

[AS PASSED BY THE SENATE]

**A
BILL**

to amend the Board of Investment Ordinance, 2001

WHEREAS, it is expedient to amend the Board of Investment Ordinance, 2001 (XV of 2001), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Act shall be called the Board of Investment (Amendment) Act, 2023.

(2) It shall come into force at once.

2. Insertion of new Chapter IIA, Ordinance XV of 2001. - In the Board of Investment Ordinance, 2001 (XV of 2001), hereinafter referred to as the said Ordinance, after Chapter II, the following new Chapter IIA shall be inserted, namely:-

CHAPTER IIA

Special Investment Facilitation Council (SIFC)

10A. Establishment of a Special Investment Facilitation Council.

(1) The Federal Government shall, by notification in the official gazette, establish a Special Investment Facilitation Council (SIFC), for carrying out the purposes envisioned under this Chapter of the Ordinance.

(2) The SIFC shall consist of a Secretary, who shall also serve as the Principal Accounting Officer, and such members, as may be notified by the Federal Government, from time to time.

(3) The President of the SIFC shall be the Prime Minister of Pakistan.

(4) The President of the SIFC may co-opt any person as a member, or may require attendance of any person by special invitation, as deemed appropriate.

10B. Scope of work of the Special Investment Facilitation Council, -

(1) The SIFC shall facilitate investment and privatization in areas, including, but not limited to, Defence, agriculture, infrastructure development, strategic initiatives, logistics, minerals, information technology, telecommunication and energy (hereinafter referred to as the 'Relevant Fields'), and shall take all necessary measures in order to establish, facilitate, encourage and promote opportunities for investment, as well as, *inter alia*, business in and for Pakistan.

(2) The Federal Government may notify any other area, sector, industry or projects as Relevant Field through a notification in the official Gazette to be processed under this Chapter.

(3) The Provincial Government or an entity authorized by the said Government in this behalf may also refer any sector, industry or project to SIFC to be processed under this Chapter.

11C. Functions of the Special Investment Facilitation Council.
(1) Without prejudice to the generality of section 10B, the SIFC shall, *inter alia*,:-

- (a) act as 'Single Window' for multi-domain cooperation in Relevant Fields with GCC countries, in particular, and other countries in general, for facilitation of investment and development of an enabling policy environment;
- (b) recommend approvals, execute commercial transactions, and/or enter into arrangements and agreements, directly or indirectly, with local and foreign investors;
- (c) enter into commercial engagements and transact with governmental as well as corporate entities, for the purposes envisioned under this Chapter of the Ordinance.
- (d) prepare long-term road-map for growth, development and investment in the 'Relevant Fields', while capitalizing on fast track initiatives;
- (e) enhance awareness of Pakistan's latent potential in the 'Relevant Fields';
- (f) improve ease of doing business by, *inter alia*, facilitating timely decision making, avoiding duplication of effort, fast-tracking investment and projects implementation, etc.;
- (g) monitor the progress of investment programs and projects at all stages and ensure, through inter-agency and inter-provincial coordination, prompt implementation and operations thereof;
- (h) review investment promotion plans, formulate institutional arrangements, make transparent and simplified procedures and guidelines for investment promotion;

(i) appraise, evaluate and process all investment proposals and projects received from the investors;

(j) appoint commissions, expert bodies and consultants to study various aspects of attracting investment in all sectors;

(k) promote an enabling environment for investment by encouraging deregulation and other measures to remove unnecessary obstacles in the process;

(l) consider individual investment proposals as well as categories of investments that require special treatment, and recommend, where appropriate, additional incentives or relaxation in the regulatory and policy framework; and

(m) perform any other function assigned by the Federal Government.

(2) In order to carry out its functions, the SIFC may adopt any procedure or process, with the approval of the Federal Government.

10D. Formation of Committees. - (1) For implementation of provision of this Chapter, SIFC may constitute executive and implementation committees.

(2) The committees shall perform such functions as may be assigned to them by SIFC, in addition to facilitation and supervision of projects, transactions, arrangements and agreements made or carried out under this Chapter of the Ordinance.

