

# **THE ISLAMABAD LAWS**

*By*

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## **DEDICATION**

**Dedicated to my respected late father and mother (May Allah Bless them) who had brought me up and got educated. May Allah the Almighty allow their souls rest in eternal peace and grant them highest abode in the paradise.**

**My Lord! Bestow on me and my parents Thy Mercy even as they cherished me in childhood Ameen.**

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the need for a systematic approach to data collection and the importance of using reliable sources of information.

3. The third part of the document focuses on the analysis and interpretation of the collected data. It discusses the various statistical and analytical tools that can be used to identify trends and patterns in the data.

4. The fourth part of the document discusses the importance of communicating the results of the analysis to the relevant stakeholders. It emphasizes the need for clear and concise reporting and the importance of providing context and interpretation for the findings.



## FOREWORD

Capital Development Authority is an Autonomous body established under Capital Development Authority Ordinance, 1960. The functions of the Capital Development Authority are regulated under various Rules, Laws and Policies. Different amendments have been made in these rules/ laws but they are not available in updated form for general public.

Mr. Naeem Akbar Dar, Assistant Director (Law), Capital Development Authority has made a good effort by compiling the book "The Islamabad Laws" containing various Rules, Regulations, By-Laws and important notifications mainly concerning the Capital Development Authority and the Islamabad Capital Territory Administration.

The perusal of the above book indicates that the compiler has put up strenuous efforts in compiling upto date Laws, Rules, Regulations, Policies and especially the case law relating to Capital Development Authority.

I hope that this book will be helpful to the officers/ officials of Capital Development Authority, Islamabad Capital Territory Administration and legal fraternity as well as to the general public.



Brig. ® Asad Munir  
Member (Estate),  
CDA, Islamabad.



## **PREFACE**

By the grace of Almighty Allah, we are pleased to launch the third edition of "The Islamabad Laws". The book in your hands is a compilation containing extensively upto date Laws relating to CDA and ICT Administration with proper referencing and footnotes alongwith comments based on case law of Superior Courts of Pakistan.

Unfortunately, the laws dealing with these issues are available in scattered and not in compiled form, with result that for resolving the issue several books have to be consulted. This is an attempt to meet the requirement of bringing all the available laws, provision of laws and other allied legislation in one book to facilitate those who are directly or indirectly concerned.

It is hoped that this collection of laws will be very useful for legal practitioners, officials, concerned persons and all other users. Though it might not be an ideal or perfect work in all respects or according to wishes of users or concerned persons. Being the first effort of its kind, it might require improvement, and we are open to welcome all suggestions and proposals for such improvement, additions and corrections for serving you in a better way and be thankful to you for such guidance and cooperation.

Every effort has been made to make this publication error-free but there is possibility of mistakes, errors and omissions but all it will be without any bad intention. However, we shall be thankful if you point out about such mistake, error or omission for rectification in future editions and benefit of others, Your cooperation, guidance and assistance will be of tremendous benefit for us.

All suggestions and comments will be welcomed for improvement of quality of this work.

Naeem Akbar Dar  
&  
Muhammad Abdul Basit

Dated: 25th March, 2016



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# **THE CAPITAL DEVELOPMENT AUTHORITY ORDINANCE, 1960**

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# THE CAPITAL DEVELOPMENT AUTHORITY ORDINANCE, 1960

(XXIII of 1960)

[27th June, 1960]

*An Ordinance to establish a Capital Development Authority*

WHEREAS it is expedient to establish a Capital Development Authority for making all arrangements for the planning and development of Islamabad within the frame-work of a regional development plan;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

## COMMENTS

### Synopsis

1. Objectives of Ordinance.
2. Transparency.
3. Public interest.

**1. Objectives of Ordinance.** Firstly, planning and development of Capital (Islamabad), secondly, compelling or authorizing Capital Development Authority to perform functions of a Municipal Committee and to provide for cleanliness, health, education of inhabitants, supply of goods, articles of food and milk, to promote interest of different sections of public. All provisions are for advancing interest and public good. Such statutes not repugnant to Sharia [PLD 1985 FSC 221].

**2. Transparency.** Capital Development Authority being a statutory body is expected to deal with citizens fairly, and honestly and conduct its all actions transparently [2003 CLC 1684].

Capital Development Authority, a statutory body, established by law, is mandated not only to make arrangements for the planning and development of the Capital City, but is authorized/compelled to perform functions of a Municipal Committee, inter alia, to promote interests of different sections of the society including taxpayers. Any transaction by the Capital

Development Authority which is not transparent, and goes against the interests of the general public, constitutes violation of Article 9 of the Constitution, which guarantees right to life to all persons [PLD 2011 SC 619].

3. **Public interest.** Capital Development Authority is a statutory organization and has to act in the public interest [2015 SCMR 294].

## CHAPTER I

### PRELIMINARY

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Capital Development Authority Ordinance, 1960.

(2) It extends to the Specified Areas.

(3) It shall come into force at once.

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

(a) “agency” means any department or organization of the <sup>1</sup>[Federal] or Provincial Government and includes a corporation, or other autonomous or semi-autonomous body set up by the <sup>1</sup>[Federal] or Provincial Government;

(b) “Authority” means the Capital Development Authority established under section 4;

(c) “Board” means the Board constituted under section 6;

(d) “building” includes any factory, industrial or business establishment, shop, godown, warehouse, house, outhouse, hut, hutment, shed, garrage, stable, well or platform, and any other structure, whether meant for residential or business purposes or not, made of masonry, bricks, wood, mud, thatch, metal or any other material, but does not include a temporary structure made for purposes connected with agriculture;

---

<sup>1</sup> Subs. by F.A.O., 1975, Art. 2 and table, for “Central”.

- (e) "Capital Site" means the part or parts of the Specified Areas declared to be the site for the Pakistan Capital under section 3;
- (f) "Chairman" means the Chairman of the Authority;
- (g) "Commissioner" means the Commissioner of the Division concerned, and includes any other officer appointed by the Authority to exercise the powers of the Commissioner under this Ordinance;
- (h) "Deputy Commissioner" means the Deputy Commissioner of the District concerned, and includes any other officer appointed by the Authority to exercise all or any of the powers and discharge all or any of the functions of the Deputy Commissioner under this Ordinance;
- (i) "land" includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (j) "local body" means <sup>1</sup>[the local body] the local council or the municipal body as defined in clauses (23) <sup>1</sup>[(24)] and (27) of Article 3 of Basic Democracies Order, 1959 (P.O. 18 of 1959), or the Cantonment Board, having jurisdiction in the area concerned, and includes an Improvement Trust within such area;
- <sup>2</sup>[(k) "market value" means,—
  - (i) in relation to land acquired before the first day of January, 1968, the average market value thereof prevailing during the period commencing the first day of January, 1954, and ending on the thirty-first day of December, 1958; <sup>3</sup>[ ]
  - (ii) in relation to land acquired on or after the first day of January, 1968, the aggregate of the average market value as aforesaid determined with reference

<sup>1</sup> Ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.2.

<sup>2</sup> Subs. by the Capital Development Authority (Amdt.) Ordinance, 1968 (7 of 1968), s.2, for clause (k).

<sup>3</sup> Omitted by the Capital Development Authority (Amdt.) Act, 1999 (3 of 1999), s.2.

to its classification recorded in the Register of *Haqdaran Zamin* as in force on that day and twenty-five per cent of such value <sup>1</sup>[; and]]

<sup>2</sup>[(iii) in relation to land acquired on or after the first day of January, 1996, the market value as may be determined in accordance with the provisions of the Land Acquisition Act, 1894 as applicable in the Province of the Punjab.]

### COMMENTS

#### Synopsis

- |                                   |                          |
|-----------------------------------|--------------------------|
| 1. Compensation, principles for   | 2. Modification of award |
| 3. Improvements                   | 4. Un-Islamic            |
| 5. Determination of market value. |                          |

**1. Compensation, principles for.** Owners whose lands are acquired should be paid compensation which should be just and equitable keeping in view the consideration of land at the time of acquisition on the basis of guidelines given by Superior Courts [2002 SCJ 189]. There was a difference between what is called technical definition of the word "market-value" as contained in Section 2(k)(i) and 2(k)(ii) of the Ordinance on the one hand and "the compensation amount" to be paid to the land-owners on the other hand. Compensation amount was total and overall amount whereas market value was simply one of the items to be taken note of in fixing or compiling the compensation amount. The market value in other words was just a base and start and not the end of the process of compiling the compensation value [PLD 1977 Lah. 1200 = PLJ 1977 Lah. 605]. In sub-section (2), the sentence "the aggregate of the average market value as aforesaid determined with reference to its classification recorded in the Register of *Haqdaran Zamin* as in force on that day and 25% of such value" refer back to clause (i) of section 2(k) where it is written that market value means in relation to land acquired before the first day of January 1968, the average market value thereof prevailing during the period commencing the first day of January 1954 and ending on the 31<sup>st</sup> day of December 1958. Thus the aggregate value would be the sum total of average price during 1954-1958 period plus 25% over and above that [2002 SCJ 189; PLD 1977 Lah. 1200 = PLJ 1977 Lah. 605]. While determining market value, relevant transaction of the land acquired and of the similar land of neighbourhood/ locality is also to be taken into consideration [2002 SCJ 189].

The date of acquisition is the relevant date for determining compensation [PLD 1977 Lah. 1200 = PLJ 1977 Lah. 605].

**2. Modification of award.** Any award of compensation made before the commencement of this Ordinance in respect of any land acquired on or after the first day of January 1968, shall be modified so as to raise the amount of compensation specified therein to the amount which would

<sup>1</sup> Subs. *ibid.*, for full stop.

<sup>2</sup> Added *ibid.*

have been awarded had the award been made after the commencement of this Ordinance. [Ord. No.7 of 1968, S.3].

**3. Improvements.** The owner of the land is entitled to the value of the property in "its actual condition at the time of expropriation" with all its existing advantages. This indeed is the general law. There is nothing in section 28 read with section 2(k) or in any of the provisions of the Ordinance in force to warrant the conclusion that the Deputy Commissioner was not required to award compensation for the land according to its existing classification on the date of the expropriation of the owner thereof. Therefore, the directions, if any, issued by the Authority under section 35 of the Ordinance to the effect that in awarding the compensation *bona fide* improvements made by the land-owners to their lands after 1958, but before their acquisition must be ignored, were *ultra vires* and in excess of the powers vested in the Authority under the Ordinance. Even the amendment introduced subsequently into section 2(k) by the Capital Development Authority (Amendment) Ordinance VII of 1968 had no effect on this state of affairs on the lands acquired before 1-2-1968 [PLD 1976 SC 752].

Before amendment of definition of "market value", in relation to land acquired on or after 1-1-1968 as inserted by amending Ordinance, 1968, pegging classification of land as recorded in Register of *Haqdaran Zamin* as criterion for assessment of compensation of acquired land, no such pegging of classification of lands existed nor any restriction imposed by statute in that direction. Nothing in definition of land as given in Ordinance XXIII of 1960, either expressly or by necessary intendment warranted conclusion that embargo against award on account of any rise in level of prices operated in any other direction as well and precluded landowners from claiming compensation for *bona fide* improvement effected in quality of their acquired lands during 1954 to 1958. M.L.R. 82 of 1960 imposed no bar against landowners in effecting improvements to their agricultural lands by improving upon their classification and agricultural potential as such.

By the introduction of section 2(k) in the Capital Development Authority Ordinance, 1960, defining the term "market value" the Legislature has simply pegged up the average prices generally prevailing during 1954 to 1958 in respect of the different kinds of lands in general in the locality. There is nothing in the definition, either express or by necessary intendment, to warrant the conclusion that this embargo against the award on account of any rise in level of prices, was operative in any other direction as well and precluded the landowners from claiming compensation for the *bona fide* improvements effected in the quality of their acquired lands made during this period. Under clause 4 (1) (a) (ii) of the Martial Law Regulation No. 82 (known as Pakistan Capital Regulation, 1960), a restriction was imposed to the effect, that no person shall within the Capital site convert any land being used for purposes of agriculture to any other use. Similarly under clause 4 (1) (b) (ii) of the Regulation, it is laid down that no person shall outside the Capital site convert any land used for purposes of agriculture to any other purpose except in accordance with directions issued by the Deputy Commissioner. In these provisions, there was no bar imposed against a landowner in effecting improvements to his agricultural land by improving upon its classification and agricultural potential as such. There is nothing in section 2 (k) or any other provisions of the Ordinance to warrant the conclusion that compensation could not be allowed for any such development to the land effected up to and as on the date of its acquisition. In practical terms the value of any interest in land which is compulsorily acquired under the Ordinance must be ascertained by reference to the average market values prevailing generally during the period from 1954 to 1958 and for that purpose the interest in land actually acquired at the material time on the date of expropriation must be deemed to be subsisting during 1954 to 1958. For the first time under 1968 amendment in relation to land acquired on or after the first day of January 1968, a

further clause was inserted in the definition and this had the effect of pegging the classification of the land as recorded in the Register of *Haqdarān Zamin* as in force on that day, as the criterion for the assessment of the compensation of the acquired land. But before it, there was no such pegging of the classification of the lands. There was no restriction imposed by the statute in that direction and the compensation for the acquired land had to be assessed on the basis of its subsisting classification on the date of the acquisition [PLD 1976 SC 752].

**4. Un-Islamic.** The Provisions of section 2(k) and 30(l) of the Ordinance declared as repugnant to the injunctions of Islam. The Federal Shariat Court directed, that, the required amendment be made in the said Ordinance [PLD 1992 FSC. 361].

**5. Determination of market value.** Authority declined award with regard to compensation of land acquired in 1968 under provisions of Capital Development Authority Ordinance, 1960, as per classification of land entered in Revenue Record. Owners of land so acquired disputed award of Authorities contending that market value of land should have been calculated in accordance with Sections 23 & 24 of Land Acquisition Act, 1894, taking into consideration potential value of land. Validity. Authorities while determining amount of compensation of land to be made to the owners were possessed of jurisdiction to rely upon law as contained in Section 2(k) of Capital Development Authority Ordinance, 1960. Authorities, thus, were not bound to take into account potential value of land in question at the time award of compensation was delivered. In absence of any "legislation by incorporation" making provisions of Sections 23 & 24 of Land Acquisition Act, 1894 applicable with retrospective effect, owners of acquired land could not press into service said provisions. Orders by Authorities with regard to determination of market value of land under provisions of Capital Development Authority Ordinance, 1960, having not been shown to be suffering from any defect in law, could not be interfered with [1999 SCMR 1589].

- (l) "member" means a member of the Authority;
- (m) "regulations" means regulations made under this Ordinance;
- (n) "rules" means rules made under this Ordinance;
- (o) "scheme" means a planning scheme or a development scheme made under this Ordinance;
- (p) "Specified Areas" means the areas specified in the Schedule, and such other area or areas as may from time to time be included therein by the <sup>1</sup>[Federal Government] by notification in the official Gazette;

#### COMMENTS

**Levy of electricity duty.** Area of Islamabad already being part of Province of Punjab on promulgation of Establishment of West Pakistan Act, 1955 became part of West Pakistan and

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

remained so even after declaration of area of capital by Section 2 of Capital of the Republic (Determination of Area) Ordinance, 1963. Province of West Pakistan stood dissolved through Province of West Pakistan (Dissolution) Order, 1970, whereafter Constitution (1973), was promulgated and Punjab Assembly could not legislate with respect to Capital Area of Islamabad. By virtue of Article 268 of the Constitution, Section 13 of West Pakistan Finance Act, 1964 being an existing law and in force in Capital Area of Islamabad was to continue in force. Section 13 of Finance Act, 1964 as substituted by Section 5 of Punjab Finance ordinance, 1978 would apply to Capital Area of Islamabad with effect from 27-6-1978 [PLD 2008 Isl. 30].

(q) "Vice-Chairman" means the Vice-Chairman of the Authority.

**3. Declaration of Capital Site.-** (1) The \* [Federal Government] may, from time to time, by notification in the official <sup>1</sup>Gazette, declare any part or parts of the Specified Areas to be the site for the Pakistan Capital.

(2) Notwithstanding anything contained in this Ordinance or in any other law, any such notification as aforesaid may be made so as to be retrospective to any day not earlier than the first day of June, 1959, and where a notification is so made, the provisions of this Ordinance shall, in so far as they affect the Capital Site, apply as if this Ordinance were promulgated on the day to which the notification is made retrospective.

## CHAPTER II

### CONSTITUTION OF THE AUTHORITY

**4. Constitution of the Authority.-** (1) There shall be established an authority to be known as the Capital Development Authority for carrying out the purposes of this Ordinance.

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

**5. Management.-** (1) The general direction and administration of the Authority and its affairs shall vest in the Board which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

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

<sup>1</sup> See The Capital of the Republic (Determination of Area) Ordinance, 1963.

(2) The Board in discharging its functions shall act on sound principles of development, town planning and housing, and shall be guided on questions of policy by such directions as the \*[Federal Government] may from time to time give.

(3) If any question arises as to whether any matter is a matter of policy or not the decision of the \*[Federal Government] shall be final.

**6. Constitution of the Board.-** (1) The Board shall consist of not less than three members, to be appointed by the \*[Federal Government].

(2) The \*[Federal Government] shall appoint a Chairman, a Vice-Chairman and a Financial Adviser from amongst the members.

(3) The Chairman and other members shall hold office during the pleasure of the \*[Federal Government] and unless sooner removed the Chairman and the Financial Adviser shall hold office for a period of five years and other members shall hold office for a period of four years.

(4) Any person, ceasing to be Chairman, Vice-Chairman, or member of the Board, by reason of the expiry of the term of his office, shall be eligible for reappointment for another term or for such shorter term as the \*[Federal Government] may decide.

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

(6) The Chairman or any member may at any time resign:

Provided that his resignation shall not take effect until accepted by the \*[Federal Government].

**7. Remuneration and conditions of service.-** The Chairman and each member shall receive such salary and allowances and shall be subject to such conditions of service as may be determined by the \*[Federal Government].

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

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



- (a) is or, at any time, has been, convicted of an offence involving moral turpitude; or
- (b) is or, at any time, has been adjudicated insolvent; or
- (c) is found to be a lunatic or of unsound mind; or
- (d) is a minor; or
- (e) has a financial interest in any scheme or a conflicting interest directly or indirectly between his interests as a member and his private interests and has failed to disclose such interest in writing to the \* [Federal Government];
- <sup>1</sup>[(f) if he is for the time being disqualified for membership of any body established by or under any law for the time being in force of which the constituent members are wholly or partly chosen by means of election.]

**9. Duties and functions of Chairman and other members.-** (1) The Chairman and other members shall discharge such duties and perform such functions as are assigned to them by or under this Ordinance.

(2) Until the Board is duly constituted, the Chairman shall, subject to such directions as the \* [Federal Government] may from time to time give, exercise the powers, discharge the duties and perform the functions of the Board.

(3) The Vice-Chairman shall have such powers, duties and functions as may be delegated to him by the Chairman.

#### COMMENTS

**Directions for plantation and beautification.** The Chairman CDA is directed to ensure that CDA must perform its municipal functions and all the societies who have been granted permission for plantation and beautification be called upon to enter into an agreement with CDA, in which at least following details must reflect:—

- Location of the society and land owned by it.

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<sup>1</sup> Substituted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sch. II.

