

'[KHYBER PAKHTUNKHWA] ORDINANCE NO.IX OF 1972.
THE KHYBER PAKHTUNKHWA (VILLAGES AND SMALL TOWNS
PATROL AND PROTECTION) ORDINANCE,1972.
Peshawar, the 31st March 1972.

AN

ORDINANCE

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Order for performance of patrol Duty and its cancellation.
4. Appointment of the council and selection of patrol.
5. Substitution.
6. Exemption.
7. Powers of the sub-Divisional Magistrate.
8. Fines on defaulting persons.
9. Decision of majority to prevail.
10. Fine on Defaulting Village.
11. Appeal.
12. Power and privileges of petrol.
13. *[Omitted].
14. *[Omitted].
15. Recovery of fines.
16. Distribution of village defense rifles.
17. Power to make rules.
18. Protection for persons acting under this Ordinance.
19. Proceedings under Ordinance not to be called in question in any Court.
20. Appearance of legal practitioner.

1 Subs. Vide the Khyber Pakhtunkhwa Act.IV of 2011.

2. Omitted vide Khyber Pakhtunkhwa Ordinance No.I of 1975.

3. Omitted vide Khyber Pakhtunkhwa Ordinance No. I of 1975.

'[KHYBER PAKHTUNKHWA] ORDINANCE NO.IX OF 1972.
THE KHYBER PAKHTUNKHWA (VILLAGES AND SMALL TOWNS
PATROL AND PROTECTION) ORDINANCE, 1972.
Peshawar, the 31st March 1972.

AN
ORDINANCE

to provide for the performance of nightly patrol duty by the
inhabitants of and to ensure peace and tranquility in the villages and
towns in the '[Khyber Pakhtunkhwa].

WHEREAS it is expedient to provide for the performance of nightly patrol
duty by the inhabitants of, and to ensure peace and tranquility in the villages and
towns in the '[Khyber Pakhtunkhwa];

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of
25th March, 1969, read with the Proclamation of 20th December, 1971, and the
Provisional Constitution Order, and in exercise of all powers enabling him in that
behalf, the Governor of the "[Khyber Pakhtunkhwa] is pleased to make and
promulgate the following Ordinance:-

1. (1) This Ordinance may be called the '[Khyber Pakhtunkhwa] (Villages
and Small Town Patrol and Protection) Ordinance, 1972.

(2) It extends to the whole of the '[Province of Khyber Pakhtunkhwa]
except the Tribal Areas.

(3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires, the following
expressions shall have the meanings hereby respectively assigned to them, that is

to say-

(a) "Collector" means the Chief Officer incharge of the revenue
administration of the revenue administration of the District;

- 1 Subs. Vide the Khyber Pakhtunkhwa Act.IV of 2011.
- 2.Subs.Vide the Khyber Pakhtunkhwa Act.IV of 2011.
- 3.Subs.Vide the Khyber Pakhtunkhwa Act.IV of 2011.
- 4 Subs. Vide the Khyber Pakhtunkhwa Act. IV of 2011.
- 5.Subs.Vide the Khyber Pakhtunkhwa Act.IV of 2011.
6. Subs. Vide the Khyber Pakhtunkhwa Act. IV of 2011.

Preamble

Short title,
extent and
Commencement

Definitions.

CGD)

(b) "Council" means, in the case of a municipality, the Municipal Committee, in the case of a town, the Town Committee, and in the case of any other village, the whole body of the village headmen and such other persons as the Sub-Divisional Magistrate may appoint after consulting the village community concerned; provided that the number of persons so appointed shall not be more than twice the number of the village headmen;

(c) "Government" means the Government of the "[Khyber Pakhtunkhwa];

(d) "sub-division" means a sub-division of a District;

(e) "Sub-Divisional Magistrate" means the Magistrate incharge of sub-division of a District;

(f) "village" includes a town with a population not exceeding twenty thousand inhabitants according to the latest census figures, also any part of a village or of such a town;

(g) "village Headman" means a person appointed to perform the duties of the village Headman under the provisions of the West Pakistan Land Revenue Act, 1967, and includes his duly appointed "Sarbarah" or any other person specially appointed by the Sub-Divisional Magistrate concerned for the purpose of this Ordinance;

(h) "village watchman" means a person appointed as such under the provisions of the Punjab Laws Act, 1972 (Act NO.IV of 1972).

When the Sub-Divisional Magistrate is of opinion that in any village in

his sub-division special measures are required to secure the safety of public and property or maintenance of public order, and the inhabitants have not voluntarily made sufficient provision for watch and ward, he may issue an order in writing that from such date, as he may fix in the order, all able-bodied adult male inhabitants of

the village

(2)

shall be liable to patrol duty.

An Order passed under sub-section (1) shall remain in force for such

period, not exceeding one year, as the Sub-Divisional Magistrate may fix, but it

1 Subs. Vide the

Khyber Pakhtunkhwa Act. IV of 2011.

Order for

Performance of
Duty and its
cancellation

may be renewed from time to time, as the Sub-Divisional Magistrate may direct.

(3) An order passed under sub-section (1) or renewed under sub section (2) may be cancelled at any time by the Sub-Divisional Magistrate.

4. (1) When the Sub-Divisional Magistrate has made an order under section 3, he shall, unless the village is situate in a municipality or a town committee, appoint a Council for the village.

(2) The Council of any village in respect of which an order under section 3 has been passed shall forthwith report to the Sub-Divisional Magistrate-

(a) the number of able-bodied adult male inhabitants of the village;

(b) the number of persons which in its opinion shall be required for patrol duty each night;

(c) the method whereby in its opinion such person shall be selected,

that is, whether by rotation or by lot or otherwise.