10E. Power to issue directions. - (1) For furthering the objectives of this Chapter, the SIFC may, as and when it considers necessary, issue recommendation, advice or directions to the respective regulatory bodies, authorities, public sector entities, divisions and departments of the Federal Government, on matters within their

respective domains, which shall, to the extent not inconsistent with applicable law be binding.

(2) SIFC shall have powers to summon any regulatory bodies, authorities, public sector entities, divisions and departments of the Federal Government, or a representative thereof, in case requisite regulatory licenses, certificates and/or any other legal permits and permissions required to commence, foster or grow investment operations are delayed unnecessarily which may hamper investor (s) sentiment and inflow of investment

(3) Powers specified in sub-sections (1) and (2) shall *mutatis mutandis* be exercisable by SIFC in respect of projects referred to the SIFC by the Provincial Government.

10F. Power to relax or exempt from regulatory compliance. - The Federal Government, upon recommendation of the SIFC, by notification in the official Gazette and subject to such conditions, limitations or restrictions if any as may be specified therein, may relax or exempt from a regulatory requirement or operation necessitated by any law for the time being in force for implementing projects, transactions, arrangements and agreements under this Chapter:

Provided that the relaxation or exemption, granted under this section, shall be granted in accordance with the provisions of the respective laws.

10G. Immunity. - (1) No suit, prosecutions or any other legal proceedings or action, in damages or otherwise shall lie against SIFC or any of its members or consultants for any act done, procedural lapse suffered, or omission made, in exercise or performance of any functions, power or duty conferred or imposed by or under this Chapter.

(2) Notwithstanding anything contained in any other law for the time being in force, an investigating agency, anti-graft agency, law enforcement agency or a court shall not inquire into or initiate investigation in relation to, *inter alia*, any commercial transaction, arrangement or agreement made under this Chapter, unless there exists material evidence of mala fides or bad faith on part of any person involved in the said commercial transaction, arrangement or agreement.

(3) No person shall be liable in his personal capacity for any action taken in his official capacity.

(4) Any procedural irregularity or lapse shall not affect, vitiate, set-aside, annul or rescind, *inter alia*, any transaction, arrangement or agreement under this Chapter.

10H. Overriding effect.- The provisions of this Chapter shall have effect notwithstanding anything contrary contained in any other law or instrument having the force of law for the time being in force and in the event of any inconsistency between the provisions of this Chapter and any other law whether enacted prior or subsequent to the commencement of the Board of Investment (Amendment) Act, 2023, the provisions of this Chapter shall prevail.

10I. Power to make rules. - The SIFC may, with prior approval of the Federal Government and by notification in the official Gazette, make rules for carrying out the purposes of this Chapter.

10J. Removal of difficulties. - Where any difficulty arises in giving effect to any provision of this Chapter, the Federal Government may by notification in the official Gazette, make an order for the removal of the difficulty."

STATEMENT OF OBJECTS AND REASONS

Foreign direct investment plays a crucial role in a country's economic progress, bringing in capital, technology transfer, and job opportunities. However, Pakistan faces several challenges in attracting significant FDI due to a range of obstacles. The current investment climate in Pakistan is hindered by multiple factors, leading to a suboptimal environment for both domestic and foreign investors. Key challenges include ease of doing business, systemic and bureaucratic hurdles, coordination between the federal and provincial levels, and decision-making processes, regulatory complexities, and a lack of investor confidence.

2. Addressing these challenges requires comprehensive reforms aimed at simplifying regulations, improving transparency, enhancing coordination between federal and provincial levels, and promoting a business-friendly environment. The Pakistani government has recognized these issues and has devised a plan to attract investment from Gulf Cooperation Council (GCC) countries as part of the 'Economic Revival Plan'. As per the plan, the Prime Minister has approved the establishment of the Special Investment Facilitation Council (SIFC). The SIFC will serve as a 'Single Window' for multidomain cooperation in 'Relevant Fields' with investor countries in general, aiming to facilitate investment and create an enabling policy environment.