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

- Status, kind and measurement of land, being sought for plantation. To what extent, permission is accorded. Existing site plan and proposed site plan to be the part of the agreement.
- Images of land to be allowed for plantation and beautification.
- NOC from the authority under the Islamabad (Preservation of Landscape) Ordinance, 1966.
- Undertaking from the society that permission for plantation and beautification shall not create any right in it's favour.
- No construction to be allowed over piece of land in the name of beautification.
- Consideration against which such permission is accorded [2013 MLD 255].

**10. Headquarters of the Authority and meetings of the Board.-** (1) Until the Authority establishes its headquarters elsewhere within the Specified Areas, its headquarters shall be situated at Rawalpindi.

(2) The meetings of the Board shall be held at such times and places and in such manner as the regulations may provide:

Provided that until regulations are made in this behalf, the meetings of the Board shall be held as and when convened by the Chairman.

### CHAPTER III

#### POWERS AND DUTIES OF THE AUTHORITY

**11. Master-plan and master-programme.-** The Authority shall prepare a master-plan and a phased master-programme for the development of the Capital Site, and may prepare a similar plan and programme for the rest of the Specified Areas, and all such plans and programmes shall be submitted to the \* [Federal Government] for approval.

**12. Preparation of schemes by local bodies or agencies.-** (1) The Authority may, pursuant to the master-plan and the master-programme, call upon any local body or agency operating in the Specified Areas to prepare, in consultation with the Authority, a scheme or schemes in respect of matters ordinarily dealt with by such local body or agency, and thereupon the local body or agency shall be responsible for the preparation of the scheme or schemes within a reasonable time.

(2) Such schemes, may relate to—

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- (a) land use, zoning and land reservation;
  - (b) public buildings;
  - (c) industry;
  - (d) transportation and communications; highways, roads, streets, railways, aerodromes;
  - (e) telecommunications, including wireless, television, radio, telephone;
  - (f) utilization of water, power and other natural resources;
  - (g) community planning, housing, slum clearance, amelioration;
  - (h) community facilities including water supply, sewerage, drainage, sewage disposal, electricity supply, gas supply and other public utilities;
  - (i) preservation of objects or places of historical or scientific interest or natural beauty.

(3) The <sup>\*</sup>[Federal Government] may, by notification in the official Gazette, add to, alter or amend the list of subjects given in sub-section (2), and any such addition alteration or modification shall take effect as if it had been enacted in this Ordinance.

(4) The expenditure incurred on the preparation of any such schemes as aforesaid shall be borne as agreed to between the Authority and the local body or agency, and in the event of disagreement between them as may be determined by the <sup>\*</sup>[Federal Government].

<sup>1</sup>[(5) No planning or development scheme shall be prepared by any person or by any local body or agency except with the concurrence of the Authority.]

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<sup>\*</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>1</sup> Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.3.

## COMMENTS

## Synopsis

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|---|--------------------------------|
| 1. Lease of public park.  | 2. N.O.C.                      |
| 3. Establishing housing scheme by a private organization in a sector other than the one specific for such scheme. | 4. Grant of lease against law. |
| 5. Preparation of schemes.  | 6. Open bid.                   |
| 7. Violation of approved plan.  | 8. Change of purpose of land.  |
| 9. Conversion of playground for commercial use.   |                                |

**1. Lease of public park.** Contentions of the petitioner were that wherever, a Scheme under the provisions of Section 12 of the Capital Development Authority Ordinance, 1960 was prepared by the Authority, amenity plots including the plot for public park, playing field, graveyard and incidental open places, etc. were earmarked separately; that under Regulation 3 of the Islamabad Land Disposal Regulation, 1993 for the purpose of establishing Mini Golf Course on the public park, no permission was sought from the Federal Government nor objections were invited in this behalf in accordance with section 19 read with section 20 of the Capital Development Authority Ordinance, 1960; that the transaction of leasing the plot had been made by the Capital Development Authority with the private party without any lawful authority and jurisdiction, as such, in this manner the fundamental rights of general public enshrined in Articles 9 & 26 of the Constitution had been denied; that in a public park, citizens including children were not required to purchase tickets and once Mini Golf Course was established, the entry of general public would be obstructed in terms of imposing conditions, including purchase of tickets and to enjoy other amusement against payments and that Development Authority was committed to provide a public park for the residents of the sector concerned, which would be maintained by the Authority itself and could not be allowed to be converted into a commercial project by the third party in terms of Regulation 12(3) of Islamabad Land Disposal Regulation, 1993. Validity. Held, during the classification of the plots under Regulation 3 of Islamabad Land Disposal Regulation, 1993, if a piece of land had been earmarked for the purpose of Public Park, same could not be leased out and Capital Development Authority itself was bound to develop the same. Neither the permission was sought to convert the public park into the Mini Golf Course nor before doing so objections were invited from the general public in terms of Section 21, Capital Development Authority Ordinance, 1960. Production of original file/ documents with regard to the plot in question for purpose of examining the exact position of the lease and status of the plot by the Supreme Court was denied by the Capital Development Authority stating in writing that the same were not available and were being traced out and will be produced before the Court when the same were found out. Public park, if earmarked in a housing Scheme, created a right amongst the public and that right included their right of entry in the park without any obstacle, being fundamental right as enshrined in Article 26 read with Article 9 of the Constitution. Liberty of a person, to have access or utilize a right available to him, could not be taken away by converting such facility into commercial one, for the purpose of extending benefit to a third person, as in the present case, considerably a big plot of land measuring five acres, had been handed over to a third person at a throw away lease money, causing huge loss to the public exchequer, therefore, tax payers had a right to inquire from Capital Development Authority as to how a right of life and liberty could be denied to them. Facts of the case were admitted by the Capital Development Authority, no formal evidence therefore,

was required to prove the same. Deal between Capital Development Authority and the third person had not been made in a transparent manner, coupled with the fact that the lease of a public park had been given for 15 years at a rate of Rs. 2.55 million per annum, to be paid after about 20 months with clear delegated authority to the lessee that it could issue licence to the local or international parties for the purpose of providing amusement/ commercial activities etc. Such delegation to private person to watch its financial interests of the high degree would tantamount to depriving the Capital Development Authority as well as the public from their valuable rights, for whose benefits such Authority had been created and apparently such action had no legal sanctity. Law on the subject, on the other hand, was, that such parks were to be developed or to be maintained by the Capital Development Authority itself. Park was earmarked in the original Scheme of the sector, as it was meant for low income group, who were deprived of the benefits of having their own private gardens. Comparing to higher income groups, therefore, converting such parks for commercial activity with the collaboration of multinational companies, would deny the people rights guaranteed to them. Functionaries, exercising statutory power, like Capital Development Authority, were bound to discharge their functions strictly in accordance with law, otherwise the action contrary to law would not be sustainable and such Authority shall expose itself for disciplinary action. Without obtaining no objection certificate from the general public, such plot could not be used for any other purpose. Capital Development Authority, in such-like situation, if at all was interested to lease out the public park, instead of developing the same, might have invited fresh proposals instead of calling the third person to enhance the lease money because in granting contracts for the purpose of fetching money to support the public exchequer, the competent authority had an obligation to adopt such devices on the basis of which more money could be procured. Capital Development Authority as per record, was only interested to grant lease to the third party, mala fide. In concluding the transaction with the third party therefore, it was abundantly apparent on the record, that lease agreement with the said party was not transparent. Allowing the third party to avail benefit of the lease, in circumstances, would tantamount to perpetuate the unlawful/illegal acts of both Capital Development Authority and the third party. Constitutional petition was accepted by the Supreme Court with directions that lease agreement executed by Capital Development Authority for the development of Mini Golf Course was not sustainable in the eye of law, being contrary to law and fundamental rights of the general public, enshrined under Article 26 of the Constitution; that third party was to hand over vacant possession of the plot, lease of which had been obtained by him from the Capital Development Authority, within a period of four weeks, in its original condition. Subject to complying with the directions of the Court Capital Development Authority would refund Rs. 5 lacs to the third party deposited by it as security, that enquiry report shall be sent to the Registrar Supreme Court within three months for Court's perusal in Chambers and passing further order, if need be; that Board of the Capital Development Authority shall examine the case thoroughly to explore possibility of initiating disciplinary/penal action before the competent forum against the delinquent officers/officials, responsible for executing the lease with the third party, in view of the law laid down by Supreme Court in the case of Pervaiz Oliver PLD 1999 SC 26; that Board of Capital Development Authority will take steps to find out the relevant record of the park, and if record was not made available, then report shall be lodged before the competent law enforcing agency, according to law and that Capital Development Authority shall be free to develop the public park itself for the purpose of providing entertainment to the public of Islamabad, in discharge of duties under the law [PLD 2006 SC 394].

2. N.O.C. No Objection Certificate from Capital Development Authority not covering entire land sought to be acquired by Acquiring Agency. Validity. Not obligatory for Acquiring Agency under Section 12(5) of Capital Development Authority Ordinance, 1960 to obtain 'No-Objection

Certificate' from C.D.A. for every piece of land proposed to be acquired through notification from time to time, if aggregate of land was required for same comprehensive scheme [2004 YLR 629].

Acquisition of land in capital area by Army Welfare Trust for establishing housing scheme. Trust had obtained 60% land from landowners through private negotiations. Trust after lapse of original notification had issued fresh successive notifications to acquire remaining land not purchased earlier privately. No delay in acquisition proceedings, which could defeat or demolish acquisition process itself. Mention of only one village in "No-Objection Certificate" would make no difference. No-objection certificate issued by C.D.A. was in respect of whole scheme, which would cover all or any acquisition of land forming part and parcel of development scheme as a whole. Description of purpose in original notification as "defence purpose" and in later notifications as establishment of Housing Scheme for Army Personnel were not conflicting. Both purposes aimed at promotion of general welfare of defence personnel. Judicial notice could be taken of acute shortage of accommodation and rehabilitation facility for beneficiaries of Trust. High Court dismissed Constitutional petition [2004 YLR 629].

**3. Establishing housing scheme by a private organization in a sector other than the one specific for such scheme.** Housing Foundation was a registered company having senior Federal Government Officials as ex-officio office-bearers of the Foundation. Foundation acquired lands owned by the petitioners in public interest and notification under Sections 4 & 17(4) of Land Acquisition Act, 1894, was issued by the Government. Land so acquired was to be allotted only to the employees of Federal Government on ownership basis. Validity. Housing Foundation like such other companies could establish a housing scheme in the specified zone for its members but could not establish such scheme in the area of remaining residential sector. Housing Foundation could not be allowed to establish a private scheme in regular sectors for individuals interests of civil servants in violation of general policy as a special case and privilege. Housing Foundation without enlarging the purpose of acquisition of land to the general use for benefit of public-at-large, could neither establish such scheme out of the specified zone nor could use the machinery of law and Government for such purpose. Where acquisition of land for a Housing Scheme introduced by the respondent-Foundation was executed for benefit of public-at-large and was not confined to a limited class of persons, such scheme would definitely advance the spirit of the Constitution. High Court directed the Housing foundation to include certain categories of persons who could also be benefited from the scheme. When all categories of persons referred by High Court could be benefited from the acquisition of the land by the Housing Foundation, the acquisition could be for public purpose and the same would not be in violation of Article 24 of the Constitution as the same did not prevent establishment of housing colonies in public interest [2000 YLR 1711].

**4. Grant of lease against law.** Lease for establishment/construction of Multinational Food Chain by a private party; allotment of land to Nazriya Pakistan Council, a non-government organization, for constructing Aiwan-e-Quaid; grant of lease of land to a private party for establishing a Bowelling Alley and lease of land to Citizens Club in a public park by Capital Development Authority in violation of Capital Development Authority Ordinance, 1960, rules and regulations made thereunder and the Constitution. Supreme Court declared and held that establishment/construction of restaurant in the Park, was contrary to Article 18 of the Constitution read with Capital Development Authority Ordinance, 1960, consequently, Capital Development Authority was directed to cancel the lease of the lease-holder forthwith, put up the matter before the Capital Development Authority Board for converting cuisine pavilion area with dense vegetation into restaurant area, and then re-auction a site for setting up a food outlet therein, and seek approval from the Federal Government to the Master Plan as also the schemes prepared

thereunder, in accordance with the provisions of the Capital Development Authority Ordinance, 1960 and the other relevant rules and regulations. If the Capital Development Authority Board or the Federal Government declined to grant conversion of the cuisine pavilion into a site for construction of food restaurant, the existing superstructure raised shall be demolished by defunct lease holder at its cost within three months. Fresh applications shall be invited from the local as well as international food chains by inviting expression of interest, indicating the area, facilities, etc., and whosoever succeeds shall be entitled to set up a food outlet accordingly. If the existing lease-holder participated and succeeded in the auction, it shall continue with the business subject to fresh terms and conditions, without introducing in the business any third party, like specified group/group company, etc. If any other food chain succeeded, then the parties with the intervention of the Capital Development Authority shall negotiate the cost of the existing structure of present lessee's restaurant. Capital Development Authority shall forthwith cancel the allotment of land to Nazriya Pakistan Council, take over the premises along with facilities and place the matter before the Federal Government in the light of the MoU signed between the Ministry of Education and the Nazriya Pakistan Council so as to run affairs of Aiwan-e-Quaid smoothly and achieve the objects for which it was established, however, it would be for the Federal Government to allow representation to Nazriya Pakistan Council in the management committee, but complete administration of the premises shall rest with the Government. Bowling alley was transferred contrary to the terms of the licence; therefore, the occupants subjects to the rights of the original licence holder shall be given opportunity to get the same transferred in their name in accordance with law/guidelines issued by the Securities and Exchange Commission of Pakistan within a period of three months, failing which the licence shall be cancelled, the land shall be taken over by the Capital Development Authority and the occupants shall be directed to restore same to the position as it was prevailing before issuing the licence in favour of the enterprises. Construction of Citizens Club shall be completed as a huge amount of public money had been spent over it unauthorisedly and the building with other facilities shall be used for a project of public welfare. Supreme Court observed that perusal of the documents made available to the Court abundantly made it clear that the former Chairman of the Capital Development Authority, in violation of the Constitutional provisions, Capital Development Authority Ordinance, 1960 as well as other rules and regulations on the subject, granted lease for 33 years of government land at a very nominal lease money to a party in a non-transparent manner, undoubtedly, with the connivance of the other officials of the Capital Development Authority; therefore, they all deserved to be dealt with strictly for misconduct, departmentally as well as by instituting both civil and criminal actions against them, so that it may serve as a deterrent for like-minded persons, who discharge their duties/functions without adhering to the relevant provisions of the Constitution and the law. Such an action had become necessary with a view to avoiding in future violation of any provision of the Constitution and the law. Capital Development Authority through Establishment Division, Government of Pakistan was directed by Supreme Court to take action against the former Chairman Capital Development Authority for violation of the Constitution, the Capital Development Authority Ordinance, 1960, rules and regulations, the Chairman Capital Development Authority shall ensure implementation of direction of the Supreme Court through concerned functionaries of the Federal Government within a period of three months from the date of present judgment; he was also directed to ensure transparency in other projects of the Capital Development Authority and at the same time office files of Master Plan and preparation of schemes shall be maintained properly instated of showing helplessness to produce the record before the Court. Unconditional apology tendered by lessee was accepted by the Supreme Court because he himself volunteered for the same, however, he was warned to be careful in future and avoid scandalizing the courts. Present petitions having been considered involving public interest/general masses/citizens, thus no order was made as to costs [PLD 2010 SC 759].

**5. Preparation of schemes.** Capital Development Authority could not have extended the scope of section 12 by framing regulation and allowed preparation of schemes by the private organizations even with prior approval of the Federal Government. Such was something not envisaged by the Ordinance and something, not permitted by the statute and could not be allowed to be done by the subordinate legislation [PLD 2011 SC 619].

**6. Open bid.** Three parties had come forward out of which two did not submit the required proposals along with their bids, which depicted their non-seriousness in the matter. Only one party was left in the field, practically there was no competition. Authorities, in such a situation, instead of going for further advertisement of the tender, chose to be content with the one and the only party in the field and thus deprived of the advantages of competitive bidding. Such action of the authorities contravened the provisions of Article 18 of the Constitution and caused a great detriment to the public exchequer as well [PLD 2011 SC 619].

**7. Violation of approved plan.** The Capital Development Authority, under the Rules, is under obligation to take an action against the defaulter society for not completing/developing the scheme within time and for violation of the approved plans [PLD 2013 Isl. 49].

**8. Change of purpose of land.** There is no cavil to the proposition that land specified for a particular purpose cannot be used for any other purpose [PLD 2013 Isl. 49].

**9. Conversion of playground for commercial use.** Places like parks and playgrounds are necessary for healthy life and to convert such places to commercial use and residential purpose is an infringement of Fundamental Right guaranteed by the Constitution, more particularly Article 9. Capital Development Authority is bound to add facilities instead of shrinking the areas of playgrounds by carving out plots in the same. Places belonging to public at large are like trust which cast delicate duty upon the civic body to protect and preserve such properties. Allotment made in favour of allottees were cancelled [2013 CLC 1095].

**13. Preparation of schemes by Authority.-** The Authority may, pursuant to the master-programme, itself prepare, when it considers it desirable to do so in the public interest, schemes for the Specified Areas relating to the matters enumerated in sub-section (2) of section 12.

## COMMENTS

### Synopsis

1. Acquisition of land included in the master plan.
2. Master plan.
3. Regularization of non-compoundable violations.

**1. Acquisition of land included in the master plan.** Acquisition of land without preparing a scheme or disclosing the public purpose for which the land was acquired. Validity. Where the master plan had been prepared for the development of the capital site, the Authority, subject to the rights of people, could acquire the land under Capital Development Authority Ordinance, 1960, for the purpose of implementation of different schemes prepared thereunder. Capital Development



Authority in its discretion could not acquire any land in the specified area without preparing a scheme or disclosing the public purpose for which the land was to be acquired [1999 YLR 247].

Land of petitioner was acquired on the basis of its being shown in the master plan as an area for the National Park. No scheme of National Park had been prepared and defined anywhere and acquisition was made on the basis of mere earmarking of that area through a notification under Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979. Validity. Land in question was a private land, unless a proper scheme of National Park was prepared by the Central Government or the Capital Development Authority under Sections 11, 12, 13 & 14 of the Ordinance, partial acquisition of land in the name of National Park could not be justified [1999 YLR 247].

**2. Master plan.** Landowners had raised construction on their lands after getting approval of building plans from the Union Council. Capital Development Authority objected to such constructions and attempted to get the said constructions demolished on the pretext that master plan for the city of Islamabad was duly approved earmarking the lands in question as a national Park and Scheme. Capital Development Authority, though can earmark an area for a particular purpose in the master plan, but such a decision cannot be implemented unless a scheme as contemplated by Sections 12 & 13 of Capital Development Authority Ordinance, 1960 is prepared by the Authority. Authority has to take steps to acquire the land as provided by Chapter IV of the Ordinance before taking of any concrete steps for implementation of such Scheme. Without taking steps for acquisition of the property, action of Authority would be violative of the Constitutional rights of the landowners on account of restrictions placed on them to use their property in the manner they like. Supreme Court directed that Capital Development Authority will be entitled to initiate acquisition proceedings of the property in question or any other property after framing a proper scheme and if any other law authorises the Authority to regulate the construction of the buildings in the disputed area, it will be open to the Authority to take action according to law for enforcing the said law or regulations [1999 SCMR 2636].