(3) Upon receipt of the report of the Council, the Sub-Divisional Magistrate shall determine the number of persons required for patrol duty and the method of their selection, and shall inform the Council of his decision.

(4) Persons shall be selected by the Council for patrol duty in such numbers and according to such methods as the Sub-Divisional Magistrate may determine.

(5) Where the selection is by lot, names once drawn shall not be drawn again until all the remaining names on the list been drawn.

(6) The Council shall, by publication of a list or otherwise, inform the persons liable to patrol duty of the date, time, area and nature of duty, and shall maintain record in a Duty Register, in the form to be approved by Government.

The fine if imposed on a defaulter may also be entered in this Register.

5. Any person liable to patrol duty shall himself perform such duty or shall provide an able-bodied substitute approved by the Council.

6. Exemptions from patrol duty may be granted.-

(a) by the Sub-Divisional Magistrate, or

Appointment of
the council and
selection of
patrol.

Substitution.

Exemption.

(b) by the Council, subject to confirmation by the Sub-Divisional Magistrate.

7. The Sub-Divisional Magistrate shall have the powers-

(a) to alter the number of persons required for patrol duty and the method of their selection;

(b) to direct that patrolling duty shall extend to the whole village or any portion thereof; and

(c) generally to regulate and control all matters relating to patrol duty.

8. (1) The Council may, after giving an opportunity of being heard, impose a fine not exceeding twenty rupees on any person who has failed without sufficient cause, to perform patrol duty personally or by substitute in case of each failure; provided that the fine shall be imposed within fifteen (15) days of the such failure.

(2) All fines imposed under sub-section (1) may, upon application by the Council, be recovered by the Collector as an arrear of land revenue.

(3) No appeal shall lie from an order of fine by the Council but the Collector may, in his discretion, suspend the recovery of the fine or remit the fine either in part or as a whole.

(4) _ All fines recovered under this section shall be expended in such manner as the Collector may determine with the Council and the Sub-Divisional Magistrate.

9. The decision of the majority of the members of a Council present at a meeting shall be deemed to be the decision of the Council.

10. (1) Where, in the opinion of the Sub-Divisional Magistrate, any village or part thereof, in respect of which an order under sub-section (1) of section 3 has been passed, fails to provide for the due performance of patrol duties, the fine on defaulting village.

Sub-Divisional magistrate may by written order, impose a fine which may extend to one hundred rupees in any one case upon the village or part thereof:

Provided that before imposing any fine under this section the Sub-

Powers of the
Sub-Divisional
Magistrate.

Fines on
defaulting
persons.

Decision of

majority to
prevail.

Fine on
Defaulting
Village.

Divisional Magistrate shall give ten days notice by beat of drum or other-wise to the village, and shall consider any objection that may be received by him.

(2) The Sub-Divisional Magistrate, after such enquiry as he may deem necessary, shall apportion the fine among the inhabitants of such village according to his judgment of their of their respective means.

11. An appeal from an order of the Sub-Divisional Magistrate under section 3 or section 10 shall lie to the District Magistrate within thirty days of the making of the order by the Sub-Divisional Magistrate. Any order passed by the District Magistrate in such appeal shall be final.

12. (1) All persons on patrol duty under this Ordinance shall exercise the same powers and enjoy the same protection and privileges as are exercised and enjoyed by a village watchman.

(2) Every person is bound to render to a person on patrol duty all the assistance which he is bound to render to a Police Officer.

(3) Every person on patrol duty shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

15. Fines imposed under section 10, *[* * *] shall, in default of payment, be recoverable as if they were arrears of land revenue due by the members of the community or part thereof upon whom the fine is imposed.

16. A District Magistrate may, on the request of the Council, order distribution

of rifles or other weapons for the defense of the village against incidents of crime on such terms and conditions as may be prescribe by Government.

17. For the purposes of section 16, Government may frame rules to lay down-

1 Section 13 and 14 omitted by Khyber Pakhtunkhwa Ord.I of 1975.

2. Section 13 and 14 omitted by Khyber Pakhtunkhwa Ord.I of 1975.

3. The Comma and the figures and ward "13 or 14" omitted by Khyber Pakhtunkhwa Ordinance NO.I of 1975.

Appeal.

Power and
Privileges of
patrol

Recovery of
Fines.

Distribution of
village defense
rifles.

Power to make
rules.

- (i) security to be furnished for each rifle;
- (ii) method of taking the security;
- (iii) number of rifles to be issued per village;
- (iv) maintenance of record;
- (v) penalty for the loss of the rifles;
- (vi) penalty for showing cowardice or lack of zeal by

persons whom the rifles are issued;

- (vii) issue of ammunition;
- (viii) inspection of rifles;
- (ix) musketry practice;
- (x) collective responsibility: and
- (xi) such other matters which Government may consider proper.

18. No suit or other legal proceedings shall lie against any person for anything

done or intended to be done in good faith, under this Ordinance.

19. No proceeding under this Ordinance or any sentence or order passed in any such proceeding shall be called in question in any Court otherwise than in accordance with the provisions of this Ordinance.

20. In proceedings under this Ordinance before the Sub-Divisional Magistrate, the District Magistrate and Government, the inhabitants of a village or part of a village or any of them or a village community, as the case may be, shall be entitled to be represented by a legal practitioner of their choice.

Protection for
persons acting
under this
Ordinance.

Proceedings
under
Ordinance not
to be called in
question in any
court .

Appearance of
legal
Practitioner.