(Minister In-Charge)

- (j) after clause (xxa), the following new clause shall be inserted, namely:—

“(xxa) “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 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;”;

- (k) in clause (xxi), in sub-clauses (a) and (b), after the expression “1952 (XXXIX of 1952)”, wherever occurring, the expression “the Pakistan Navy Ordinance, 1961 (XXXV of 1961)” shall be inserted;

- (l) after clause (xxviiia), the following new clause shall be inserted, namely:—

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

- (m) after clause (xxxiiia), the following new clauses shall be inserted, namely:—

“(xxxiiib) “regulations” means the regulations made under this Act;

(xxxiiic) “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;

(xxxiiid) “rules” means the rules made under this Act;

(xxxiiie) “scheme” includes a residential, industrial, commercial or mixed-use scheme or any other scheme;”.

3. Amendments in section 3, Act II of 1924.— In the said Act, in section 3, for the words “the regular forces or the regular air force”, the words “armed forces” shall be substituted.

4. Insertion of new section 8A, Act II of 1924.— In the said Act, after section 8, the following new section shall be inserted, namely:—

“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.”.

5. **Insertion of new chapter, Act II of 1924.**— In the said Act, after Chapter II and corresponding provisions thereunder, the following new chapter and corresponding provisions relating thereto shall be inserted, namely:—

“Chapter IIA

Administration of military lands and cantonments

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.”.

6. **Omission of sections 15 to 15I, 18 and 19, Act II of 1924.**— In the said Act, sections 15 to 15I, 18 and 19 shall be omitted.

7. **Insertion of section 19A to 19U, Act II of 1924.**— In the said Act, after omission of section 19, the following new sections shall be inserted, namely:—

“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.

(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 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;

- (f) has not been dismissed, removed or compulsorily retired from public service on grounds of moral turpitude;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) 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;
- (k) has not been by any court declared an undischarged insolvent or his application in this regard is not pending adjudication;
- (l) does not engage in any transaction involving pecuniary interest with the Board of which he is a member;
- (m) 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;

(n) 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

(o) takes oath within the specified period.

(2) Whoever—

(a) is found by the Election Commission to have contravened the provisions of sub-section (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 on 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 by-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 by-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 by-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.

19I. 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) 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;
- (c) votes or applies for a ballot paper for voting more than once at any polling station;
- (d) 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;
- (e) knowingly induces or procures any person, to do any of the aforesaid acts; or
- (f) fails to provide statement of election expenses as required under this Act;

- (g) 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;
- (h) 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
- (i) 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) convene, calls or organizes within a ward any meeting; or
- (b) 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
 - (iv) 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) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds;

- (b) persistently shouts in such manner as to be audible within the polling station; or
- (c) 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) fraudulently defaces or destroys any nomination paper or ballot paper;
- (b) 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;
- (c) 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
- (d) 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
- (e) 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) interferes or attempts to interfere with a voter when he records his vote;
- (b) 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
- (c) 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 of 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.

8. Omission of sections 34 and 35, Act II of 1924.— In the said Act, sections 34 and 35 shall be omitted.

9. Amendment of section 41, Act II of 1924.— In the said Act, in section 41, in sub-section (2), for the expression “the Officer Commanding the District, the Officer Commanding the brigade area, the District Magistrate”, the expression “Officer Commanding the garrison area, the Director General, Director” shall be substituted.

10. Substitution of section 43B, Act II of 1924.— In the said Act, for section 43B, the following shall be substituted namely:—

“**43B. Local reconciliation or *maqami masalihat* committee.**— The secretary of administrative division may constitute a local reconciliation or *maqami 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.”.

11. Amendment of section 51, Act II of 1924.— In the said Act, in section 51,—

(a) in sub-section (1), the expression “the reference being made, save in cases where the Officer Commanding the District is himself the Competent Authority for the purposes of this Act, through the Officer Commanding the District” shall be omitted;

(b) in sub-section (2),—

- (i) for the words "District Magistrate", the words "Director General" shall be substituted;
 - (ii) for "prejudicial to the public health, safety or convenience" words "prejudicial to the interest of the cantonment" shall be substituted; and
 - (iii) for "Federal Government" words "secretary administrative division" shall be substituted; and
- (c) sub-section (3) shall be omitted.

12. Amendment of section 52, Act II of 1924.— In the said Act, in section 52, in sub-section (1), in clause (a), for the words "Federal Government", the words "secretary administrative division" shall be substituted.