**3. Regularization of non-compoundable violations.** In the absence of any legal instrument empowering the Capital Development Authority to take the kind of actions, the entire transaction from the beginning to the end would be illegal and unsustainable in law. Principles. [PLD 2010 SC 759].

**14. Manner and form, etc., of scheme.-** All schemes under section 12 and section 13 shall be prepared in such manner and form as the <sup>1</sup>[Federal Government] may specify, and shall contain among other things the following information, namely:—

- (a) description of the scheme and the manner of its execution;
- (b) estimate of costs and benefits;
- (c) allocation of costs to the various purposes to be served by the scheme.

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

**15. Power of the Authority.-** (1) Subject to the other provisions of this Ordinance and the rules, the Authority may take such measures and exercise such powers as may be necessary for the carrying out of the purposes of this Ordinance.

(2) Without prejudice to the generality of powers conferred by subsection (1), the Authority may—

- (i) acquire any land in the Specified Areas in accordance with the procedure laid down in Chapter IV;
- (ii) undertake any works in the Specified Areas in pursuance of any scheme prepared under section 13;
- (iii) incur any expenditure;
- (iv) procure plant, machinery, instruments and materials required for its use;
- (v) enter into and perform all such contracts as it may consider necessary;
- (vi) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other agency at the request of the Authority;
- (vii) issue interim development orders for areas for which a master-plan is under preparation and restrict or prohibit by general or special order any change in the use of land and alteration in buildings, structures and installations;
- (viii) cause removal of any works obstructing the execution of its schemes;
- (ix) seek and obtain advice and assistance for the preparation of any planning scheme or for the execution of any schemes from any local body or agency and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgement, and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority.

COMMENTS

**Power to enter into contract.** Section 15(2) (v) of the Capital Development Authority Ordinance, 1960 clearly empowers the Capital Development Authority to enter into the contract for purposes of the Capital Development Authority Ordinance, 1960 [PLD 2015 Isl. 36].

[1]

**16. Borrowing powers.-** (1) The Authority may, with the previous approval in writing of the [Federal Government], raise funds for the purpose or raising its working capital by issuing bonds and debentures carrying interest at such rates as may be approved by the [Federal Government].

(2) The repayment of the principal and the payment of interest due on the bonds and debentures issued by the Authority shall be guaranteed by the [Federal Government].

**17. Execution of schemes etc., through local bodies and agencies.-**  
(1) The Authority may require a local body or agency within whose jurisdiction any particular area covered by a scheme lies—

(a) to execute a scheme in consultation with the Authority;

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<sup>1</sup> Section 15A which was inserted by Act 22 of 1966 repealed by the Islamabad Local Government Act, 2015 (Act No. X of 2015), Section 132. Before repeal Section 15A was as under, namely:—

**“15A. Municipal functions.-** (1) During such period and for such areas within the Islamabad Capital Territory as the [Federal Government] may, by notification in the official Gazette, specify, the Authority may, notwithstanding anything contained in any other law for the time being in force, exercise, and perform such powers and functions as a Municipal Committee may exercise and perform in relation to a Municipality under the Municipal Administration Ordinance, 1960.

(2) For the purpose of sub-section (1), the provisions of sections 18, 33 to 73, 77 to 106, 109, 115 to 118 and 122 of the Municipal Administration Ordinance, 1960 (X of 1960), and the Second, Third and Fifth Schedules thereto shall, so far as may be, apply to the Islamabad Capital Territory as they apply to a municipality, references therein—

(a) to, or to the powers and functions of, the Controlling Authority being omitted; and

(b) to Municipal Committee and Government being construed respectively as references to the Authority and the [Federal Government].”

\* Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

- (b) to take over and maintain any of the works and services in that area;
- (c) to enforce regulations, on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme, or on the taking over or maintenance of any work, or the enforcement of regulations, under this section, shall be borne as may be agreed to between the Authority and the local body or agency, and, in the event of disagreement, as may be determined by the <sup>\*</sup>[Federal Government].

<sup>1</sup>[18. **Utilisation of building material.**- Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, no person shall, without the prior concurrence of the Authority, allocate, exploit or in any manner utilize, except for the purpose of his own personal use, such natural resources used as building material as the Authority may, by notification in the official Gazette, specify in this behalf.]

19. **Amendment of schemes.**- Any scheme prepared under section 12 or section 13 may at any time be amended or modified—

- (a) in cases where the amended or modified scheme should exceed the financial powers of the Authority, by the Authority with the previous approval in writing of the <sup>\*</sup>[Federal Government], and
- (b) in other cases, by the Authority <sup>2</sup>[.]

3\* \* \* \* \*

#### COMMENTS

##### Synopsis

1. Alteration or modification of scheme.
2. Construction of Citizens Club in public park.

**1. Alteration or modification of scheme.** Alteration or modification of sanctioned scheme is permissible in the manner prescribed by the relevant law [PLD 2010 SC 759].

<sup>\*</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>1</sup> Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.5, for section 18.

<sup>2</sup> Subs. *ibid.*, s.6, for colon.

<sup>3</sup> Proviso omitted *ibid.*

Appellant, an allottee/lessee of plot for setting up manufacturing cold storage had set up cold storage in his plot. Respondents allowed by Authority to set up/ construct cooling rooms in their basement of plots allotted to them. Appellant's claim was that respondents had no right to construct cooling units and that Authority was not competent to grant such permission. Appellant failed to point out his vested right to be the sole authorised person to set up the cold storage. Permission to respondents to set up cooling rooms for storage of their vegetables and fruits did not in any way hamper the use of appellant's storage plant. Authority, held, was empowered to prepare any scheme or phased scheme and could also amend or modify the same at any time. Authority had not given undertaking to appellant that no other cooling unit would be set up in the area. Factual position was that four other cold storage units were already functioning in the area. Appellant, thus could not claim monopoly of being the sole authorized person to set up such plant [1989 CLC 1532].

**2. Construction of Citizens Club in public park.** Master plan of said park showed that no residential building for lodging/boarding of the members of the Citizens Club could be constructed without approval of the competent authority and without taking into consideration the requirement of the public park. Revised Master Plan (1995), which envisaged establishment of a club, itself was not a legal document in absence of approval by the Federal Government in terms of section 19 of the Capital Development Authority Ordinance, 1960 and by the Capital Development Authority Board, therefore, no superstructure could be built upon it and no scheme prepared in pursuance thereof. Establishment of Citizens Club aimed at providing facilities to the elitist class alone and being not for the general masses for whom the park was primarily meant was not permissible. Huge amount having already been spent on the construction of said Citizens Club, Supreme Court directed that Capital Development Authority, with the approval of the Federal Government, instead of abandoning the project, may utilize the building and other facilities for any public welfare project like women university, medical/engineering college, science technology or Information Technology institution etc. Principles. [PLD 2010 SC 759].

**20. Removal, etc., of buildings after hearing.-** The Authority shall not order or cause any building in the Specified Areas, excluding the Capital Site, to be removed or demolished unless an opportunity of being heard has been given to the owner or occupier thereof, and his objections, if any, have been duly considered, and the Authority is satisfied that removal or demolition of the building is essential to the execution of its schemes.

#### COMMENTS

Construction of petition over the land owned by him was demolished and land was acquired without completion of legal formalities and without payment of compensation. Validity. Such construction could not have been demolished merely by issuing notice under Section 27(1) of the Ordinance. Residents of the area were not supposed to be dislocated without approval of a proper scheme and giving them reasonable opportunity to file objections thereto. Acquisition of land for a scheme without proper notice under section 27(1) of the Ordinance and the payment of compensation according to prevailing market value of land including the built up area as residential houses, was not legal. Non-preparation of any scheme and forcible dispossession and initiation of proceedings without compliance of legal formalities, rendered the action of the Capital Development Authority unlawful and all proceedings after such action were illegal [1999 YLR 247].

**21. Schemes to be executed after calling objections.-** The Authority shall not execute or cause to be executed any scheme in the Specified Areas, excluding the Capital Site, unless the persons whose rights and interests are thereby affected have been given a reasonable opportunity to file their objection to such execution, and the Authority has heard such of them as it considers necessary.

### COMMENTS

#### Synopsis

1. Setting up fruit and vegetable market.
2. Non-transparency in granting lease.

**1. Setting up fruit and vegetable market.** Amendment/modification of a scheme. Objections to amendment or modification of a scheme to be invited only in specified areas. Federal Government from time to time, by notification in the official Gazette could declare any part of the 'specified area' to be the site for the Capital under section 3. Fruit and Vegetable market not located in 'specified area'. Inviting of objections was thus not necessary for amendment and modification of such scheme. [1989 CLC 1532].

**2. Non-transparency in granting lease.** Setting up/opening a branch of a Multi-national Food Chain (fast food) in a public park by Capital Development Authority and interested parties were requested to express their interest and submit applications for pre-qualification with detailed technical proposals, area required terms and conditions, etc. Validity. Citizens/local chains were deprived to participate in the competition, therefore, action taken by the Chairman, Capital Development Authority was in violation of Article 18 of the Constitution. Right of trade/business or profession under Article 18 of the Constitution though was not an absolute right, but so long a trade or business was lawful, a citizen, who was eligible to carry out the business could not be deprived from undertaking the same. By inviting expression of interest from international food chains alone was not only a violation of Article 18 of the Constitution, but at the same time the Chairman, Capital Development Authority had allowed the international food chains to have monopoly, which, under clause (c) to the proviso to Article 18 of the Constitution was available to no one else except the Government. Park was only to be used for the purpose for which it had been established and not for running a business/trade; Judicial notice therefore, could be taken of the fact that such facilities in Park were used by general masses belonging to all walks of life, including citizens and children belonging to the families who were living below poverty line. Multi-national Food Chain was bound to earn profit as per its international standards, which was beyond the reach of an ordinary person comparing to a local restaurant providing food to the visitors of the Park at a cheaper rate. No transparency had been found in granting lease to the Multi-national Food Chain; there was no decision by the Capital Development Authority Board either, and exercising of accommodation the Multi-national Food Chain was undertaken on the basis of a chit issued under the signatures of the then Chairman of the Capital Development Authority. In the absence of any decision by the Capital Development Authority Board, the use of the restaurant by the masses was tantamount to defeating the object/purpose for which the public park had been established. Held, by no stretch of imagination, transaction in question was transparent, this was rather a shabby deal in violation of the Constitution and the law. Public functionaries were supposed to adhere to the principle of transparency in the performance of their duties and were not bound to carry out/implement any order which was not in accordance with

law, they were only obliged to carry out lawful orders of their superiors and if they were being pressurized to implement an illegal order, they should put on record their dissenting note. Deviation if of substance, could be corrected through constitutional jurisdiction [PLD 2010 SC 759].

## CHAPTER IV

### ACQUISITION OF LAND

**22. Liability to acquisition.-** All land within the Specified Areas shall be liable to acquisition at any time in accordance with the provisions of this Chapter.

#### COMMENTS

##### Synopsis

- |                                    |   |
|------------------------------------|---|
| 1. Powers of Authority.            | 2. Reasons for acquisition.   |
| 3. Acquisition for limited period. | 4. Boundaries of the capital area.  |
| 5. Land acquisition.               | 6. Powers of Capital Development Authority and jurisdiction of the Court. |

**1. Powers of Authority.** The powers of the Authority to acquire land within the specified areas are not unlimited. Any requisition within these areas must have a reasonable reference to the purpose of the Ordinance, and must be carried out strictly in accordance with its provisions [PLD 1972 SC 279].

**2. Reasons for acquisition.** It is not within the domain of a Court of law to analyse the sufficiency of the reasons which prevail with an Authority to acquire property, and if apparently the acquisition is for a public purpose, the Court will not interfere unless a question of mala fide is raised [PLD 1970 Lah. 821].

**3. Acquisition for limited period.** The fact that the public purpose for which the land is being acquired is for limited duration does not affect the powers of acquisition of the Auditor [PLD 1970 Lah. 821].

**4. Boundaries of the capital area.** Plea for inclusion of certain villages lying on the boundary between District Rawalpindi and Islamabad the capital territory. Validity. Boundaries which had already been settled in view of the acquisition of land under section 22, Capital Development Authority Ordinance, 1960 and Capital of the Republic (Determination of Area) Ordinance, 1963 and other relevant laws, could not be now altered without following the provisions of Article 239, Constitution of Pakistan and therefore any directive or notification requiring any change could not be enforced now. Petitioner, in his alternate plea stated that even with respect to the boundaries fixed and determined by law, he had an objection because these had not been correctly drawn physically on the site which had led to a lot of confusion and emphasized that boundaries were only made in the plans and in the papers. High Court, while disposing of the Constitutional petition observed that the Capital Development Authority and the District Coordination Officer of Rawalpindi should hold a meeting for determining a date for joint demarcation of the boundaries

in accordance with law and to effect the physical demarcation of the boundaries within a period of three months from the announcement of the judgment while submitting a compliance report to the High Court ensuring that the same reaches the High Court by the 1st of March, 2003 [PLD 2003 Lah. 55].

**5. Land acquisition.** Resumption of acquired land from company in event of its non-utilization for restoring the same to previous owners. Initiation of such proceedings under Rule 15 of Punjab Land Acquisition Rules, 1983 in respect of land within Islamabad Capital Territory. Notification No. 1/4/LXO/82, dated 19-1-1982 issued under Article 2 of Islamabad Capital Territory (Administration) Order, 1980 does not make applicable Punjab Land Acquisition Act, 1886 in its entirety in Islamabad Capital Territory. Punjab Land Acquisition Act, 1886, and Punjab Land Acquisition Rules, 1983 are not applicable to Islamabad Capital Territory, which is given distinct Constitutional status and is a separate area from the Province of the Punjab. Land Acquisition Act, 1894 is not a law applicable for purpose of acquisition within Islamabad Capital Territory. Compulsory acquisition of land within Islamabad Capital Territory is effected under Capital Development Authority Ordinance, 1960 and Land Acquisition Regulation, 1961. General Standing Order No. 28 issued under Land Acquisition Act, 1894 is not applicable in Islamabad Capital Territory premise for initiating proceeding under Punjab Land Acquisition Rules, 1983 by Chief Commissioner, Islamabad was not legally available [2004 CLC 145]. Government's power to acquire land for public good though unquestionable, such power generally to be exercised on payment of full compensation equal to market value of land [PLJ 1983 FSC 298].

**6. Powers of Capital Development Authority and jurisdiction of the Court.** Acquisition of land merely with the label of public purpose will not be enough to make acquisition of land under the Ordinance. Law does not give unfettered powers to the Authority to acquire any land at any time in the specified area. Acquisition must be in pursuance of some scheme approved by the Competent Authority. No restriction could be placed on the jurisdiction of the court to go into the question of legality of the acquisition of lands [1999 YLR 247].

**23. Entry upon land, preliminary survey, etc.-** (1) It shall be lawful for the Authority, and any member thereof, and for the Deputy Commissioner, and any such person as may either generally or specially be authorised by the Authority, in this behalf,—

- (a) to enter upon and survey and take levels of any land;
- (b) to dig or bore into the subsoil;
- (c) to do all other acts necessary to ascertain whether land is adapted for the purposes of this Ordinance;
- (d) to set out the boundaries of the land proposed to be acquired and the intended line of the work, if any, proposed to be made thereon;
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches; and



- (f) where it is necessary for the purposes of the survey, taking of levels or marking of line, to cut down and clear away any part of any standing crop, fence or jungle.

(2) No person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

**24. Compensation for damage.**- Where any damage is caused to any land in consequence of anything done in pursuance of section 23, there shall be paid compensation, the amount of which shall be determined in the manner and in accordance with the provisions hereinafter set out, that is to say,—

- (a) where the amount of compensation can be fixed by agreement, it shall be fixed in accordance with such agreement; and
- (b) where no such agreement can be reached, it shall be fixed by the Deputy Commissioner.

**25. Power to acquire land.**- (1) Subject to the other provisions of this Ordinance, the rules made thereunder, and the directions of the Authority, the Deputy Commissioner may, by order in writing, acquire any land for the purposes of this Ordinance.

(2) No order under sub-section (1) shall be issued except on the receipt by the Deputy Commissioner of specific directions from the Authority.

#### COMMENTS

##### Synopsis

1. Power of acquisition.
2. Mala fide acquisition.
3. Safeguard the ownership of land and proprietary rights of property.

**1. Power of acquisition.** Section 25 of the Ordinance gives the powers to acquire land. Section 25 has categorically provided that the land can be acquired for the purposes of the Ordinance subject to the other provisions of this Ordinance, the rules made there-under, and the directions of the Authority. This naturally takes back, inter alia, to the provisions of sections 11, 12, 13 and 14 of the Ordinance. Apart from the purpose of the Ordinance however, the acquisition under the Ordinance has to be made in pursuance of a scheme framed under the Ordinance [PLD 1972 SC 279]. Capital Development Authority in its discretion could not acquire any land in the specific

area without preparing a scheme or disclosing the public purpose for which the land was to be acquired [1999 YLR 247].

**2. Mala fide acquisition.** The Court would not uphold a mala fide acquisition. The acquisition was held to be mala fide in the following circumstances: (i) Different reasons were given at different times for the acquisition of property. (ii) The land was allegedly acquired for Presidential Secretariat but the Master Plan did not show that the land occupied by the property in dispute was earmarked for setting up the Presidential Secretariat; on the contrary the plan showed quite a different place, at a considerable distance from the property in dispute, as earmarked for setting up the Presidential Secretariat; (iii) No scheme appears to have been framed under the Ordinance which is applicable to the acquisition of the property in question; (iv) The scheme was produced at a very belated stage of the writ petition; (v) The acquisition of the property when it was already under requisition and in use for the same purpose; (vi) The unseemly hurry in the process of the acquisition [PLD 1972 SC 279].

**3. Safeguard the ownership of land and proprietary rights of property.** Authority had deprived the petitioner of such rights through urgent acquisition of land without any scheme and compensation to the petitioner. Validity. Authority had power to acquire the land but where the land of the petitioner was acquired without acquiring the land of the landowners in the same vicinity having the same effect on the Rawal Lake and falling in the same area, acquisition of the petitioner's land was unconstitutional in circumstances [1999 YLR 247].

**26. Land to be marked out, measured and planned.-** Where any land is proposed to be acquired under section 25, the Deputy Commissioner shall cause the land (unless it has been already marked out) to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

**27. Notice to persons interested.-** (1) The Deputy Commissioner shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the [Federal Government] intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Deputy Commissioner at a time and place therein mentioned (such time not being earlier than ten days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interest, and their objections, if any, to the measurements made under section 23, and the Deputy Commissioner may require any such statement to be made in writing and signed by the party or his agent.

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

(3) The Deputy Commissioner shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested.

### COMMENTS

#### Synopsis

1. Notice to party.
2. Permission for plantation and beautification of State-owned land.

**1. Notice to party.** The Act provides that notice of acquisition must be given to the party interested. The object of law is that the party may be heard and justice be done to him. Therefore where the party was not given notice by D.C. but was heard by Appellate Authority. It was held that even if the petitioner was not given a hearing at the initial stage, he was heard by the appellate authority and all his contentions were taken note of and the order of the Deputy Commissioner was modified and the rate of compensation was enhanced from Rs.76 to Rs.112. Therefore the principles of natural justice have sufficiently been complied with and the impugned order cannot be set aside for that reason alone [PLD 1968 Lah. 938=PLR 1968 (2) W.P. 432].

