. Indecent exposure of person, etc.

18 (1) (a) (iv) . Begging.

18 (1) (a) (v) .. Exposing deformity, etc.

18 (1) (a) (vii) .. Gaming.

18 (1) (a) (xii) .. Destroying notice, etc.

18 (1) (a) (xiii) __ Breaking direction-post, etc.

18 (1) Keeping common gaming-house, etc.

18 (1) (g) . Beating drum, etc.

18 (1) (+) .. Singing, etc., so as to disturb public peace or order.

19 (6) .. Letting loose, or setting on, ferocious dog.

25 Discharging fire-arms, etc., so as to cause danger.

76 (1) Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital - or dispensary.

93 (2).... . Destroying, etc., name of street or number affixed to building.

214. ... Feeding animal on filth, etc.

236 Loitering or importuning for sexual immorality.

240 (a).... . Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE V.

(See section 274.)

APPEALS FROM ORDERS.

1 2 3 4

Section Executive Order Appellate Authority Time allowed for appeal.

126 '[Board's] notice to 2[remove,] 3[Compete Authority] I, or Thirty days from repair, protect or enclose a other authority authorized in this Service of notice. building, wall or anything affixed behalf by the 4fFederal thereto, or well, tank, reservoir, ena y the [Federal Government]].

pool, depression or excavation.

'Subs. and ins. by Act No. XXIV of 1936, ss.69 and 68.

7Ins. by the Repealing and Amending Act, 1939 (Act No. XXXIV of 1939), s. 2 and 1" Sch.

3Subs. by Ordinance No. XLIV of 1979, s. 2.

4Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

1
Section.
134
Tx
140
176
181

SCHEDULE V.-

2

Executive Order.

'TBoard's] notice to fill up well, tank, etc., or to drain off or remove water.

ae ek

'TBoard's] notice requiring a building to be repaired or altered so as

to remove sanitary defects.

Order of 5[Officer

Commanding the station] on report of Medical Officer,

person to remove from

directing a

the cantonment — and

prohibiting him from re-

entering it without permission.

'Board's] refusal to

sanction the erection or re-erection of a building.

contd.

Appellate Authority.

[Competent Authority]

I, or other authority

authorized in this behalf

by the 3 [Federal
Government]].

ae OR

[Competent Authority]

I, or other authority
authorized in this behalf

by the 3 [Federal
Government,]].

?[Competent Authority]

I or other authority
authorized in this behalf

by the 3[Federal
Government,]].

?[Officer Commanding-
in-Chief, the Command]

tr, or other authority
authorized in this behalf

by the p [Federal
Government,]].

4

Time allowed for appeal.

Thirty days from service
of notice.

xr]

Thirty days from service
of notice.

Thirty days from service
of notice.

' Thirty days from the
date on which the refusal
shall
communicated to the
applying for
sanctions].

have been

person

'Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 68.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

3Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.

'Omitted by Act No. XXXI of 1940, s. 8.

SSubs. by Act No. VII of 1925, s. 13.

(a)
(b)

SCHEDULE V.-contd.

1 2 3 4

Section. Executive Order. Appellate Authority. Time allowed for appeal.
185 'TBoard's] notice to alter [Competent Authority Thirty days from service
or demolish a building. 'T, or other authority of notice.
authorized in this behalf
by the 3[Federal
Government]].

188 '[Board's] notice to pull [Competent Authority] | Thirty days from service
down or otherwise deal !f, or other authority of notice.
with a building newly —— authorized in this behalf
erected or rebuilt without by the 3rFederal
permission over a sewer, Government II
drain, culvert, water-
course or waterpipe.

206 '[Board's] notice [Competent Authority] | Twenty-one days from
prohibiting or restricting 1 or other authority service of notice.
the use ofia slaughter. authorized in this behalf
house. 3
by the “[Federal
Government,]].

238 Magistrate's notice District Magistrate Thirty days from service

directing disorderly
person to remove from
cantonment and
prohibiting him from re-
entering it without
permission.

SCHEDULE VI. 4[Repealed].

5[SCHEDULE VII
[see section 60]

Tax on annual rental value of immovable property;
tax on transfer of immovable property;
of notice.

(c) professional tax;

'Subs. and ins. by Act No. XXIV of 1936, ss. 69 and 68.

*Subs. by Ordinance No. XLIV of 1979, s. 2.

Subs. by the Federal Adaptation of Laws Orders, 1975 (P.O No. 4 of 1975), Art. 2 and Table.
4Repealed by the Repealing Act No. XII of 1927, s. 2 and schedule.

Added by Act No. XLVII of 2023, s.91.

(d)
(e)
(f)
(g)
(h)
(i)
(G)
(k)
(l)
(m)
(n)
(O)
(p)
(q)
(x)

(l)

(u)
(v)
(w)

(x)
(y)

trade tax;

entertainment fee on dramatic and theatrical shows;

water use charges, fee, tax;

drainage charges;

conservancy charges for any building including residential buildings;

fee for approval of building plans, erection and re-erection of buildings;

fee for approval of housing scheme and town planning;

development charges;

conversion charges;

fee for compounding of offence and violations;

fee for change of land use of a land or building as may be prescribed;

fee for licences, sanctions and permits;

fee on the slaughter of animals;

fee for establishment of private markets;

fee for regulation of advertisement through sign boards, hoardings, cutouts, neon-signs, pole signs, sky signs and boards, billboards, directional boards,

banners, streamers, mopy signs, temporary advertisement structures and stalls, posters, one way visions, hot air balloons and blimps, moving vehicles, electronic display screens including light emitting diode (led) and surface

mounted device (smd), etc;

toll fee on roads, bridges and ferries maintained by the respective local government;

parking fee;

fees on sale of cattle;

fee for services rendered by a Board or any of its officers, agency or company; fee on installation of base transceiver station (BTS) or tower;

right of way fee; and

any other tax or fee or levy which may be imposed in any municipality in the province wherein such cantonment is situated.]