13. Amendment of section 53, Act II of 1924.— In the said Act, in section 53,—

- (a) in marginal heading, for the words "Federal Government", the words "secretary administrative division" shall be substituted; and
- (b) in the rider clause, for the words "Federal Government", wherever occurring, the words "secretary administrative division" shall be substituted.

14. Amendment of section 56, Act II of 1924.— In the said Act, in section 56, after the word "hundred", the word "thousand" shall be inserted.

15. Amendment of section 57, Act II of 1924.— In the said Act, in section 57, in clause (b),—

- (a) after the word "fifty", the word "thousand" shall be inserted; and
- (b) after the word "hundred", the word "thousand" shall be inserted.

16. Amendment of section 60, Act II of 1924.— In the said Act, in section 60, for the marginal heading and sub-section (1), the following shall be substituted, namely:—

"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 or charges as specified in the Schedule VII."

17. Substitution of section 61, Act II of 1924.— In the said Act, for section 61 following shall be substituted, namely:—

"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.

18. Substitution of section 62, Act II of 1924.— In the said Act, for section 62, the following shall be substituted, namely:—

“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.

19. Substitution of section 63, Act II of 1924.— In the said Act, for section 63 the following shall be substituted, namely:—

“63. 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.”.

20. Amendment of section 64, Act II of 1924.— In the said Act, in section 64, in clause (a), the words “railway stations, hotels, colleges, schools, hospitals, factories and any other” shall be omitted.

21. Amendment of section 65, Act II of 1924.— In the said Act, in section 65, in sub-section (1), for the words “annual value”, the words “annual rental value” shall be substituted.

22. Amendment of section 66, Act II of 1924.— In the said Act, in section 66, for words “annual value”, the words “annual rental value” shall be substituted.

23. Amendment of section 68, Act II of 1924.— In the said Act, in section 68, in sub-section (1), the words “or the assessment is increased” shall be omitted.

24. Amendment of section 71, Act II of 1924.— In the said Act, in section 71, in sub-section (1), in clause (e), for colon at the end, a full stop shall be substituted and the proviso shall be omitted.

25. Amendment of section 73, Act II of 1924.— In the said Act, in section 73, in sub-section (1), for words “annual value”, the words “annual rental value” shall be substituted.

26. Amendment of section 74, Act II of 1924.— In the said Act, in section 74, in sub-section (2),—

- (a) after the word “fifty”, the word “thousand” shall be inserted;
- (b) for the words “ten times”, the words “one time” shall be substituted; and
- (c) for the words “three months”, the words “one year” shall be substituted.

27. Amendment of sections 75, 76 and 77, Act II of 1924.— In the said Act, in sections 75, 76 and 77, for words “annual value”, wherever occurring, the words “annual rental value” shall be substituted.

28. Amendment of section 79, Act II of 1924.— In the said Act, in section 79, in sub-section (2), for the word “fifty”, the words “five thousand” shall be substituted.

29. Amendment of section 80, Act II of 1924.— In the said Act, in section 80, for words “annual value” words “annual rental value” shall be substituted.

30. Amendment of section 82, Act II of 1924.— In the said Act, in section 82, in sub-section (1), for the word “fifty”, the words “five thousand” shall be substituted.

31. Amendment of section 84, Act II of 1924.— In the said Act, in section 84, in sub-section (1),—

- (a) for “District Magistrate or to such other officer as may be empowered by the Federal Government in this behalf” the words “regional director” shall be substituted; and
- (b) for colon at the end, a full stop shall be substituted and the proviso shall be omitted.

32. Amendment of section 87, Act II of 1924.— In the said Act, in section 87, for words “annual value” words “annual rental value” shall be substituted.

33. Amendment of section 89, Act II of 1924.— In the said Act, in section 89, the expression “, by public notice,” shall be omitted.

34. Insertion of new section 89A, Act II of 1924.— In the said Act, after section 89, amended as aforesaid, the following new section shall be inserted, namely:—

“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.”.