**2. Permission for plantation and beautification of State-owned land.** Petitioner was a Housing Society, and had obtained permission from Development Authority for plantation and beautification of land owned by the Authority. Said permission was subsequently withdrawn. Contention of the petitioner Housing Society was that a vested right had been created in their favour when said permission was granted, and prayed that withdrawal of the same be declared illegal. Validity. Executive functionaries being custodians of State land are bound to protect the same from invasions, misuse and encroachments, and if such executive functionaries failed to perform their duties, the presumption would be that they were privy to criminal acts. No mechanism existed through which permission for plantation and beautification were accorded and for ascertaining as to how much land should be handed over to societies and under what conditions and prescribed limits. High Court observed that such practices were adopted to open gates of corruption. Acts of the Housing Society constituted criminal offence or criminal breach of trust as State land was entrusted to the Society as a trustee, and the Society's management misappropriated and converted the same to its own use. No vested right accrued to the Society. No fundamental right of the Society had been infringed. Constitutional petition was dismissed, in circumstances [2013 MLD 255].

**28. Enquiry and award by Deputy Commissioner.-** On the day so fixed, or on any other day to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to the notice given under section 27, and into the market value of the land and into the respective interests of the persons claiming the compensation, and shall make an award of—

- (i) the true area of the land;

- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of such compensation among all the persons known or believed to be interested in the land of whom, or of whose claims, he has information, whether or not they have appeared before him.

#### COMMENTS

Dispute between the parties related to apportionment of compensation i.e. as to whom it was payable, Deputy Commissioner under Section 28(iii) of Ordinance is invested with powers to decide the question of apportionment of compensation amongst claimants and his order could be assailed under Section 36 of Ordinance before Commissioner, whose order would be final. Commissioner could not evade his responsibility to decide the question of apportionment of compensation between parties and shift the same to Civil Court. Civil Court had jurisdiction only to see, whether order was passed in accordance with the provisions of Ordinance or not [2001 YLR 2751].

**29. Compensation.-** Where any land is acquired under this Ordinance there shall be paid compensation, the amount of which shall be determined by the Deputy Commissioner who shall be guided by the provisions of section 30 and 31.

#### COMMENTS

##### Synopsis

1. Compensation at rates equal to that fixed for other similar land.
2. New plea in Supreme Court
3. Non-payment of compensation to the affectee.

**1. Compensation at rates equal to that fixed for other similar land.** Where petitioner's counsel urged Commission to award at least same rates of compensation as awarded by him in a specified case. Commissioner while accepting such plea, cannot be said to have acted without lawful authority by not adverting to an order neither placed before him nor relied upon [1981 SCMR 21=PLJ 1981 SC 198].

Compensation of market value to be assessed on value prevailing at time of acquisition and not to the notified value fixed in relation to time before such acquisition [PLD 1985 FSC. 221, PLJ 1983 FSC. 298].

**2. New plea in Supreme Court.** A plea which could have been raised before Commissioner but not raised before him cannot be raised for the first time before High Court. The plea was not allowed to be raised in Supreme Court [1981 SCMR 21=PLJ 1981 SC 198].

**3. Non-payment of compensation to the affectee.** Petitioner's land was acquired by Development Authority and it was stated in the Award that petitioner would be compensated vide allotment of a plot in his favour within a period of six months. Petitioner contended that despite lapse of two years, no compensation had been paid to him and prayed that Development Authority be directed to pay compensation to him. Development Authority contended that acquisition record had taken a long time to be prepared but was near completion. Validity. Development Authority's stance on the matter was feeble, ridiculous and a deception. High Court directed Development Authority to provide compensation to the petitioner for his acquired land along with all benefits which had already been extended to equally placed persons, within a period of one month. Constitutional petition was allowed, in circumstances [2013 YLR 295].

**30. Matters to be considered in determining compensation.-** (1) In determining the amount of compensation to be awarded for land acquired under this Ordinance the Deputy Commissioner shall take into consideration,

*first*, the market value of the land <sup>1</sup>[on the date of order of its acquisition made under section 25];

*secondly*, the damage sustained by the person interested, by reason of dispossession of any standing crops or trees which may be on the land;

*thirdly*, the damage, if any, sustained by the person interested at the time of taking possession of the land by reason of severing such land from his other land;

*fourthly*, the damage, if any, sustained by the persons interested at the time of taking possession of the land by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings; and

*fifthly*, if, in consequence of the acquisition of the land the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(2) In addition to the value of the land determined as aforesaid, the Deputy Commissioner shall in every case award a sum of fifteen per centum on such value in consideration of the compulsory nature of the acquisition.

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<sup>1</sup> Words added by the Capital Development Authority (Amdt.) Act, 1999 (III of 1999), s.3.

<sup>1</sup>[(3) In relation to land acquired on or after the first day of January, 1996, in addition to the value of the land determined as aforesaid, the Deputy Commissioner shall in every case award a sum of twenty per centum on such value in consideration of the compulsory nature of the acquisition.]

### COMMENTS

#### Synopsis

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|---|--|
| 1. Compensation-Factors to be considered.       | 2. Actual expenses incurred by owner are immaterial. |
| 3. Classified land.                             | 4. Potential value.                                  |
| 5. Loss of business.                            | 6. Unauthorised structures on land.                  |
| 7. Review of order of predecessor Commissioner. |  |

**1. Compensation-Factors to be considered.** Compensation for acquired land. Factors to be considered are: (1) market value of the land, (2) damage caused by reason of dispossession, besides the value of land so determined is to include 15% per annum of such value in consideration of compulsory nature of acquisition. In terms of section 31, these factors are not to be ignored while determining compensation [2002 SCJ 189; PLD 2002 SC 243]. The principles for fixing compensation may now be summed up as follows: (i) The Deputy Commissioner is first to determine and find out as to what is the classification of land acquired as recorded in the register of Haqdarán Zamin as in force on 1.1.1968, (ii) he is then to determine and find out as to what was the average market value thereof during the period 1.1.1954 to 31.12.1958. While so doing, it may be noticed, that the classification recorded in the Register of Haqdarán Zamin which was in force on 1.1.1968 has to be given retrospective effect and it is to be considered as if the classification of 1.1.1968 was in force during the period 1.1.1954 to 31.12.1958, (iii) to the average value so determined he is then to add 25% thereof; (iv) the aggregate so obtained by adding (ii) and (iii) will thus come out and constitute the "market value" of the land within the meaning of section 2(k) (ii) of the Ordinance, which the Deputy Commissioner in inter alia required to keep under consideration while awarding and assessing compensation under section 31; (v) the material date for compensation however is the date of acquisition and not any other date; (vi) that while compiling the compensation amount, the potential value of the land as on the acquisition day is not to be lost sight of and is to be duly taken into consideration for whatever worth it may be (see the deductions made while interpreting section 31 fourthly and other analogous provisions); (vii) he is also not to exclude from consideration the individual merits of a particular land acquired within the same classification to which that land belongs or in other words without affecting or changing the general classification of that land; (viii) as per section 3 of the Capital Development Authority (Amendment) Ordinance VII of 1968 any award of compensation made before the commencement of this Ordinance in respect of any land acquired on or after the first day of January, 1968, shall be modified so as to raise the amount of compensation specified therein to the amount which would have been awarded had the award been made after the commencement of this Ordinance [2002 SCJ 189; PLD 2002 SC 243; PLD 1977 Lah. 1200=PLJ 1977 Lah. 605]. It follow that where village C was situated 3-4 miles away from

<sup>1</sup> Sub-section (3) added by the Capital Development Authority (Amdt.) Act, 1999 (III of 1999), s.3.

village "B" and its land were nearer to urban area of "R" and were more valuable. Compensation assessed for village "C" cannot be awarded to petitioners [1982 SCMR 1136].

The law governing the award of compensation to the owners for the land acquired by the Authority requires that enquiry with regard to compensation is to be conducted in terms of section 20 of the Capital Development Authority Ordinance, 1960 read with para 6 of Land Acquisition Regulation, 1961, considering the true area of land; compensation in Commissioner's opinion to be allowed, and apportionment of such compensation among all the persons whose land is acquired considering their claim and information collected and produced keeping in view the factors as contained in sections 30 and 31 of the Ordinance. The factors which are to be considered are market value of land, damage caused by reason of dispossession besides the value of the land so determined is to include 15% per annum of such value in consideration of compulsory nature of acquisition. Factors mentioned in section 31 of the Ordinance are not to be ignored while determining compensation [PLD 2002 SC 243].

The law governing the award of compensation for the land acquired to the owners by the C.D.A. requires that enquiry with regard to compensation is to be conducted in terms of section 28 of the Ordinance read with para 6 of Land Acquisition Regulation, 1961 considering (i) the true area of land, (ii) compensation in his opinion to be allowed, and (iii) apportionment of such compensation among the all persons whose land is acquired considering their claim and information collected and produced keeping in view the factors as contained in sections 30 and 31 of the Ordinance. The factors which are to be considered (i) would be market value of land, (ii) damage caused by reason of dispossession besides the value of the land so determined is to include 15% per annum of such value in consideration of compulsory nature of acquisition. It may be noted that in terms of section 31 of the said Ordinance factors mentioned therein are not to be ignored while determining compensation [PLD 2002 SC 243]

**2. Actual expenses incurred by owner are immaterial.** In land acquisition proceedings compensation is to be awarded on the basis of market value as defined under section 2(k). The fact that actual expenses incurred by a party to acquire that land had come to an amount far beyond the compensation allowed, would not justify any increase in amount of compensation beyond that permitted by law [PLD 1968 Lah. 938=PLR 1968 (2) W.P. 342].

**3. Classified land:** Pegging of classification which is meant only for technical definition of the "market value" does not warrant that individual and exceptional merits of any particular piece of land within the same relevant classification can be ignored for compiling "compensation amount" when by so doing no change in that classification in any manner takes place [PLD 1977 Lah. 1200=PLJ 1977 Lah. 605]. In such cases it is no longer open to introduce the concept of improvements and improved conditions so as to change the classification. Such improvements, etc. which purport to change classification of the land for technical definition of "market value" and is not to affect individual merits of a particular piece of land while remaining within and without effecting or altering, its relevant classification for compiling "compensation amount" as distinct from technical market value as aforesaid [PLD 1977 Lah. 1200=PLJ 1977 Lah. 605].

**4. Potential value.** When determining compensation potential value of land must be considered, but it must be the potential value as it existed before acquisition took place. Post acquisition use of land cannot be considered [PLD 1977 Lah. 1200].

**5. Loss of business.** When the land acquired was being used as a brick kiln by its lessee and the lessee claimed compensation for loss of business. The Court ordered that compensation be paid to the lessee for loss of his business [PLD 1977 Lah. 843=PLJ 1977 Lah. 481].

**6. Unauthorized structures on land.** Where unauthorized structures raised by the lessee of the land are also acquired by the C.D.A. alongwith the land, lessee is entitled to compensation for them, because even if they are unauthorized vis-a-vis the lessor, the Capital Development Authority cannot get them free of cost and vis-a-vis the Capital Development Authority the said constructions/ additions belong the lessee and if they are to be taken over, compensation for the same shall have to be paid to the lessee [PLD 1977 Lah. 843=PLJ 1977 Lah. 481].

**7. Review of order of predecessor Commissioner.** Owners of land were entitled to be awarded just and equitable compensation, but the Commissioner had neither considered relevant provisions of law for assessment of market value and compensation nor had followed the guidelines laid down by Supreme Court and High Court though binding upon him in view of Article 189 of Constitution nor had taken note of use of land on the date of acquisition nor its potential value nor market value classification-wise nor had considered the compensation awarded earlier by the Authority in respect of similar land in the same vicinity. Compensation awarded earlier by predecessor Commissioner in terms of Sections 2(k), 30 & 31 of the Ordinance and guidelines of Supreme Court and High Court could not be said to be in violation of law liable to be interfered with in exercise of review jurisdiction. Successor Commissioner, in absence of discovery of new and important matter or evidence or error apparent on the face of record or any other sufficient cause could not review a legal and proper order of his predecessor. Supreme Court dismissed the appeal of the Authority holding that High Court was justified in restoring the order of predecessor Commissioner after setting aside the order of his successor [PLD 2002 SC 243].

**31. Factors to be ignored in determining compensation.-** In determining compensation as aforesaid, the Deputy Commissioner shall not take into consideration—

*first*, the degree of urgency which has led to the acquisition;

*secondly*, any disinclination of the person interested to part with the land acquired;

*thirdly*, any damage sustained by him which, if caused by a private person would not render such person liable to a suit;

*fourthly*, any increase likely to accrue to the value of the land acquired from the use to which such land will be put on acquisition; and

*fifthly*, any increase likely to accrue to the value of the other land of the person interested from the use to which the land acquired will be put.



**32. Vesting of land in the Authority.-** Immediately on the making of the award under section 28, the land shall vest in the Authority free from all encumbrances <sup>1</sup>[and thereupon the Deputy Commissioner may, after giving reasonable notice to the occupier, enter upon and take possession of the same].

<sup>2</sup>**[32A. Payment of additional compensation.-** When the amount of the compensation determined under section 29 and sub-section (3) of section 30 is not paid or deposited with the Deputy Commissioner on or before taking possession of the land, the Deputy Commissioner shall, in addition to such compensation, pay additional compensation computed at the rate of eight per centum per annum on such compensation from the time of so taking the possession until it has been so paid or deposited.]

**33. Acquisition in cases of urgency.-** In cases of urgency, the Deputy Commissioner may immediately after the publication of the notice mentioned in sub-section (1) of section 27 enter upon and taken possession of the land which shall thereupon vest absolutely in the <sup>3</sup>[Authority] free from all encumbrances:

Provided that the Deputy Commissioner shall not take possession of any building or part of building under this section without giving to the occupier thereof at least twenty-four hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

<sup>4</sup>**[33A. Temporary occupation and use of land.-** (1) Where the Authority requires any land for temporary occupation and use for the purposes of this Ordinance for a period not exceeding five years, it may direct the Deputy Commissioner to take possession of the land in accordance with the provisions of this section for such occupation and use.

(2) Upon a direction under sub-section (1) in respect of any land, the Deputy Commissioner shall give the persons having interest in the land notice in writing of his intention to take possession of the same for the purpose and period specified therein calling upon such persons to submit within ten days of the receipt of the notice written statements describing the nature and extent of their interest in such land.

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<sup>1</sup> Added by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.7.

<sup>2</sup> Added by the Capital Development Authority (Amdt.) Act, 1999 (III of 1999), s.4.

<sup>3</sup> Subs. by the Capital Development Authority (Admt.) Act, 1966, (22 of 1966), s. 8 for "Central Government".

<sup>4</sup> Section 33A and 33B ins. *ibid.*, s.9.

(3) The Deputy Commissioner shall, after giving the person having interest in the land an opportunity of being heard, determine the amount of compensation payable for the temporary occupation and use of the land at the rate at which it was rented during the preceding agricultural year and, if it was not so rented, at such rate as he may consider fair and equitable, and make an award specifying—

- (a) the area and description of the land;
- (b) the purpose and the period for which the land is required;
- (c) the amount of compensation and shares therein of the persons, if there be more than one, entitled thereto; and
- (d) the mode of payment of compensation.

(4) After making an award under sub-section (3) in respect of any land, the Deputy Commissioner may enter upon and take possession of such land for the purpose and the period specified in the notice under sub-section (2).

(5) If it appears that as a result of the occupation and use as aforesaid any land proposed to be taken possession of under this section is likely to be permanently unfit for the use for which it is for the time being used and the owner applies for its acquisition under this Ordinance, the Deputy Commissioner shall report the fact to the Authority and shall, if the Authority so direct,—

- (a) acquire the land under this Ordinance; or
- (b) assess the damage likely to be caused to the land and make an award for reasonable compensation for such damage; or
- (c) terminate the proceedings for taking possession of the land.

**33B. Payment of compensation to persons under disability and heirs of deceased persons.-** (1) If any person entitled to the payment of any compensation under this Ordinance is a minor, or of unsound mind, or under some other legal disability to receive payment, the Deputy Commissioner may by order direct that the payment of such compensation shall be made to the person applying for it on behalf of the person entitled thereto, if the Deputy Commissioner, after making such enquiry as he may deem fit, is satisfied that the person so applying is the proper person to receive payment for the benefit of the person entitled to compensation.

(2) Where a person entitled to receive compensation under the Ordinance dies after the making of an award, the Deputy Commissioner may, to provide relief in suitable cases, on the application of the heirs or legal representatives of such person and after holding an enquiry into the title of the applicants, direct, that compensation shall be paid to the applicants on such terms and conditions as the Deputy Commissioner may deem fit to impose.

(3) Any payment made under sub-section (1) or sub-section (2) shall afford full indemnity to the Authority for the payment made but shall not affect the liability of the person who has received the payment to account therefor to the person lawfully entitled thereto.]

**34. Power of Deputy Commissioner to call for information.-** With a view to acquiring any land or determining any compensation therefor or to carrying out any other purpose of this Ordinance, the Deputy Commissioner may—

- (a) require any person, by order in writing, to furnish such information in his possession relating to any land as may be specified in the order;
- (b) enter or authorize any person to enter upon any land and take such action as may be necessary.

**35. Power of Authority to give directions to Deputy Commissioner.-** The Authority may give direction to the Deputy Commissioner as respects the exercise of his powers and the discharge of his functions under this Chapter and the Deputy Commissioner shall be guided by, and act in accordance with, such directions.

#### COMMENTS

**Authority to issue directions.** Capital Development Authority could issue directions only in consonance with and subordinate to other provisions of Ordinance and not *ultra vires* of them. Nothing in section 28 read with section 2(k) or in any other provision of Ordinance warrants conclusion of Deputy Commissioner being not required to award compensation according to existing classification of land on date of expropriation of owner. Directions issued by Authority under section 35 to ignore *bona fide* improvements made after 1958 but before acquisition, held, *ultra vires*. Amendments subsequently introduced into section 2(k) by amending Ordinance VII of 1968, held further, had no effect on land acquired before 1-2-1968 [PLD 1976 SC 752].

<sup>1</sup>[36. **Appeal and review.**- (1) The Authority or any person aggrieved by an award or final order of the Deputy Commissioner may, within fifteen days of such award or order, appeal to the Commissioner.

(2) The Commissioner may, after giving the Authority and the persons affected by the award or order appealed against an opportunity of submitting any objection to the appeal and of being heard, pass such orders thereon as he may think fit.

(3) The Deputy Commissioner or the Commissioner, either of his own motion or on an application made in this behalf, at any time within five years from the date of an award or order made or passed by himself or by any of his predecessors in office, including an award or order made or passed before the commencement of the Capital Development Authority (Amendment) Act, 1966, may, after giving the parties concerned a notice and an opportunity of being heard, review the award or order and pass such order thereon as he may deem fit:

Provided that an order under this sub-section shall not, except in so far as it corrects an arithmetical, clerical or patent error or mistake in the award or order under review, enhance the amount of compensation awarded.

(4) Any amount paid to any person which is found, for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award or order, as reviewed under sub-section (3), shall be recoverable by the Authority and the Deputy Commissioner shall call upon such person to refund it.