35. Substitution of section 90, Act II of 1924.— In the said Act, for section 90, the following shall be substituted, namely:—

“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 by 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.— **36. Amendment of section 91, Act II of 1924.**— In the said Act, in section

(a) in sub-section (1), after the word “tax”, the expression “, fee, rent, toll or other charges” shall be inserted; and

(b) in sub-section (2), for the words “one rupee”, the words “two hundred rupees” shall be substituted.

37. Amendment of section 92, Act II of 1924.— In the said Act, for section 92, the following shall be substituted, namely:—

“92. 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.”.

38. Insertion of section 92A, Act II of 1924.— In the said Act, after section 92, substituted as aforesaid, the following section shall be inserted, namely:—

"92A. 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.”.

39. Amendment of section 99, Act II of 1924.— In the said Act, in section 99, for sub-section (2), following shall be substituted, namely:—

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

40. Amendment of section 101, Act II of 1924.— In the said Act, in section 101, in sub-section (1), the words “with the previous sanction of Competent Authority” shall be omitted.

41. Amendment of section 102, Act II of 1924.— In the said Act, in section 102,—

- (a) for the word “fifty”, the words “one hundred thousand” shall be substituted; and

- (b) for the words "the sanction of Competent Authority", the words "the concurrence of Director General" shall be substituted.

42. Amendment of section 103, Act II of 1924.— In the said Act, in section 103, in sub-section (2), for the words "one hundred", the words "ten thousand" shall be substituted.

43. Amendment of section 116, Act II of 1924.— In the said Act, in section 116,—

- (a) in the marginal heading, for the word "Duties", the word "Functions" shall be substituted; and
- (b) in the rider clause, for the word "It", occurring for the first time, the expression "Subject to any fee or charge payable under this Act, it" shall be inserted;
- (c) in clause (p), the word "and", occurring at the end, shall be omitted;
- (d) in clause (q), for full stop at the end, a semi colon shall be substituted and thereafter the following new clauses shall be added, namely:—

- “(r) exercise control over land-use and connected matters in the manner as may be prescribed;
- (s) enforce building control as may be prescribed;
- (t) regulate in the prescribed manner different schemes and matters connected thereto;
- (u) lease and rent out properties vested in, managed or maintained by the Board in the prescribed manner;
- (v) undertake in the prescribed manner landscape, parks, monuments and municipal ornamentation;
- (w) approve in the prescribed manner such taxes and fees etc. as set out in Schedule VII;
- (x) collect in the prescribed manner approved taxes, fees, rates, rents, tolls, charges, fines and penalties; and
- (y) any other matter for carrying out the purposes of this Act.”.

44. Amendment of section 118, Act II of 1924.— In the said Act, in section 118,—

- (i) in sub-section (1), for the word "fifty", occurring at the end, the words "five thousand" shall be substituted;
- (ii) in sub-section (2), for the expression "twenty-five" the words "five thousand" shall be substituted; and
- (iii) in sub-section (3), for the word "twenty" the words "five thousand" shall be substituted.

45. Amendment of section 119, Act II of 1924.— In the said Act, in section 119, in sub-section (5), for the words "one hundred" the words "five thousand" shall be substituted.

46. Amendment of section 120, Act II of 1924.— In the said Act, in section 120, for the word "fifty", the words "five thousand" shall be substituted.

47. **Amendment of section 124, Act II of 1924.**— In the said Act, in section 124, in sub-section (2),—

- (a) for the words “two hundred”, the words “ten thousand” shall be substituted;
- (b) for the words “fifty”, the words “two thousand” shall be substituted; and
- (c) after the word “continues”, the words “and if it continues more than seven days then his cinematograph or other apparatus shall be liable to sealing” shall be inserted.

48. **Amendment of section 125, Act II of 1924.**— In the said Act, in section 125, for the word “fifty” the words “ten thousand” shall be substituted.

49. **Amendment of section 139, Act II of 1924.**— In the said Act, in section 139, in sub-section (2), for the word “fifty”, the words “five hundred” shall be substituted and for the word “five”, the words “one hundred” shall be substituted.

50. **Amendment of section 141, Act II of 1924.**— In the said Act, in section 141, in sub-section (2), for the words “two hundred”, the words “five thousand” shall be substituted.

51. **Amendment of section 150, Act II of 1924.**— In the said Act, in section 150, for the words “one hundred”, the words “five thousand” shall be substituted.