(5) Subject to the provision of sub-section (3), the order of the Commissioner passed on any appeal shall be final and shall not be called in question in any court.]

#### COMMENTS

##### Synopsis

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|---------------------------------|---|
| 1. Review after appeal is filed | 2. Miscellaneous petition if may be converted into Constitutional petition. |
| 3. Review proceedings.          | 4. Contempt of Court.   |
| 5. Constitutional petition.     | 6. Jurisdiction of Commissioner to review order more than once.             |

<sup>1</sup> Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.10, for section 36.

**1. Review after appeal is filed.** Where the C.D.A. filed a review petition before the Deputy Commissioner himself after his award had been challenged in appeal by the land-owners. It was held: that it was clearly not open to the Deputy Commissioner to proceed to review his own order during the pendency of the appeal before the superior officer; nor could the Deputy Commissioner alter the award in review after the appeal had been decided by the Commissioner [1973 SCMR 145].

**2. Miscellaneous petition if may be converted into Constitutional petition.** Conversion of proceeding of one kind into another lies within the discretion of the Court. If the High Court was satisfied that circumstances of the case justified conversion of miscellaneous application filed by respondents in a disposed of case into proceedings under Article 199 of the Constitution of Pakistan there was no legal bar to such conversion of the proceedings [1994 SCMR 771=NLR 1994 SCJ 372].

**3. Review proceedings.** Dispute regarding acquisition of land was finally decided by Supreme Court and direction was issued to the authorities to pay compensation to affectees. Authorities had paid compensation to some of the affectees, when all of a sudden Deputy Commissioner, Capital Development Authority, initiated suo motu review proceedings under section 36(3) of Capital Development Authority Ordinance, 1960, and excluded the names of certain landowners. Respondent/Commissioner Capital Development Authority, allowed appeal filed by aggrieved landowners and set aside the order passed under suo motu powers by Deputy Commissioner. Validity. After receiving the reports, Deputy Commissioner, a functionary under Capital Development Authority Ordinance, 1960, himself visited the site and inspected existence of houses and structures and thereafter according to the policy of Capital Development Authority, affectees opted to remove Malba of buildings subject to deduction of 15% of the value of houses. After the observations of Supreme Court, Authorities had acted with mala fide intention to further delay legitimate payment of compensation which was not justified on any legal or moral ground. When the awards were adjudged valid and proper by Supreme Court, the Deputy Commissioner, Capital Development Authority was not empowered to exclude names of affectees from the award while exercising powers of suo motu review. High Court in exercise of Constitutional jurisdiction, declined to interfere with the order passed by respondent/Commissioner Capital Development Authority. Petition was dismissed in circumstances [2008 CLC 1530].

**4. Contempt of Court.** Commissioner reviewed the order of his predecessor on the ground that Supreme Court had misinterpreted the law, which misinterpretation would not be shared by him, thus, calling it as mistake patent on the face of record. Successor Commissioner by such observations had showed disrespect to decisions of Supreme Court and High Court, which prima facie would amount to contempt of Supreme Court warranting legal consequences. Notice was issued to Commissioner to show cause as to why proceedings under Article 204 of Constitution read with Sections 3 & 4 of Contempt of Court Act, 1976, be not initiated against him for showing his wilful disobedience and disrespect to the dignity and decorum of Supreme Court and High Court in violation of such provisions [PLD 2002 SC 243].

Commissioner, Capital Development Authority while disposing of a revision petition under section 36 of the Capital Development Authority Ordinance, 1960, had differed in his judgment with the interpretation placed by the High Court and the Supreme Court on Sections 2(k), 30 & 31 of the said Ordinance in the judgments reported in *Sardar Begum and other v. the Capital Development Authority and others* PLD 1977 Lah. 1200 and *Muhammad Younus and others v. Capital Development Authority and others* PLD 1976 SC 752 by using intemperate language. Was

obligatory on the Commissioner to follow the said reported judgments in letter and spirit in terms of Article 189 of the Constitution. Although the Administrative Functionaries did not enjoy judicial powers but when they were required to pronounce a judicial decision in judicial proceedings instituted before them, they were bound by the judgments of the superior Courts as if they were functioning as a judicial forum having powers of Court to the extent of the decisions of the cases required to be made by them judiciously. Commissioner, therefore, had no lawful authority to differ with the law laid down in the reported judgments and by not following the same he had made himself liable for contempt of Court because while disagreeing with the principles laid down therein he had used intemperate language. Respondent had tendered unqualified apology for his action and had also placed himself at the mercy of the Court. Perusal of the order passed by the Commissioner way back in 1983, however, indicated that he had not differed with the judgments quoted before him with mala fide intention but on account of non-understanding of judicial principles pertaining to apply the judgments of the superior Courts. Supreme Court, therefore, had extended to the respondent the benefit of such extenuating circumstances and did not exercise jurisdiction of contempt of Court as provided under Article 204 of the Constitution. Showcause notice issued to the respondent/Commissioner was discharged accordingly with a warning to him that in future he should remain careful while interpreting judgments passed by the superior Courts, and if he repeated such conduct he would be dealt with strictly without showing any leniency to him [PLD 2002 SC 399].

**5. Constitutional petition.** Remedy of appeal available but such remedy was not exhaustive and thus not suitable. Effect. Where petitioner had challenged the very acquisition of land to be illegal and was not claiming the enhancement of compensation, the provisions of Section 36 of the Ordinance was not a remedy being not exhaustive. Constitutional petition was, therefore, maintainable [1999 YLR 247].

**6. Jurisdiction of Commissioner to review order more than once.** Commissioner, after deciding the earlier review application allowed another review application. Validity. Where Commissioner had passed an order on appeal, there arose right of review to any of the parties or a power vesting in the Commissioner himself to suo motu review the order so passed in appeal. Once such power had been exhausted either suo motu or on an application, the order in appeal would become final. Second review was not competent and the Commissioner acted without lawful authority in entertaining and allowing the same. Order passed by the Commissioner in second review application was without lawful authority and the same was set aside. Constitutional petition was allowed in circumstances [2002 YLR 1059].

<sup>1</sup>[36A. Deputy Commissioner and Commissioner to have powers of civil court, etc.- (1) The Deputy Commissioner making any enquiry, or conducting any proceedings for an award under this Ordinance, or the Commissioner hearing an appeal or holding a review under section 36, shall have the same powers in respect of the following matters as are vested in a civil court, when trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908), namely:—

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<sup>1</sup> Sections 36A and 36B ins. by the Capital Development Authority (Amdt.) Act, 1966, s. 11.

- (a) summoning and enforcing attendance of any person and examining him on oath or affirmation;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any record from any court or office;
- (d) issuing commissions for examination of witnesses, inspection of property or making any local investigations;
- (e) appointing guardian *ad litem* or next friends;
- (f) adding or substituting representatives of deceased parties to proceedings
- (g) adding or dropping parties from pending proceedings;
- (h) restoration of cases dismissed for default;
- (i) consolidating and splitting up cases; and
- (j) any other matter connected with the holding of an inquiry or hearing of an appeal.

(2) The Deputy Commissioner or the Commissioner exercising powers under this Ordinance shall be deemed to be a court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and a proceeding before him shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

**36B. Fees on applications.-** The Authority may prescribe fees on applications made to it.]

## CHAPTER V

### ESTABLISHMENT

**37. Appointment of officers and servants, etc.-** (1) The Authority may, from time to time, appoint such officers, servants, experts or consultants as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit:

Provided that salaried officers and servants whose remuneration exceeds two thousand and five hundred rupees per mensem shall not be appointed except with the previous approval in writing of the <sup>1</sup>[Federal Government].

(2) Subject to the proviso to sub-section (1), the Chairman may, in cases of urgency, appoint such officers, servants, experts or consultants and on such terms and conditions as he deems fit:

Provided that every appointment made under this sub-section shall be reported to the Authority without unreasonable delay.

**38. Recruitment conditions of service and disciplinary powers.-** The Authority shall lay down the procedure for the appointment of its officers, servants, experts and consultants, and the terms and conditions of their service including the constitution and management of provident fund for them, and shall be competent to take disciplinary action against them.

#### COMMENTS

Notwithstanding pre-emptory language of section 38, appointment etc. held could be made without framing regulations. Requirements of section 38, held further directory rather than mandatory [PLD 1979 Lah. 803].

**39. Members, officers, experts – public servants.-** The Chairman, members, officers, servants, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

**40. Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the Authority, the Chairman, any member, officer, servant, expert or consultant of the Authority in respect of anything done or intended to be done, in good faith under this Ordinance.

**41. Delegation of powers to Chairman, etc.-** The Authority may, by general or special order, delegate to the Chairman, or a member, or an officer of the Authority, any of its powers, duties or functions under this Ordinance, subject to such conditions as it may think fit to impose.

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



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CHAPTER VI

FINANCE

**42. Capital Development Authority Fund.-** (1) There shall be formed a fund to be known as the "Capital Development Authority Fund" which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with its functions under this Ordinance including the payment of salaries and other remuneration to the Chairman, members, officers, servants, experts, and consultants of the Authority.

(2) To the credit of Capital Development Authority Fund shall be placed,—

- (a) grants made by the \*[Federal Government];
- (b) loans obtained from the \*[Federal Government];
- (c) grants made by local bodies;
- (d) sale proceeds of movable and immovable property and receipts for services rendered;
- (e) loans obtained by the Authority with the special or general sanction of the \*[Federal Government];
- (f) foreign aid and loans obtained from the International Bank of Reconstruction and Development or from any other source outside Pakistan, with the sanction of, and on such terms as may be approved by, the \*[Federal Government]; and
- (g) all other sums receivable by the Authority.

**43. Budget.-** (1) In the month of February each year the Authority shall submit to the \*[Federal Government] for approval a statement of the estimated receipts and expenditure in rupees in respect of the next financial year.

(2) In the manner prescribed by the \*[Federal Government] the Authority shall also submit to the \*[Federal Government] for approval a statement

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

of the estimated receipts and expenditure in foreign exchange in respect of the next financial year.

(3) The Authority shall obtain specific sanction of the \* [Federal Government] in respect of each individual scheme costing rupees twenty-five lacs or more to be financed out of the Capital Development Authority Fund.

**44. Audit and accounts.-** (1) The accounts of the Authority shall be audited by not less than two auditors holding certificates under section 144 of the Companies Act, 1913 (VII of 1913), who shall be appointed by the \* [Federal Government], in consultation with the <sup>1</sup> [Auditor General] of Pakistan (hereinafter referred to as the Auditor-General) on such remuneration, to be paid by the Authority, as the \* [Federal Government] may fix, and the Auditor-General shall have the power to give directions to the auditors in regard to the extent and method of their audit subject to the provisions of the Companies Act, and to prescribe the forms of accounts to be maintained by the Authority consistent with the requirements of this Ordinance.

(2) Notwithstanding the provisions of the preceding sub-section, the Auditor-General, may either of his own motion or upon a request received in this behalf from the \* [Federal Government], undertake such audit of the accounts of the Authority at such time as may be considered necessary, and the Authority shall, at the time of such audit, produce the account books and connected documents at such place or places as the Auditor-General may fix, and furnish such explanations and information as the Auditor-General or an officer or officers authorized by him in this behalf may ask for.

(3) Every auditor appointed under sub-section (1) shall be given a copy of annual balance-sheet of the Authority, and shall examine it together with the accounts and vouchers relating thereto, and shall have a list delivered to him of all books kept by the Authority, and shall at all reasonable times have access to the books, accounts and other documents of the Authority, and may in relation to such accounts examine any member or officer of the Authority.

(4) The auditors shall report to the \* [Federal Government] upon the annual balance-sheet and accounts and in their report they shall state whether in their opinion the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct

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

<sup>1</sup> Substituted by Federal Adaptation of Laws Order, 1975 (Order No. 4 of 1975), for "Controller and Auditor General".

view of the state of the Authority's affairs, and in case they have called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(5) The \* [Federal Government] may at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Authority for the protection of the interests of the [Federal Government] and of the creditors of the Authority or upon the sufficiency of their procedure in auditing the affairs of the authority, and may at any time enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted or that any other examination be made by the auditor if in its opinion the public interest so requires.

(6) The Authority shall comply with every direction issued by the \* [Federal Government] for the rectification of matters objected to in audit.

**45. Consultation with the Financial Adviser.-** Save as provided in the rules or regulations, the Financial Adviser shall be consulted on every proposal of expenditure.

## CHAPTER VII

### PENALTY AND PROCEDURE

**46. Penalty.-** Whoever contravenes any provision of this Ordinance or of any rules or regulations made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment which may extend to six months or fine or with both.

<sup>1</sup>**[46A. Causing damage to property.-** Whoever wilfully causes damage or allows damage to be caused to any property which vests in the Authority or unlawfully converts it to his own use or to that of any other person shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

**46B. Disobedience of orders.-** Whoever, without lawful excuse, fails or refuses to comply with any direction or order issued by the Authority under this Ordinance shall be guilty of an offence punishable under section 46.

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

<sup>1</sup> Sections 46A to 46D ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966).

**46C. Attempts and abetments.-** Whoever attempts to commit or abets the commission of an offence punishable under this Ordinance shall be deemed to have committed that offence.

**46D. Summary trial of offences.-** Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may, if such Magistrate or Bench of Magistrates thinks fit, on application being made in this behalf by the prosecution, try any offence punishable under this Ordinance in accordance with the provisions contained in sections 262 to 265 of the said Code.]

**47. Cognizance of offences by Courts.-** No court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Authority or by an officer authorized for the purpose by the Authority.

## CHAPTER VIII

### MISCELLANEOUS

**48. Submission of yearly reports and returns, etc.-** (1) The Authority shall submit to the \*[Federal Government], as soon as possible after the end of every financial year but before the last day of December next following, a report on the conduct of its affairs for that year.

(2) The \*[Federal Government] may, after giving sufficient notice to the Authority, require it to furnish the Government with—

- (i) any return, statement, estimate, statistics, or other information regarding any matter under the control of the Authority, or
- (ii) a report on any subject with which the Authority is concerned, or
- (iii) a copy of any document in the charge of the Authority;

and the Authority shall comply with every such requisition.

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

**49. Power to dispose of land.-** The Authority may retain, or may lease, sell, exchange, rent or otherwise dispose of any land vested in it.

**COMMENTS**

**Synopsis**

1. Minister's powers qua allotment of property.
2. Allotment of plots by prime Minister from his discretionary quota.
3. Constitutional jurisdiction of High Court.
4. Allotment of public property to parliamentarians at Islamabad.
5. Allotment of land/plot in Capital Area.

**1. Minister's powers qua allotment of property.** Capital Development Authority having perpetual succession and a common seal, a Corporation with independent authority and existence CDA Ordinance, 1960 vests Authority with independent power of preparation of master plan, master programme, schemes, and power of management. No such powers conferred by Ordinance on Minister Incharge. Minister, held, devoid of powers to allot property vesting in Authority [1979 CLC 502].

**2. Allotment of plots by prime Minister from his discretionary quota.** Paragraphs 15(i)(6); 15(ii)(7) and 15(ii-a) of Land Disposal in Islamabad Regulation, 1988 having been amended by Notification dated 19-5-1993 which was not published in the official Gazette were ultra vires of the Capital Development Authority Ordinance, 1960 as said paragraphs were beyond the scope of the said Ordinance for Prime Minister did not figure in the Ordinance in any capacity. Capital Development Authority, itself, could not exercise any discretion under paras, 18(c) & 19(b) (iii) of the said Regulations for these provisions were also ultra vires of the Ordinance and thus were liable to be struck down alongwith paras 15(i)(6), 15(ii)(7) and 15(ii-a) of the Regulations. Plots so allotted therefore stood reverted to the Capital Development Authority which was directed to take action in that behalf as ordered by the High Court [PLD 1993 Lah. 855].

**3. Constitutional jurisdiction of High Court.** High Court has ample jurisdiction to look into the allotment of plots by the Prime Minister of Pakistan in various Housing Schemes of the Capital Development Authority from their discretionary quota [PLD 1993 Lah. 855].

**4. Allotment of public property to Parliamentarians at Islamabad.** Law presumes that an act was bona fide unless same was shown to have been taken with mala fide intention. Mala fides cannot be presumed but has to be proved. If reservation of plots in Development Schemes for other groups or class of people, in particular Advocates to which class petitioner belongs was not objected to and has been treated to be justifiable act, there was no reason to object to reservation of same to other class of people in the same manner. No interference in reservation of plots for Parliamentarians was warranted in circumstances [1996 CLC 1987].

**5. Allotment of land/plot in Capital Area.** Lands/plots within limits of Capital Area of Islamabad is governed by Capital Development Authority Ordinance, 1960 and Rules and Regulations framed thereunder. Statutory Rules and Regulations as regards transfer etc. of State land, in terms of Articles 260(c) & 268(7) of the Constitution have been declared to be the law for purpose of Article 173(5) of the Constitution. Law, therefore, exists for dealing with State land within limits of Capital Area of Islamabad [1996 CLC 1987].

<sup>1</sup>[49A. Recovery of dues, etc.- Any sum due to the Authority from, or any sum wrongly paid to, any person under this Ordinance shall be recoverable as arrears of land revenue.

#### COMMENTS

**Sum due to Authority.** Actual amount due disputed. Held, same cannot be said to be sum due, unless settled in accordance with law [1979 CLC 565].

**49B. Summary ejectment of unauthorised occupants.-** The Deputy Commissioner or any person authorised by him or the Authority in this behalf may, after giving fifteen days notice, summarily eject any person in unauthorised occupation of any land or property vested in the Authority and may, for such ejectment, use such force including police force as may be necessary.

#### COMMENTS

**Eviction of lease.** Plot given by Capital Development Authority to Staff Welfare Committee for welfare purposes. Lease of plot by Committee in favour of petitioner for a fixed term. Eviction of petitioner from plot by Authority after expiry of lease while matter of renewal of lease was under process. Petitioner alleged such eviction to be illegal as lessor of plot was Committee, which was a separate body from Authority and thus, such lease was outside purview of Capital Development Authority Ordinance, 1960. Validity. Committee was not alien to Authority, but was its competent. Authority had delegated certain powers to Committee to deal with plot and use its funds for purposes of welfare of staff. Apprehension was that Authority under political influence would lease out plot surreptitiously to someone else. High Court disposed of constitutional petition with directions to Committee to decide fate of renewal of lease independently within specified time, and on its failure to do so, petitioner would be put in possession of plot till its decision [2006 CLC 745].

Plot leased to the petitioner had been given by the Capital Development Authority to the Welfare Committee of the CDA's employees so that the income derived from the plot be utilized for welfare purposes and said Committee was plenipotentiary with respect to all the day to day matters relating to the said plot. Contention of the petitioner, who had obtained the lease from the Staff Welfare Committee, was that action of ejecting him from the plot had been taken at the end of the CDA without any proper decision in connection with re-letting of the plot to the petitioner by the Welfare Committee. Petitioner had further alleged that the authorities in the CDA under the influence of certain political figures were trying to grab the plot in question and would lease out the same surreptitiously to someone whom the authorities had been directed to accommodate. Validity. Property undoubtedly belonged to the Capital Development Authority and had been given over for welfare purposes to the Welfare Committee, CDA, therefore same had some role in the matter and it was possible that CDA was used in ousting the petitioner at the relevant time after the notice. Welfare Committee was working with the Capital Development Authority and as such was an agency as the CDA being its component same could not be said to be alien to the

<sup>1</sup> Sections 49A to 49E ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.13.