52. **Amendment of section 159, Act II of 1924.**— In the said Act, in section 159, for the words “one hundred”, the words “five thousand” shall be substituted.

53. **Amendment of section 167, Act II of 1924.**— In the said Act, in section 167, for the words “one hundred”, the words “five thousand” shall be substituted.

54. **Insertion of new section 178AA, Act II of 1924.**— In the said Act, after section 178A, the following new section shall be inserted, namely:—

“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.”.

55. **Insertion of new section 179A, Act II of 1924.**— In the said Act, after section 179, the following new section shall be inserted, namely:—

“179A. 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.”.

56. **Amendment of section 184, Act II of 1924.**— In the said Act, in section 184, for the words “five hundred”, the words “fifty thousand” shall be substituted.

57. **Amendment of section 185, Act II of 1924.**— In the said Act, in section 185, in sub-section (1), the words “within twelve months of the completion of such erection or re-erection in like manner” shall be omitted.

58. **Insertion of new section 185A, Act II of 1924.**— In the said Act, after section 185, amended as aforesaid, the following new section shall be inserted, namely:—

“185A. 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.”.

59. **Amendment of section 186, Act II of 1924.**— In the said Act, in section 186, in clause (f), in sub-clause (x), for full stop at the end, a semi colon shall be substituted and thereafter the following new clauses (g), (h), (i), (j) and (k) shall be added, namely:—

- “(g) classification and zoning of buildings;
- (h) regulation of Schemes;
- (i) conversion of plots or buildings from one use to another;
- (j) fee, if any, in connection with the matters covered under this Chapter, imposed under this Act; and
- (k) any other matter ancillary or incidental to the matters mentioned under this Chapter.”.

60. Amendment of section 192, Act II of 1924.— In the said Act, in section 192, in sub-section (1), for the words “Competent Authority”, the words “Director General” shall be substituted.

61. Amendment of section 193, Act II of 1924.— In the said Act, in section 193, in sub-section (2), for the word “twenty”, the words “ten thousand” shall be substituted.

62. Amendment of section 196, Act II of 1924.— In the said Act, in section 196, for the word “twenty”, the words “two thousand” shall be substituted and for the word “five”, the word “fifty” shall be substituted.

63. Amendment of section 202, Act II of 1924.— In the said Act, in section 202, in sub-section (3), for the word “fifty”, the words “five thousand” shall be substituted and for the word “ten”, the words “one hundred” shall be substituted.

64. Amendment of section 204, Act II of 1924.— In the said Act, in section 204, in sub-section (1), for the word “fifty”, the words “five thousand” shall be substituted and for the word “five”, the word “fifty” shall be substituted.

65. Amendment of section 205, Act II of 1924.— In the said Act, in section 205, for the word “fifty” the words “ten thousand” shall be substituted and for the word “five”, the words “five thousand” shall be substituted.

66. Amendment of section 209, Act II of 1924.— In the said Act, in section 209, in sub-section (3), for the word “twenty”, the words “two thousand” shall be substituted.

67. Amendment of section 210, Act II of 1924.— In the said Act, in section 210,—

- (a) in sub-section (1), after clause (r), the following new clause shall be inserted, namely:—
 - “(s) or any other occupation as the Board may notify from time to time,”; and
- (b) in sub-section (4), the expression “, not exceeding the cost of granting licences, ” shall be omitted.

68. **Amendment of section 213, Act II of 1924.**— In the said Act, in section 213, for the words “two hundred”, the words “five thousand” shall be substituted and for the word “forty” the words “two thousand” shall be substituted.

69. **Amendment of section 214, Act II of 1924.**— In the said Act, in section 214, for the word “fifty”, the words “two thousand” shall be substituted.

70. **Amendment of section 215, Act II of 1924.**— In the said Act, in section 215, in sub-section (4), for the words “one hundred”, the words “ten thousand” shall be substituted.

71. **Amendment of section 216, Act II of 1924.**— In the said Act, in section 216, in sub-section (3), for the word “fifty”, the words “five thousand” shall be substituted.