Body. CDA had delegated certain powers to the Committee with the functional role to deal with plot in hand and use its funds for the purposes of welfare of the Staff. Constitutional petition against the Welfare Committee, therefore was maintainable. Welfare Committee being incharge of the plot in question having not acted independently in respect of any action which was required to be taken with respect to the renewal of lease of the plot, High Court, directed that the matter be first referred to the Welfare Committee who shall hear the petitioner afresh without prejudice to any past litigation for renewal of the said lease of the plot and shall take a decision on the question of renewal of the lease within three weeks from the announcement of the judgment by the High Court. Status quo, however, was ordered to be maintained during such three weeks, but in case the Committee failed in taking any action in this behalf, the petitioner shall be put in possession of the plot. In the meanwhile until the committee decided the fate of renewal of the lease on such terms which were reasonable, according to the market value, genuine and not meant to defeat the rights of the petitioner through deceit or circumvention of procedure in law. Committee shall also ascertain as to what assets of the petitioner were lying at the plot (Petrol pump) at the time its possession was taken over and will take measures for safeguarding his rights in respect of those assets in accordance with law [2004 MLD 1644].

**49C. Removal of building, etc., erected or used in contravention of this Ordinance.-** (1) If any building, structure, work or land in erected, constructed or used in contravention of the provisions of this Ordinance or of any rule, regulation or order made thereunder, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or so alter the building, structure or work, or to desist from using or to so use the land, as to be in accordance with the said provisions.

(2) If an order under sub-section (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force including police force as may be necessary and may also recover the cost therefor from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

**49D. Police assistance.-** The officer-in-charge of a police-station shall render such police assistance as the Deputy Commissioner may require in the discharge of his functions under this Ordinance.

**49E. Jurisdiction of courts barred.-** Save as otherwise provided by this Ordinance no court or other authority shall have jurisdiction to question the

legality of anything done or any action taken under this Ordinance by or at the instance of the Authority.]

#### COMMENTS

**Civil Courts Jurisdiction.** Section 49-E protects from civil courts jurisdiction only when orders passed in accordance with Act, and not illegal orders [PLD 1978 Lah. 1116]. Though section 49E bar the jurisdiction to entertain question of the legality of anything done or any action taken under this Ordinance, yet any thing illegally done by Authority or its officers is not said to have been done under Ordinance. Anything done malafide also is not to be accepted as done under the Ordinance and courts jurisdiction in such circumstances is not barred [PLJ 1983 FSC 298].

Malafides literally means "in bad faith". Action taken in bad faith is usually action taken malicious in fact, that is to say, in which the person taking the action does so out of personal motives either to hurt the person against whom the action is taken or to benefit oneself. Action taken in colourable exercise of powers, that is to say for collateral or action taken in fraud of the law are also malafide [PLD 1974 SC 151; PLJ 1974 SC 77 Law Notes 1974 SC 184].

Civil courts can exercise jurisdiction to examine validity of acts of statutory functionary to find out whether or not it exceeds its powers and section 49-E is no bar to exercise of such powers [PLD 1981 Lah 341]. Under section 49 (a) if actual sum due to the authority is in dispute the same cannot be said the sum due unless settled in accordance with law [1979 CLC 565].

Jurisdiction of Civil Court will be barred only when the legality to anything done or action taken under the Act/ Ordinance by or at the instance of the Authority is questioned. Jurisdiction of Civil Court, however is not barred in a suit for declaration about the nature of the transaction and the status of the parties with consequential relief under section 42, Specific Relief Act, 1877 [PLD 1995 SC 457].

<sup>1</sup>[49F. **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 the Authority shall, if duly certified by the legal keeper thereof or other person authorised by the Authority 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.]

#### COMMENTS

**Internal office noting.** Objection as to its admissibility in evidence not raised at time of its production in evidence, but raised in revision before High Court. Objection so raised was of no substance [2003 CLC 1684].

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<sup>1</sup> Section 49F ins. by the Capital Development Authority (Amdt.) Act, 1968 (16 of 1968), s.2.



**50. Power to make rules.**- The [Federal Government] may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance:

Provided that no rules shall be made on any of the matters specified in section 38.

<sup>1</sup>**[51. Power to make regulations.**- The Authority may make regulations, not inconsistent with the rules, if any, on all matters for which regulations are necessary or expedient; and such regulations shall be published in the official Gazette.]

### COMMENTS

#### Synopsis

1. Framing of regulations.
2. Reservation of Plots.
3. Imposition of property tax.

**1. Framing of regulations.** The Capital Development Authority is the sole arbiter to frame regulation for the terms and conditions of its employees. Requirement of publication cannot make non-statutory regulations statutory [PLD 1979 Lah. 803].

Provisions of Sections 50 & 51 of the Ordinance are ambiguously worded inasmuch as neither of these sections lays down any guidelines as on which subjects the Federal Government was to frame the rules and on which topics Capital Development Authority was to frame regulations, except to the extent that the Rules could not be framed on certain service matters mentioned in section 38 of the Ordinance. If provision of section 49 be read with section 51 of the Ordinance, then it can be said that the Authority could frame Rules for the disposal of the land vesting in it. Land Disposal in Islamabad Regulations, 1985 having been neither approved by the Federal Cabinet nor been published in the official Gazette to satisfy the requirement of section 51 of the Ordinance were incapable of being acted upon. If the Authority or any of its functionaries had acted upon these regulations, all that was without lawful authority and of no legal effect [PLD 1993 Lah. 855].

**2. Reservation of plots.** Law presumes that an act was bonafide unless same was shown to have been taken with malafide intention. Malafides cannot be presumed but has to be proved. If reservation of plots in Development Schemes for other groups or class of people, in particular Advocates to which class petitioner belongs was not objected to and has been treated to be justifiable act, there was no reason to object to reservation of same to other class of people in the same manner. No interference in reservation of plots for Parliamentarians was warranted in circumstances [1996 CLC 1987].

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<sup>\*</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>1</sup> Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.14 for s. 51.

Statutory Rules and Regulations framed thereunder have been declared to be the law for purpose of Article 173(5) of the Constitution [1996 CLC 1987].

**3. Imposition of property tax.** Petitioners who owned and operated hotel in Islamabad Capital Territory, had questioned imposition of property tax and its recovery by the Authority. Contention of petitioners was that they being not located in any of the areas mentioned under the heading "commercial" were to be treated as Industrial concern and be charged accordingly. Terms "industrial", "institution" or "commercial", had not been defined in the Rules framed by Federal Government for the imposition of property tax and recovery thereof. Till such time a statutory enactment including the hotels located in Islamabad Capital Territory in the term "industry" or "industrial" or "institution", was not made by Competent Authority, petitioners could not claim as a right to be charged as an industrial concern vis-à-vis said property tax [PLD 2004 Lah. 80].

**52. Dissolution of Authority and transfer of its assets and liabilities to the Federal Government and other agency determined by that Government.-** (1) The \* [Federal Government] may, by notification in the official Gazette, declare that the Authority shall be dissolved on such date as may be specified in such notification, and the Authority shall stand dissolved accordingly.

(2) On and from the said date—

- (a) (i) all properties, funds and dues placed at the disposal of the Authority by the \* [Federal Government]; and
- (ii) all properties, funds and dues exchanged for derived from or otherwise attributable to the properties, funds and dues referred to in sub-clause (i), which, immediately before the said date, were held by or were realisable by the Authority shall vest in, and be realisable by, the \* [Federal Government];
- (b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realisable by the Authority shall vest in and be realisable by such agency as the \* [Federal Government] may determine, and its decision thereon shall be final;
- (c) all liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the \* [Federal Government] or such

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

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

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agency as the \* [Federal Government] determines under clause (b), as the case may be;

- (d) for the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Authority under this Ordinance shall be discharged by the \* [Federal Government] or by the agency determined by the \* [Federal Government] under clauses (b) and (c), as the case may be; and
- (e) the agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys respectively received and expended by it under this Ordinance, as the \* [Federal Government] may prescribe.

## THE SCHEDULE\*

[see section 2 (p)]

### LIMITS OF THE CAPITAL SITE

From Triangulation Point 5264 (near Village Nilan Bhotu), Map Ref. 191698 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/1), north-east along the Rawalpindi tehsil boundary to spot height 4949 Map Ref. 223713 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet 43 G/1); then south-east again along Rawalpindi tehsil boundary to the tehsil boundary and Nala junction at Map Ref. 227707 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/1); from here south-east along the Nala to the junction in the Nala at Map Ref. 250701 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/1). From this junction south-east across the range of hills and *via* Village Mangial (Map Ref. 268696) to Village Karlot Map Ref. 287693 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/1). From Village Karlot south-east along the Nala to Nala and Kurang Nala junction and along Kurang Nala to junction of Kurang Nala and Murree Road near Village Chatter Parao at mile-stone 18 and 6 furlongs, Map Ref. 304685 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/1). From here due east across country to the Rawalpindi tehsil boundary at Map Ref. 310683 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/5) and south-east along the tehsil boundary to the junction of the tehsil boundary and Kurang Nala at Map Ref. 315676, then north-east along the Kurang Nala to the junction of the Nala and tehsil boundary at Map Ref. 327678 (Survey of Pakistan map scale 1 in. to 1 mile, sheet No. 43 G/5). From this junction south-east across country *via* spot height 2954 Map Ref. 345664 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/5) across the range south-east to spot height 2276 Map Ref. 358655 (Survey of Pakistan map, scale 1 in. to 1 mile sheet No. 43 G/5). located near Rawalpindi tehsil boundary then south-east along the Rawalpindi tehsil boundary to junction of boundary and Gumrah Kas at Map Ref. 369636 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/6). From this junction south-east across country to Village Sambli Tijal on the River Soan, Map Ref. 405615; then along River Soan and Rawalpindi tehsil boundary east up to Map Ref. 457595 (bend in the boundary) and south-west again along tehsil boundary to a point at Map Ref. 424541 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43, G/6) 400 yards south of the Lehtrar Road. Then west along a line parallel to Lehtrar Road (400 yards south of the road) to a point on Malal Nala at Map Ref. 302523 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No.

\* See also schedule of the Capital of the Republic (Determination of Area) Ordinance, 1963.

43 G/2). Then south-west along the Malal Kas to junction Mala Kas and River Kurang Map. Ref. 225455 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2). From here north-west along River Kurang to the junction of River Kurang and Nala at Map Ref. 172528 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2); then north-west along this Nala *via* Village Sohan Map Ref. 166528 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2) to the junction of Nala and Murree Road near Mile-stone 6, Map Ref. 154537 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2); from this junction south-west across country to the bend in Lei Nala (near Village Narala) at Map Ref. 138530 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2). Then south-west along Lei Nala to the junction of Lei Nala and Bedarawali Kas, Map Ref. 119510 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2). Then south along Leh Nala to a point Map Ref. 117479 being junction of Leh Nala and a tributary (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 G/2). Then north-west and west to the source of this tributary near a point Map Ref. 047477 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14); from this point north-west along the Kutcha road to the junction of this Kutcha road and track at Map Ref. 044480 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14). From here, south west across country to a point 100 yards west of G.T. Road, Map Ref. 040478 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14); then north-west along a line parallel to the G.T. Road, and at a distance of 100 yards from it to Nicholson Monument at Map Ref. 884568 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14). Then east along the ridge of Maragala Range *via* spot heights 2613, 2981, 3371 and 3338 to triangulation point height 3352, Map. Ref. 979604 on the boundary line of districts Hazara and Rawalpindi (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14). Then east along this boundary line back to the starting point triangulation height 5264.

### LIMITS OF THE SPECIFIED AREAS

Starting from a point, map reference 534125 (sheet 43 F/8, 1 in. to 1 mile map of G.T.S.) nearly 2 miles North of Kohala on Azad Kashmir <sup>1</sup>[Pakistan] border running south along River Jhelum (boundary of Azad Kashmir and <sup>1</sup>[Pakistan] up to a point, Map Ref. 641678 (sheet 43 G/9) being the junction of boundaries of Murree Tehsil, Kahuta Tehsil and Azad Kashmir. Then along the southern boundary of Murree Tehsil up to junction of Khad Nala and Murree Tehsil boundary Map Ref. 568699 (sheet 43 G/9). Then south-west along Khad Nala to a point Map Ref. 504608 (sheet 43 G/6) being the junction of Khad Nala

<sup>1</sup> Substituted by Federal Adaptation of Laws Order, 1975 (Order No. 4 of 1975) for "West Pakistan".

and a tributary. Then south-east along the tributary *via* Village Lehtrar Nala to Nala and track junction at map reference 518594 (sheet 43 G/6). Then along this track *via* Village Marhiman south-west to the track and a Nala junction at map reference 506571 (sheet 43 G/6). Then south-west along this Nala *via* Village Jambhiri and Pihar to this nala and River Ling junction at map reference 463483 (sheet 43 G/6). From here south-west along River Ling to the junction of Rawalpindi Tehsil boundary and River Ling at map reference 369382 (sheet 43 G/6). Then along eastern, southern and western boundary of Rawalpindi Tehsil up to bend at map reference 910683 (sheet 43 C/13), about a mile south of Village Salargah. Then follow along River Harro north-east up to a point map Ref. 168810 (sheet 43 G/1) near spot height 2518, which is the junction of River Harro and boundary line of Haripur and Abbottabad [Tehsils of Hazara District. Then along southern boundary of Abbottabad Tehsil of Hazara District up to point map reference 253833 (sheet 43 G/1) at the intersection of Abbottabad Tehsil] boundary and River KarraI Harro; along River Karringal Harro due north-east to point map reference 344933 (sheet 43 G/5) being junction of Karringal, Harro, and Samundar Katha near spot height 3730 and then along Samundar Katha stream up to point Map Ref. 381017 (sheet 43 F/8) on junction of Samundar Katha Stream and boundary line between Villages Tatrila and Nagribala of Tehsil Abbottabad. Then running along the boundary line between Villages Tatrila and Nagribala (near spot height 7799), Bagh and Nagribala Bagnotar and Bara Gali, Namli Mira, Phalkot and Bakot and Mulia and Bakot including Villages Nagribala, Bara Gali, Namli Mira and Bakot back to the starting point map reference 534125 (sheet 43 F/8).

# \*THE PAKISTAN CAPITAL REGULATION

Notification No. 615/60

MARTIAL LAW REGULATION BY  
CHIEF MARTIAL LAW ADMINISTRATOR, PAKISTAN No. 82

[16th June, 1960]

1. **Short title, extent and commencement.**- (1) This Regulation may be called the Pakistan Capital Regulation.

(2) It extends to the Specified Areas.

(3) Save as otherwise provided in this Regulation, it shall come into force at once.

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

(a) “Commission” means the Commission appointed by the President under Cabinet Division Notification No. Córd (1) 8/44/59 dated the 7<sup>th</sup> September, 1959, or any other body or authority which may hereafter be entrusted by that Government with all or any of the powers of the Commission under this Regulation, and

(b) all other words and expressions have the meaning assigned to them in the Capital Development Authority Ordinance, 1960.

3. **Regulation to override other laws, etc.**- The provisions of this Regulation, and any rule or order made thereunder shall have effect notwithstanding anything to the contrary in any other law, or in any contract, instrument or other document.

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\* Published in the Gazette of Pakistan, Extraordinary, Karachi, dated 24th June, 1960, at pages 927-929.

**4. Restrictions on building and use of land.-** (1) No person shall:—

- (a) within the Capital Site;—
  - (i) construct or cause to be constructed any building or alter or enlarge any existing building except under the authority, or with the permission of the Commission;
  - (ii) convert any land being used for purposes of agriculture to any other use; or
  - (iii) cut any standing trees; —
- (b) outside the Capital Site: —
  - (i) construct or cause to be constructed any building except in accordance with such general or specific directions as may, from time to time, be issued by the Commission to the local authorities; or
  - (ii) convert any land used for purposes of agriculture to any other use except in accordance with such general or specific directions as may from time to time be issued by the Commission to the Deputy Commissioner.

(2) Where the construction, alteration or enlargement of a building is commenced or done in contravention of sub-paragraph (1), the local authority concerned may require the owner or occupier thereof to stop such construction, alteration or enlargement, and may also order the demolition of such building or any part thereof.

(3) No compensation shall be payable for any loss or damage caused by or as a result of any order passed under sub-paragraph (2).

**5. Power of Commission to give direction.-** The Commission may give directions to the Deputy Commissioner and the local authorities as respect the exercise of their powers and discharge of their functions under this Regulation, and the rules made thereunder, and the Deputy commissioner and the local authority shall be guided by and act in accordance with such directions.



**6. Appeals.-** (1) Any person aggrieved by a final order of the Deputy Commissioner or the local authority under paragraph 4 may, within fifteen days of the order, appeal:—

- (i) to the Director, Military Lands and Cantonments, Rawalpindi, if the order relates to a Cantonment area, and
- (ii) to the Commissioner, in all other cases.

(2) The Commissioner or the Director, as the case may be, may either reject the appeal or proceed to hear it in such manner as he may deem fit.

(3) The order of the Commissioner or the Director, passed on any such appeal shall be final.

**7. Power to make rules.-** The Federal Government may make rules, for carrying out the purposes of this Regulation.

**8. Power to exempt.-** The Federal Government may, by notification in the official Gazette, exempt any area or locality or any land or class of land from the operation of this Regulation or any provision thereof.

**9. Bar of jurisdiction.-** (1) No provision of this Regulation or of any rules or orders made thereunder shall be called in question in any court, including the High Court and the Supreme Court.

(2) No such court as aforesaid shall be competent to grant any injunction or other order, including an order of a prerogative nature, in relation to any proceeding before any Officer exercising any power of discharging any function under this Regulation or the rules or orders made thereunder.

**10. Indemnity.-** No suit or other legal proceeding shall lie against Government or against any person in respect of anything which is in good faith done or intended to be done under this Regulation.

**11. Reference to the Commission.-** If any question arises as to the meaning and effect of any provision of this Regulation or of the rules made thereunder, the Commissioner or the Deputy Commissioner or the Director of Military Lands and Cantonments, Rawalpindi, or any local authority, may make a reference to the Commission, and its decision thereon shall be final.

**12. Offences and penalty.-** Whoever contravenes or fails to comply with any of the provisions of this Regulation or the rules or orders made

thereunder, or willfully furnishes incomplete or false information required by such provisions, or obstructs any person in the discharge of his duties or functions thereunder, shall be punished.

Maximum punishment three years R. I.

**MOHAMMAD AYUB KHAN, HP, HJ,**  
*Field Marshal,*  
*Supreme Commander and Chief Martial Law,*  
*Administrator in PAKISTAN.*

Place: Rawalpindi.

Dated: 16<sup>th</sup> June, 1960.

# THE LAND ACQUISITION REGULATION, 1961

**S.R.O. 1160(K)/61, dated the 30<sup>th</sup> November, 1961.-** In exercise of the powers conferred under section 51 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Capital Development Authority is pleased to make the following regulation, namely:—

**1. Short title and commencement.-** (1) This Regulation may be called the Land Acquisition Regulation, 1961.

(2) The regulation shall come into force at once.