72. **Amendment of section 226, Act II of 1924.**— In the said Act, in section 226, for the word “fifty” the words “one thousand” shall be substituted.

73. **Amendment of section 232, Act II of 1924.**— In the said Act, in section 232, for the word “charges”, the words “development charges” shall be substituted.

74. **Amendment of section 236, Act II of 1924.**— In the said Act, in section 236, in sub-section (1), for the words “two hundred” the words “twenty thousand” shall be substituted.

75. **Amendment of section 240, Act II of 1924.**— In the said Act, in section 240, for the words “two hundred” the words “twenty thousand” shall be substituted and for the word “twenty” and words “five hundred” shall be substituted.

76. **Amendment of section 249, Act II of 1924.**— In the said Act, in section 249, for the words “one hundred”, the words “five thousand” shall be substituted.

77. **Amendment of section 255, Act II of 1924.**— In the said Act, in section 255, after the words “local newspaper”, the words “or published on Board’s official website” shall be inserted.

78. **Amendment of section 259, Act II of 1924.**— In the said Act, in section 259, in sub-section (1), for the expression “of, or standing timber, growing crops or grass belonging to”, the expression “, or by sealing, attachment and sale of immovable property of” shall be substituted.

79. **Insertion of new section 268A, Act II of 1924.**— In the said Act, after section 268, the following new section shall be inserted, namely:-

“268A. Orderly use of building.— (1) No building shall be put to un-authorized 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.

80. Amendment of section 277, Act II of 1924.— In the said Act, in section 277, in sub-section (1),—

- (a) for the words “District Magistrate”, the words “Regional Director” shall be substituted;
- (b) for the words “Federal Government”, occurring for the first time, the words “Director General” shall be substituted; and
- (c) for the words “Federal Government”, occurring for the second time, the words “secretary administrative division” shall be substituted.

81. Amendment of section 280, Act II of 1924.— In the said Act, in section 280, in sub-section (2), after clause (b), the following new clause shall be inserted, namely:—

- “(ba) the classification, reclassification, sub-classification, usage, disposal, transfer, management or administration of land vested in the Federal Government including military lands;”.

82. Insertion of section 281A, Act II of 1924.— In the said Act, after section 281, the following new section shall be inserted, namely:—

“**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.”.

83. Amendment of section 282, Act II of 1924.— In the said Act, in section 282,—

- (a) for clause (3), the following shall be substituted, namely:—
 - “(3) the regulation of the collection and recovery of taxes, development charges, tolls and fees under this Act and the refund thereof;”;
- (b) in clause (5), after the word “vehicles”, the expression “parking,” shall be inserted;
- (c) in clause (18), after the expression “nature,” the words “, BTS tower” and after the word “Cantonment”, the words “except on military lands” shall be inserted.
- (d) in clause (38), the word “and”, at the end, shall be omitted;
- (e) in clause (39), for full stop at the end, a semi colon shall be substituted and thereafter the following new clauses shall be added, namely:—
 - “(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.”.

84. **Amendment of section 283, Act II of 1924.**— In the said Act, in section 283,—
- (a) in clause (a), for the words “one hundred”, the words “fifty thousand” shall be substituted;
 - (b) in clause (b), for the words “one hundred”, the words “five thousand” shall be substituted and for the word “twenty”, the words “two hundred” shall be substituted; and
 - (c) in sub-section(c), for the word “ten”, the words “one thousand” shall be substituted.

284,—
85. **Amendment of section 284, Act II of 1924.**— In the said Act, in section

- (a) for sub-section (1), the following shall be substituted, namely:—

“(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.”.

- (b) sub-section (2) shall be omitted; and
- (c) in sub-section (3), for the words “Federal Government”, words “secretary of the administrative division” shall be substituted.

286,—
86. **Amendment of section 286, Act II of 1924.**— In the said Act, in section

- (a) after the word “any rule”, the expression “, regulations” shall be inserted; and
- (b) after the words “any of those Chapters”, the expression “or any regulations made under this Act as may be deemed appropriate by the Federal Government for the purposes of armed forces,” shall be inserted.

87. **Amendment of section 286B, Act II of 1924.**— In the said Act, in section 286B, in sub-section (2), for the words “Federal Government”, the words “the administrative division” shall be substituted.