**2. Land excluded from acquisition.-** The following categories of land shall not ordinarily be acquired under the Ordinance:—

(a) Land in possession or control of the Provincial Government.

(b) Land in possession or control of the Government of Pakistan.

Such land shall be departmentally transferred.

## CHAPTER II

### INITIAL PROCEEDINGS AND COMPILATION OF RECORD

**3. (1)** No land shall be acquired unless the Authority has issued a directive to the Deputy Commissioner in this behalf.

(2) The directive issued by the Authority to the Deputy Commissioner may specify the exact situation and general character of the land to be acquired.

(3) On receipt of the directive from the Authority, the Deputy Commissioner shall, in accordance with provisions of section 26 of the Ordinance, cause the land (unless it has already been marked out) to be marked out and measured and if no plan has been made thereof, a plan to be made of the land.

(4) As soon as the land has been aligned and measurement carried out, two statements as in Annexures I and II shall be caused to be prepared in the Lands Directorate:

- (a) Statement No. I shall indicate the details of Khasra Numbers <sup>1</sup>[to be] acquired.
- (b) Statement No. II shall provide details and totals of each holding <sup>2</sup>[to be] acquired.

(5) After the land has been marked, measured and planned, a public notice in terms of section 27 of the Ordinance shall be published at convenient places in Urdu in the form prescribed below:—

Whereas the under mentioned land is about to be taken by the Central Government for the construction of the Capital in pursuance of the directive No. \_\_\_\_\_ dated \_\_\_\_\_ of the Capital Development Authority, all persons interested in the said land are hereby called upon to attend personally or by an authorised agent, the office of the Lands Directorate, Capital Development Authority at \_\_\_\_\_ hours on \_\_\_\_\_ to state the nature of their respective interests in the land, the amount and the particulars of their claims to compensation in lieu of such interests and their objections, if any, to the measurement carried out under section 26 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960).

*Description of land with location and the extent of the area to be acquired*  
*Boundaries:*

North \_\_\_\_\_ East \_\_\_\_\_

South \_\_\_\_\_ West \_\_\_\_\_

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 19.

<sup>1</sup> Ins. by Notfn. No. CDA 41(40)-Law/64.

<sup>2</sup> Ins. by Notfn. No. CDA 41(40)-Law/64.

Sd/-  
Deputy Commissioner

4. (1) The acquisition proceedings shall not be stayed merely because of minor discrepancies in the description of the land as stated in the Notice and the measurements carried out at site:

Provided that the notice describes the land with approximate correctness and the land owners have had due notice of the intention of the Authority to acquire the land.

(2) If a discrepancy as referred to in the preceding sub-clause has been pointed out by an interested party or otherwise comes to the notice of the Deputy Commissioner, it shall be rectified and notified promptly.

5. (1) Any person interested in any land which has been notified under section 27 of the Ordinance, may, on the date specified in the notice, submit in writing the particulars of his claim to compensation and the amount he claims in respect of the interests and objection to the measurement carried out under section 26 of the Ordinance.

(2) Every such claim/objection shall be made to the Deputy Commissioner in writing and the following procedure shall be observed in the disposal thereof:—

- (a) On receipt for the claim/objection, the Deputy Commissioner shall fix a date for hearing it and give notice of the date of hearing to the claimant/ objector.
- (b) If on the date fixed for hearing the claimant/objector fails to appear, the Deputy Commissioner may, if he deems fit, make an *ex-parte* enquiry regarding the objection/ claim.

#### COMMENTS

In terms of Regulation 5(1) of the Land Acquisition Regulation, person interested in the land has to submit in writing particulars of his claim to compensation and the amount of claim in respect of land so acquired to the Deputy Commissioner who on receipt of the same has to fix a date for hearing with notice to the claimants. Deputy Commissioner in terms of Regulation 6 in order to facilitate the enquiry into the value of land and claim of the person interested cause to be prepared a self-contained report with would supply information in detail for the assessment of the compensation of the land under acquisition [PLD 2002 SC 243].

6. (1) The Deputy Commissioner shall, in order to facilitate the enquiry into the value of land and the claims of persons interested cause to be prepared a self-contained report in the Lands Directorate which shall among other things supply the following information in detail for the assessment of the compensation of the land under acquisition:—

- (a) The market value of land as defined in the Ordinance and the Rules framed thereunder.
- (b) The market value of land in the neighbouring villages.
- (c) The prices paid in private transactions as mentioned in register of mutations during the period intervening the first day of January, 1954 and the 31st day of December, 1958.
- (d) Such other information as may be relevant or necessary with due regard to the provisions of sections 30 and 31 of the Ordinance.

(2) The Lands Directorate may seek expert advice and assistance in the evaluation of built-up property and trees, etc.

(3) A copy of the relevant portion of the settlement field map in which the land is situated, with the boundaries of the land in question marked on it, shall be filed alongwith the Patwari-Surveyor's papers and shall form part of the proceeding in each case.

7. (1) The Lands Directorate in the Capital Development Authority shall be responsible for the preparation and maintenance of the land acquisition record and the disbursement of compensation.

(2) The following procedure shall be observed in the preparation of the land acquisition record:—

- (a) The land record including the acquittance roll shall be prepared by the Patwari Surveyors in the Lands Directorate.
- (b) The record prepared by the Patwari-Surveyor shall be checked up 100% at site by the Girdwar-Surveyors, 50% by the Extra Assistant Director, 50% by the Assistant Director and the Deputy Director shall verify the accuracy of the record by a random check. The Director-cum-Deputy

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Commissioner shall exercise general control and supervision.

### CHAPTER III

#### THE AWARD/ APPORTIONMENT

8. On the date to be fixed, the Deputy Commissioner shall cause all persons interested, in the land to be acquired to appear before him and shall prepare separate lists of persons present and persons absent and may proceed *ex-parte* against the absentees unless there are sufficient reasons to adjourn the proceedings to a later date.

9. The statements of the interested persons shall be recorded, as to whether they agree to the measurement given in the report furnished by the Lands Directorate and to the rates of compensation proposed for the various kinds of land, trees, houses, standing crops, etc., and to the apportionment thereof.

10. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award.

11. Before the general award is drawn, two statements as in Annexures III and IV showing the compensation awarded in respect of each holding and amount payable to each interested person shall be drawn and filed with the award.

12. The addition of 15% prescribed under section 30 to compensate compulsory acquisition shall not be included in the rates awarded under various clauses of sub-section (1) but shall be added lump-sum of the total amount under each category of the interests acquired.

<sup>1</sup>[*Explanation:* The sum of 15% prescribed under sub-section (2) of section 30 of the Ordinance has to be calculated only on the value of land which is to be assessed in accordance with section 2(k) of the Ordinance with reference to the classification of the soil obtaining in 1954-58 as ascertained from the revenue records. This 15% is not to be allowed on the amounts awarded under any of the items from secondly to fifthly in sub-section (1) of that section.]

13. The award among other things shall state: —

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<sup>1</sup> Ins. by Notfn. No. CDA-41(40)-Law/64.

- (a) The total area of the various categories of land taken;
- (b) The rate and the total amount of compensation to be paid on account of land of each category;
- (c) The total amount of compensation to be paid on account of crops, trees, houses, etc.;
- (d) The apportionment of compensation to be enjoyed by different right holders whose land has been acquired;
- (e) His decision on any objections raised by any person interested in the land.

14. (1) The award shall thereafter be explained and announced to the persons present. A note shall be made of those persons who refuse to accept the amount awarded or to accept it under protest.

(2) The absentees immediately after the award shall be informed of the amount of compensation to which they are entitled under the award by means of a notice in Urdu in the following form:—

Notice is hereby given that in the proceedings for the acquisition of land in revenue estate \_\_\_\_\_ in which you have been treated as an interested person, and award was made by me on the \_\_\_\_\_ day of \_\_\_\_\_ 196, under section 28 of the Capital Development Authority Ordinance, 1960 (Ordinance XXIII of 1960), a sum of Rs. \_\_\_\_\_ is payable to you and if you are willing to accept it, you shall appear before me on \_\_\_\_\_ to receive the amount.

\_\_\_\_\_ (Place)

\_\_\_\_\_ (Date)

Deputy Commissioner

#### CHAPTER IV

#### PAYMENT OF COMPENSATION

15. (1) As soon as possible after an award, the Deputy Commissioner shall proceed to pay the compensation awarded to the interested persons.



(2) The amount payable to the absentees or the persons who refused to accept the award may be kept for payment for 30 days and thereafter it may either be refunded to the Funds of the Authority or invested in the manner prescribed in the Rules.

16. The compensation may be paid: —

- (1) by direct payment,
- (2) by money order,
- (3) by cheques.

17. While making direct payment, the Deputy Commissioner shall take the receipt of each person to whom money is paid on a separate voucher in Form C (Annexure V) precisely indicating the Serial No. of the item showing the amount due to the person in the statement Annexure IV. In case, where payments are made to a number of persons under a single award, an acquittance roll in Form CC (Annexure VI) shall be prepared and substituted for separate receipts in Form C.

18. In case of the petty payments not exceeding Rs. 50 if a payee does not appear on the day fixed for payment, the Deputy Commissioner may issue a notice to him informing that if he does not attend by a certain date, the compensation awarded shall be remitted by money order less the money order fee. The remittance by money order shall be subject to the following: —

- (i) No sums exceeding Rs. 50 in each separate case shall be paid by money order.
- (ii) No compensation due on account of land which is owned jointly by the proprietors of a village or sub-division of a village shall be paid by money order.
- (iii) In each money order so issued, the purpose of the remittance shall be briefly stated in the acknowledgement portion thereof in continuation of the printed entry "Received the sum specified above on" sufficient space being left below the manuscript entry thus made for the signatures or the thumb impression of the payee. On receipt of the money acknowledgement duly signed by the payee it shall be attached to the usual receipt in Form C shown in

Annexure VI in which the full amount of the compensation and the deduction made therefrom on account of the money order fee shall be clearly shown.

- (iv) For the words "Paid in my presence in cash/ by cheque" in Form C the words "Paid by money order" shall be substituted.

19. The Deputy Commissioner may authorise any Gazetted officer in the Lands Directorate to make all or any of the payments subject to the Regulation.

20. The Deputy Commissioner may with the previous approval of the Vice-Chairman enter into any arrangement with the Bankers of the Authority for disbursement of compensation.

<sup>1</sup>[20A. Appeals.- (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Commissioner or to such officer as he appoints in this behalf. The memorandum shall be accompanied by a copy of the order appealed from.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the order appealed from without any arguments or narrative; and such grounds shall be numbered consecutively.

(3) The copy of an order required for filing an appeal may, on application made in writing, be obtained from the office of the Deputy Commissioner on payment of copying charges @ Rs. 1.00 for the first page of the order and 50 paise for every additional page subject to a minimum charge of Rs. 5.00 in the case of an award and Rs. 2.00 in any other case. Copy of the plan of an acquired house may be furnished on payment of Rs. 5.00 per plan.

(4) The copy of an award or an order or the copy of the plan of an acquired house issued by the Lands Directorate shall bear an endorsement, signed by a Gazetted officer, specifically mentioning the name of the applicant, the date of application, the date on which the copy is ready and the date on which the applicant presents himself for collecting the copy and the amount of copying charges paid.

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<sup>1</sup> Ins. by Notfn. No. CDA-41(40)-Law/64.

(5) An appeal intended to be filed from an award of the Deputy Commissioner shall be filed separately by the persons aggrieved: Provided that where the amount of compensation awarded is payable collectively to more persons than one, such persons may jointly file the appeal.

(6) A copy of the memorandum of appeal shall simultaneously be forwarded to the Director (Lands), Capital Development Authority by registered post acknowledgement due and this fact shall be clearly stated in the memorandum of appeal; and receipt of posting shall be attached therewith.

(7) The Commissioner may allow or reject the appeal as he may consider just and proper, and may reduce or completely disallow the amount awarded by the Deputy Commissioner to the appellant.

**20B Review.**- (1) Every application for review under sub-section (3) of section 36 of the Ordinance seeking review of an order passed by the Commissioner, presented on behalf of the Authority, shall be preferred in the form of a memorandum setting forth concisely the grounds for review and shall be signed by an officer duly nominated in this behalf by the Authority.

(2) An application for review shall not be liable to any stamp duty or process fee but shall be accompanied by a copy of the order sought to be reviewed:

Provided that where several appeals had been disposed of by one order then only one application for review may be submitted and it would not be necessary to submit separate applications in respect of each appeal thus disposed of.

(3) All the persons cited as appellants in the appellate order sought to be reviewed shall be cited as respondents and notices shall be issued to them on the addresses mentioned in the original memoranda of appeals and a notice shall also be published in an Urdu daily newspaper published from Rawalpindi, intimating the date of hearing fixed by the Commissioner which publication shall constitute sufficient service of notice.

(4) *Ex-parte* proceedings may be taken against any person who does not appear on the date of hearing in response to the notices issued in accordance with the preceding sub-para (3).

(5) If any person cited as respondent in a review application is dead, it shall be incumbent on the legal representative of such deceased person to apply

for being made parties to the proceedings. No order passed on any such application for review shall be called in question because of the absence of the legal representatives.

(6) An application for review made by an interested person under the proviso to sub-section (3) of section 36 of the Ordinance shall state specifically the arithmetical, clerical or patent error or mistake sought to be rectified. The applicant shall send a copy of the application to the Member (Administration), Capital Development Authority, Erkin Palace, Murree Road, Rawalpindi, by registered post acknowledgement due and this fact shall be specifically mentioned in the application itself and the receipt of posting shall be attached therewith.]

<sup>1</sup>[20C. Procedure prescribed in Para 20-B above shall be adhered to *mutatis-mutandis* by the Deputy Commissioner, C.D.A. while exercising jurisdiction under section 36(3) of C.D.A. Ordinance, 1960.]

#### MISCELLANEOUS

21. If once an award is given, the land shall vest in the Capital Development Authority as contemplated in section 32 of the Ordinance and the Deputy Commissioner may take possession thereof irrespective of the fact that an appeal has been filed under section 36 of the Ordinance or the owners have or have not been paid compensation or whether they have accepted the compensation under protest.

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<sup>1</sup> Ins. by Notfn. No. 906/70, dated 24th April, 1970, see Gaz. of P., 1970, Part III, p. 157.



*ANNEXURE V – Form of Receipt (C) when direct payment is made to an individual*

No. of voucher.

Name of work for which the land has been acquired.

Directive No.

Dated.

I, \_\_\_\_\_ of \_\_\_\_\_ Tehsil and District \_\_\_\_\_, do hereby acknowledge to have received Rupees \_\_\_\_\_ on account of cost of land taken up under Ordinance XXIII of 1960 as detailed on reverse.

Signature of payee

Locality.  
\_\_\_\_\_*ANNEXURE VI – Form of Receipt (CC) when payment is made to more than one person under a single hand.*

Consolidated voucher for payment made during \_\_\_\_\_ 19\_\_\_\_, in accordance with award statement No. \_\_\_\_\_ date \_\_\_\_\_ on account of land acquired for  
in the District of \_\_\_\_\_ Tehsil \_\_\_\_\_ Village \_\_\_\_\_

1	2	3	4	5
Serial No. in award Statement	Name of payee	Area of land	Amount paid	Signature of the payee and date of payment

Paid in my presence in cash to the above persons the total sum of Rupees \_\_\_\_\_ Paisas \_\_\_\_\_ only.  
by cheque

Dated the \_\_\_\_\_ 196\_\_\_\_\_

Signature of Deputy Commissioner.

## **THE LAND USE (RESTRICTION ON GRAVEYARDS) REGULATION, 1961**

**S.R.O. 1130(K)/61, dated the 24th November, 1961.-** The Land Use (Restriction on Graveyards) Regulation, 1961, prepared by the Capital Development Authority, is published hereunder:—

WHEREAS it is expedient to restrict the use of the existing graveyards in the acquired areas;

NOW, THEREFORE in exercise of the powers conferred by Section 51 of the Capital Development Authority Ordinance, 1960 (*XXIII of 1960*), the Capital Development Authority is pleased to make the following Regulation:—

**1. Extent and commencement.-** (i) This Regulations may be called the Land Use (Restriction on Graveyards) Regulation, 1961.

(ii) It shall extend to the area acquired by the Capital Development Authority from time to time under Ordinance XXIII of 1960.

(iii) It shall come into force at once.

**2. Definitions.-** All words and expressions used in the Regulation shall have the same meaning as are assigned to them in the Capital Development Authority Ordinance, 1960 (*XXIII of 1960*).

**3. Restriction on the existing Graveyards.-** No person shall use any land or a place (including the existing graveyards) as graveyards for burying the dead in the area acquired by the Authority from time to time except at the places specified by the Capital Development Authority in the Schedule annexed to this Regulation to be amended from time to time provided each amendment is duly notified and published.

**4. Alternative Graveyards.-** No person shall object to or prevent burials in the places specified as graveyards in the preceding paragraph provided

if any such place or land is privately owned, the owners may charge such fee or compensation as may be prescribed by the Capital Development Authority.

**5. Penalty and Procedure.-** (i) Any person contravening any provision of the Regulation shall be liable to imprisonment under section 46 of the Capital Development Authority Ordinance, 1960 which may extend to 6 months or fine or with both.

(ii) The Director of the Lands Directorate of the Capital Development Authority may put in complaints in court for any breach of the provisions of the Regulation.

### SCHEDULE

*Places specified by the Capital Development Authority  
as graveyards for burying the dead.*

1. All the existing graveyards within the limits of the revenue estate Noorpur provided their existing limits are not extended.
2. All the existing graveyards within the limits of the revenue estate Saidpur provided their existing limits are not extended.

[See Gaz. of P., 1961, Pt. I, pp. 465—466]



## **THE SPECIFIED AREAS (RESTRICTION ON BRICK KILNS) REGULATION, 1962**

**S.R.O. 646 (K)/62, dated 29th May, 1962.-** In exercise of the powers conferred by section 51 of Ordinance XXIII of 1960, the Capital Development Authority considering it expedient in the interest of public health and safety makes the following regulation:—

**1. Short title, extent and commencement.-** (1) This regulation may be called the Specified Areas (Restriction on Brick Kilns) Regulation, 1962.

(2) It extends to the Specified Area.

(3) It shall come into force at once.

**2. Definition.-** In this Regulation, unless there is anything repugnant in the subject or context,—

(a) “Brick kiln” means and includes any place or area used or intended to be used for manufacture, preparation or burning of bricks from clay, earth or any other material by manual labour, any type of machine or any other process.

(b) All other words and expressions shall have the same meaning and import as have been assigned to them in the Capital Development Authority Ordinance, 1960.

**3. Restriction on use of Land for Brick Kilns.-** Within the limits of Specified Areas, no building, construction or other work on the surface of land and no excavation, building, construction or other work below the surface of the land acquired, taken or used for running a brick kiln or for purposes subservient thereto, shall be made, maintained erected or undertaken except to the extent and subject to the conditions prescribed in the Schedule to this Regulation and such further terms and conditions, as the Authority may, from to time, impose.

**4. Application for permission.-** No person shall establish or continue to run a brick kiln as laid down in paragraph 3 above except with the

previous approval of the Capital Development Authority obtained through an application made to the Director (Lands) Capital Development Authority.