88. **Insertion of section 292A, Act II of 1924.**— In the said Act, after section 292, the following new section shall be inserted, namely:—

“292A. **Repeal and saving.**— (1) The following laws are hereby repealed, namely:—

- (a) the Cantonments Ordinance, 2002 (CXXXVII of 2002); and
- (b) the Cantonments Local Government (Elections) Ordinance, 2002 (LXXIX of 2002).

- (2) The repeal 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.”.

89. Amendment of Schedule I, Act II of 1924.— In the said Act, in Schedule I, for the words “warrant of distress”, the words “warrant of distress, seal, attachment” shall be substituted.

90. Substitution of Schedule II, Act II of 1924. — In the said Act, for Schedule II, the following shall be substituted, namely: -

“SCHEDULE 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) Distrain, 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.
- (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.”.

91. Addition of Schedule VII, Act II of 1924.— In the said Act, after the omitted Schedule VI, the following new Schedule shall be added, namely:—

Schedule VII

[see section 60]

- (a) Tax on annual rental value of immovable property;
- (b) tax on transfer of immovable property;
- (c) professional tax;
- (d) trade tax;
- (e) entertainment fee on dramatic and theatrical shows;
- (f) water use charges, fee, tax;
- (g) drainage charges;
- (h) conservancy charges for any building including residential buildings;
- (i) fee for approval of building plans, erection and re-erection of buildings;
- (j) fee for approval of housing scheme and town planning;
- (k) development charges;
- (l) conversion charges;
- (m) fee for compounding of offence and violations;
- (n) fee for change of land use of a land or building as may be prescribed;
- (o) fee for licences, sanctions and permits;
- (p) fee on the slaughter of animals;
- (q) fee for establishment of private markets;
- (r) fee for regulation of advertisement through sign boards, hoardings, cutouts, neon-signs, pole signs, sky signs and boards, billboards, directional boards, banners, streamers, moppy signs, temporary advertisement structures and stalls, posters, one way visions, hot air balloons and blimpš, moving vehicles, electronic display screens including light emitting diode (led) and surface mounted device (smd), etc;
- (s) toll fee on roads, bridges and ferries maintained by the respective local government ;
- (t) parking fee;
- (u) fees on sale of cattle;

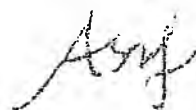
- (v) fee for services rendered by a Board or any of its officers, agency or company;
- (w) fee on installation of base transceiver station (BTS) or tower;
- (x) right of way fee; and
- (y) any other tax or fee or levy which may be imposed in any municipality in the province wherein such cantonment is situated.”

STATEMENT OF OBJECTS AND REASONS

The Cantonments Act, 1924 (II of 1924) is one of the colonial laws which had been adopted for the administration of Cantonment areas and related matters after the Independence. But since 1947 to this day, negligible amendments have been made in the Act *ibid*, accordingly, the existing provisions of the said Act are inadequate to cater for the changing demands of time. More so, in the wake of 18th Amendment to the Constitution of Islamic Republic of Pakistan, 1973 and Superior Courts' extending the mandate of Local Government under Article 140-A to the Cantonment areas as well, making of significant provisions to ensure the political, financial and administrative autonomy of Cantonment Boards is indispensable. For the lack of adequate provisions in the Act *ibid*. Overwhelming litigation emerged over the time especially with respect to, the land administration; the imposition of taxes, fees, charges and levies, etc; building regulations; election matters; and penalties etc. Further, the Cantonment Boards despite being local government could not enjoy the autonomy, powers and privileges as enjoyed by the other local governments.

In view of the above, the instant amendments in the Act *ibid* are proposed to meet the changing demands of time by making provisions(s) for; ensuring the greater autonomy and democratization of Cantonment Boards, improving their financial base to pave way for development activities, streamlining the mechanism of land administration, safeguarding the interest of the Armed Forces and the Federal Government, Updating the centuries old rates of penalties which have lost the deterrent character over the time for being negligible amount according to the changing time, and addressing the inconsistencies in the applicable laws.

The Bill is designed to achieve the aforesaid objects.



Minister-in-Charge

Rawalpindi, July, 2023