**5. Penalty and Procedure.-** (1) Any person contravening any provision of this Regulation shall be liable to prosecution under section 46 of the Ordinance.

(2) The Director (Lands) Capital Development Authority may put in complaints in Court for breach of any provision of this Regulation.

### **THE SCHEDULE**

(See paragraph 3)

#### **CONDITIONS**

- (a) The slopes of sites of digging shall not exceed 1:10.
- (b) The bottom of the digging shall be flat, and not horizontal so as to allow easy drainage of rain water.
- (c) The depth of digging shall not exceed 4 ft.
- (d) The C.D.A. or any Agency nominated by it shall have the first choice to purchase bricks turned out provided they are up to the standards laid down by the Pakistan P.W.D.

[See Gaz. of P., 1962, Pt. I, p. 342].

**THE CAPITAL OF THE REPUBLIC  
(DETERMINATION OF AREA)  
ORDINANCE, 1963**

**(ORDINANCE VI OF 1963)\***

[26<sup>th</sup> October, 1963]

*An Ordinance to determine the area of the Capital of the Republic*

WHEREAS it is expedient to determine the area of the Capital of the Republic;

AND WHEREAS clause (1) of Article 211 of the Constitution provides that the Capital of the Republic shall be Islamabad situated in the District of Rawalpindi in the Province of West Pakistan at the site selected for the Capital of Pakistan before the enactment of the Constitution;

AND WHEREAS clause (2) of the said Article provides that the area of the Capital shall be determined by the Central Legislature, but shall not be less than two hundred square miles;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29, and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title.**— This Ordinance may be called the Capital of the Republic (Determination of Area) Ordinance, 1963.

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\* Approved by the National Assembly of Pakistan on the 4th December, 1963, See Gaz. of Pak., 1963 P.860b.

**2. Area of the Capital.**- The area specified in the Schedule measuring three hundred and fifty square miles or thereabout within the district of Rawalpindi in the Province of <sup>1</sup>[the Punjab] at the site selected for the Capital of Pakistan shall be the area of the Capital of the Republic.

### COMMENTS

#### Synopsis

1. Boundaries of the capital area.
2. Levy of electricity duty.
3. Applicability of (Standing Orders) Ordinance, 1968.

**1. Boundaries of the capital area.** Plea for inclusion of certain villages lying on the boundary between District Rawalpindi and Islamabad the capital territory. Validity. Boundaries which had already been settled in view of the acquisition of land under section 22, Capital Development Authority Ordinance, 1960 and Capital of the Republic (Determination of Area) Ordinance, 1963 and other relevant laws, could not be now altered without following the provisions of Article 239, Constitution of Pakistan and therefore any directive or notification requiring any change could not be enforced now. Petitioner, in his alternate plea stated that even with respect to the boundaries fixed and determined by law, he had an objection because these had not been correctly drawn physically on the site which had led to a lot of confusion and emphasized that boundaries were only made in the plans and in the papers. High Court, while disposing of the Constitutional petition observed that the Capital Development Authority and the District Coordination Officer of Rawalpindi should hold a meeting for determining a date for joint demarcation of the boundaries in accordance with law and to effect the physical demarcation of the boundaries within a period of three months from the announcement of the judgment while submitting a compliance report to the High Court ensuring that the same reaches the High Court by the 1st of March, 2003 [PLD 2003 Lah. 55].

For determining the territorial limits of capital site, Schedule given by the Capital of the Republic (Determination of Area) Ordinance, 1963 is to be followed [PLD 2001 Lah. 379].

**2. Levy of electricity duty.** Area of Islamabad already being part of Province of Punjab on promulgation of Establishment of West Pakistan Act, 1955 became part of West Pakistan and remained so even after declaration of area of capital by Section 2 of Capital of the Republic (Determination of Area) Ordinance, 1963. Province of West Pakistan stood dissolved through Province of West Pakistan (Dissolution) Order, 1970, whereafter Constitution (1973), was promulgated and Punjab Assembly could not legislate with respect to Capital Area of Islamabad. By virtue of Article 268 of the Constitution, Section 13 of West Pakistan Finance Act, 1964 being an existing law and in force in Capital Area of Islamabad was to continue in force. Section 13 of Finance Act, 1964 as substituted by Section 5 of Punjab Finance ordinance, 1978 would apply to Capital Area of Islamabad with effect from 27-6-1978 [PLD 2008 Isl. 30].

**3. Applicability of (Standing Orders) Ordinance, 1968.** Successive legal instruments enforced on or after shifting of Capital of Federation from Karachi to Islamabad indicating laws applicable

<sup>1</sup> Substituted by Federal Adaptation of Laws Order, 1975 for West Pakistan.

***The Capital of the Republic (Determination of Area) Ordinance, 1963 81***

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to territory of Islamabad before dissolution of Province of West Pakistan and designation of Islamabad as a Federally administered area being held to continue to operate as existing laws until repealed or altered by competent Legislature and only amendment in such legal position being Federal Adaptation of Laws Order, 1975 substituting word "Pakistan" for words "the Province of West Pakistan" resultantly extending West Pakistan Industrial and Commercial Employment (Standing Order) Ordinance, 1968 to whole of Pakistan except Tribal areas, and 1968 Ordinance, being an existing law in Islamabad area on date of dissolution of Province of West Pakistan, Ordinance VI of 1968, held, continues to apply to Islamabad area until provision to contrary made by Legislature [PLD 1981 SC 81].

**THE SCHEDULE***[All Map References pertain to Grid-I]*

Starting from a point, Map Reference MU 873568 near Nicholson Monument running east along the bridge of Margala Range *via* spot heights 2613, 2981, 3371, 3338 to Triangulation Point height 3352 Map Reference MU 979604 on the boundary line of districts Hazara and Rawalpindi. Then east along this boundary line to Triangulation Point height 5264 (near village Nilan Bhotu), Map Reference No. 191698 north-east along the Rawalpindi Tehsil boundary to spot height 4949 Map Reference No. 223713, then south-east again along Rawalpindi tehsil boundary to the tehsil boundary and nala junction at Map Reference No. 227707, from here south-east along the nala to the junction in the nala at Map Reference No. 250701. From this junction south-east across the range of hills and *via* village Mangial Map Reference No. 268696 to village Karlot Map Reference No. 287693. From village Karlot south-east along the nala to nala and Kurang Nala junction and along Kurang Nala to junction of Kurang Nala and Murree Road near village Chattar Parao at mile-stone 18 and 6 furlongs, Map Reference No. 304685. From here due east across country to the Rawalpindi tehsil boundary at Map Reference No. 310683 and south-east along the tehsil boundary to the junction of the tehsil boundary and Kurang Nala at Map Reference No. 315676, then north-east along the Kurang Nala to the junction of the nala and tehsil boundary at Map Reference No. 327678. From this junction south-east across country *via* spot height 2954 Map Reference No. 345664 across the range south-east to spot height 2276 Map Reference No. 358655 located near Rawalpindi tehsil boundary then south-east along the Rawalpindi tehsil boundary to junction of boundary and Gumrah Kas at Map Reference No. 369636. From this junction south-east across country to village Sambli Tijal on the river Soan, Map Reference No. 405615, then along river Soan and Rawalpindi tehsil boundary east up to the Map Reference No. 457595 (bend in the boundary) and south-east again along tehsil boundary to a point at Map Reference No. 424541 (400 yards south of the Lehtrar road) to a point down stream of the bridge on river Soan where this line joins the river Map Reference No. 367532. Then south along river Soan to a point Map Reference No. 367453 being the junction of the river with an eastern tributary. From here south-west across country to mile-stone 159 on G.T. Road Map Reference No. 274323. Then north-west across country to a point Map Reference No. 156382, then east to a point Map Reference No. 223429 (a point on the western boundary of Islamabad Highway). Then north along the western boundary of Islamabad Highway to a point Map Reference No. 152532. From this point boundary line runs south-west across country along the outer line of I.J. Road to a point Map Reference No. 067473. Then north-west to a point Map

***The Capital of the Republic (Determination of Area) Ordinance, 1963 83***

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Reference No. 054491 and south-west against a point Map Reference 038480. From this point the boundary line runs concurrently with the north boundary line of right of way of G.T. Road, eastern boundary of right of way of Golra Road to a point Map Reference No. 036484 and then to the north eastern corner of Jerry Cane Factory. Then west to the north-west corner of Jerry Cane Factory along the northern and western boundary wall of the Jerry Cane Factory, till line again joins the northern boundary line of right of way of G.T. Road, at point Map Reference No. 033482. Then crossing the G.T. Road. Then south-east along the southern boundary line of right of way of G.T. Road to a point Map Reference No. 037479. From this point the boundary line runs south east across the country to a point Map Reference. No. 049462. From this point the boundary runs south-west across country to a point Map Reference MU 981414, then north-west across country back to the starting point Map Reference MU 873568 near Nicholson Monument.

# THE ISLAMABAD BUILDING REGULATIONS, 1963

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# **THE ISLAMABAD BUILDING REGULATIONS, 1963**

In exercise of the powers conferred by section 51 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Authority hereby makes the following Regulations, as being expedient:—

## **CHAPTER I**

### **GENERAL ADMINISTRATIVE MATTERS**

#### **PRELIMINARY**

**1. Short title, extent and commencement.**- These Regulations may be called the Islamabad Building Regulations, 1963.

(1) They extend to the Capital Site as defined in the said Ordinance and apply to all persons to whom land has been transferred by the Authority.

(2) They shall come into force at once.

**2. Definitions.**- In these Regulations, unless there is anything repugnant in the subject or context,—

(1) “Assembly” (Place of public assembly) means a building used either ordinarily or occasionally, as a place of worship, theatre, public hall, public concert room, public lecture room, public exhibition room, dharamshala or musafirkhana;

(2) “Authority” means the Capital Development Authority as defined in the Capital Development Authority Ordinance, 1960;

(3) “Aviary” means a structure for keeping or breeding birds;

- (4) "Balcony" means an outside projection from a building overlooking a compound, road or courtyard and projecting in front of a room and not used as a passage;
- (5) "Base" (applied to a wall or pillar) means the underside of the course immediately above plinth, if any, or in the case of a wall carried by a bressummer immediately above such bressummer or in the case of a building having no plinth, immediately above the footings;
- (6) "Basement" means the lowest portion of a building, partly or wholly below ground level;
- (7) "Bathroom" means a room meant for bathing, and designed in the building plan as such;
- (8) "Block of flats" means a structure occupied by more than one family and having more than one storey;
- (9) "Bressummer" means a wooden, metal or R.C.C. beam which carries a wall;
- (10) "Building" means any structure or enclosure affixed to the land;
- (11) "Building line" means the line up to which the plinth of a building abutting on a street or on an extension of a street or on a future street may lawfully extend;
- (12) "Building works" means erection or re-erection of any building or making additions and alternations to an existing building;
- (13) "Canopy" means a roof-like projection from the face of a building and not being a balcony;
- (14) "Cardinal points" means a diagram showing North, South, East and West;
- (15) "Ceiling" means the underside of a roof or a floor either covered with plaster, ceiling boards or other similar material;
- (16) "Cellar" or 'Vault" means any storey wholly below the level of the land adjacent to it;

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- (17) "Cess pool" means a tank intended to receive waste water and sewage;
  - (18) "Cross wall" means an internal load-bearing wall built at right angles to an external wall;
  - (19) "Damp-proof course" means a layer of material impervious to moisture;
  - (20) "Dead-load" means the actual weight of walls, floors, roofs, partitions and all other components forming part of a building;
  - (21) "Detached building" means a building not joined to another building on any side;
  - (22) "Domestic building" means a building used solely or predominantly as a dwelling house;
  - (23) "Dormitory" means a sleeping room with several beds;
  - (24) "Dwelling house" means a building used or constructed for the use of a single family having at least two habitable rooms;
  - (25) "External wall" means any outer wall of a building abutting on an external or internal open space;
  - (26) "Factory" means a building used for manufacture, production or repair of any article;
  - (27) "Fan-light" means any aperture above the top level of a door or a window so constructed that the whole of it can permit air and light to pass through without obstruction;
  - (28) "Footings" means the projecting courses at the base of a wall, spreading the weight of the building or structure over the foundation;
  - (29) "Form work" or "Centering" means all forms, moulds, sheetings, shutterings, planks, poles, posts, shores, struts, ties, up-rights and all other temporary supports to the concrete during the process of setting;

- (30) "Foundation" means a structure entirely below the level of the grounds, which carries and distributes the load from pillars, beams or walls on to the ground;
- (31) "Frame building" means a building constructed of timber, metal or R.C.C. load-bearing frame work with non-load-bearing panel walls;
- (32) "Height" of a building shall be taken to be the vertical measurement from the mean level of the ground adjoining the building to the highest part of the roof of that building less one half of the vertical measurement between the levels of the lowest and highest parts of the roof;
- (33) "Height" of a room shall be taken to be the vertical measurement from the upper surface of the floor to the underside of the highest part of the ceiling less one half of the vertical measurement between the lowest and highest parts of the ceiling: where there is no ceiling the measurements shall be to the underside of the rafters;
- (34) "Impervious material" means any material which prevents the passage of dampness;
- (35) "Industrial building" means a building designed for use as a factory or workshop including any office or other building on the same site the use of which is intended for the convenience of workers. It also includes a building designed for use in connection with the winning of minerals including brick or earth, a warehouse, depository or store;
- (36) "Licensed Architect/Engineer" means a person licensed and registered by the Authority as such;
- (37) "Loft" means a balcony inside a room with no access to it except from inside such room;
- (38) "Masonry" means stone, bricks or cement concrete blocks laid in lime, cement or mud mortar;
- (39) "Mezzanine floor" for the purposes of these Building Regulations means a loft;



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- (40) "Open staircase" in a single storey or two storey (ground and first floor) building means a staircase of which the roof must be fully open to the sky and of which at least two sides must be fully open and clear of any adjoining walls of the building;
- (41) "Ordinary repairs" means painting, white-washing, plastering, paving and minor renewals or alterations;
- (42) "Owner" means the person who has been permitted by the Authority to carry out building works on land which has been allotted, leased or otherwise transferred by it;
- (43) "Panel wall" means a wall which is built between posts or pillars and which supports no load other than its own weight;
- (44) "Partition" means an internal vertical structure which sub-divides a storey of a building into sections and which supports no load other than its own weight;
- (45) "Party wall" means a common wall between adjacent buildings on independent plots;
- (46) "Parapet" means a dwarf wall whether plain, perforated or panelled along the edge of a roof, balcony, veranda or terrace;
- (47) "Pergola" means a structure of which the roof must be at least 75% open to the sky;
- (48) "Plinth" means the portion of the building between the level of the street and the level of the ground floor;
- (49) "Residential building" means a building authorised for residential occupancy by one or more families but does not include hotels or lodging houses;
- (50) "Semi-detached building" means either of two buildings constructed in pair on adjacent sites separated by a party wall and having a side yard;
- (51) "Septic tank" means a system of chambers made of impervious material, intended for reception and treatment of sewage;
- (52) "Site" includes not only the land actually covered by the building, but also the land at the front, rear and side of a building;

- (53) "Shop" means a building used for carrying on trade or business and does not include a ware-house or a petrol filling station, but includes a residential accommodation attached to it;
- (54) "Soak pit" means a pit filled with aggregate, boulders or brick bats and intended for the reception of waste water;
- (55) "Storey" means the portion of a building included between the surface of any floor and the surface of the floor next above or if there be no floor above, the space between the floor and the ceiling next above;
- (56) "Structural alteration" means any change in the structure of a building i.e., supporting parts of a building including load-bearing walls, columns, beams, slabs, floors and girders;
- (57) "Structural calculations" means detailed calculations prepared by a licensed Architect/ Engineer showing the sufficiency of the strength of every load-bearing part of the proposed structure;
- (58) "Superimposed load" means all loads other than the dead load;
- (59) "Tenement" means a building suitable for letting out in separate units each consisting of not more than two rooms with a cooking place attached, a common passage and common sanitary arrangements;
- (60) "Verandah" means a part of a building facing a street or an internal or external open space with at least half of the external wall space permanently open to light and air;
- (61) "Ware-house class building" means a building in which merchandise and other goods are stored and includes a factory.

### **3. Buildings to conform to building and zoning regulations.-**

Every person, who intends to carry out building works and who is not otherwise debarred from building on the land in his possession, shall comply with the provisions of these Building Regulations along with the relevant provisions of the zoning regulations.

**Section (i) – Submission of Applications and Plans**

**4. Submission of applications, plans and certificates.-** All applications and certificates referred to in these regulations shall be made on the forms appended at Schedule No. 1 which may be had from the Authority on payment of nominal charges as prescribed by the Authority.

**5. Employment of licensed architects/engineers.-** (1) Every person, who intends to carry out building works or to secure a dangerous building involving additions and alterations, shall employ a Licensed Architect / Engineer to supervise the building works for the securing of such dangerous building involving additions and alterations.

(2) The Licensed Architect/ Engineer so employed shall give notice to the Authority in writing on the prescribed form A-2 of his having undertaken to supervise such work. When the Architect / Engineer so employed ceases to be in charge of such building works before the same is completed, further execution of such work shall forthwith be suspended until a fresh appointment is made as required under sub-regulation (1). A certificate on the prescribed form B-2 duly signed by the Licensed Architect / Engineer employed under this regulation shall be obtained by the owner, in token of the work or part of the work having been satisfactorily done under his supervision.

**6. New structures.-** Every person who intends to erect or re-erect a building shall submit to the Authority an application in writing on the prescribed form A-1 for permission to execute the work and the name of the Licensed Architect/Engineer whom he employs to supervise its erection. The Architect/Engineer so employed shall submit to the Authority the following along with a notice on the prescribed form A-2:

- (a) A block plan of the site drawn to a scale of not less than 16 feet to one inch showing the position of the proposed building and existing buildings, if any, the width and level, if necessary, of the streets, if any, on which the plot abuts and the number or numbers of the adjoining plot or plots, if any, together with the cardinal points.
- (b) Plans, sections and elevations of every floor including basement, cellar and vault, if any, of the building intended to be erected, which shall be drawn to a scale of not less than one inch to eight feet or if the building is so extensive as to make a smaller scale necessary, not less than one inch

to sixteen feet. Such plans and sections shall show the purpose for which the building or parts thereof are intended to be used; the access to and from the several parts of the building and its appurtenances, the position, form, dimensions, means of ventilation, the depth and nature of the foundations, the proposed height of the plinth and super-structure at the level of each floor together with the dimensions and descriptions of the walls, parapet, doors, windows, recesses and ducts for mechanical equipment, if any, floors, roofs, posts, columns, beams, joists and girders to be used in the walls, staircases, floors and roofs of such building.

- (c) A plan showing the intended lines of water supply/drainage and sewerage (separate systems) of such building and the size, depth and slop of each drain and sewer and the details of the arrangement proposed for ventilation of the sewer, a detailed description of each item of work proposed to be executed and of material to be employed. Such description shall include details of the proposed methods of the drainage of the building intended to be erected and of the disposal of night soil through sewerage system and of the water supply and sanitary fittings to be used.
- (d) Detailed calculations showing the sufficiency of the strength of every load-bearing part of such building.
- (e) Any other information or document required by the Authority to deal satisfactorily with the plan.

**7. Existing structures.-** Every person who intends—

- (a) to make any addition or alteration to a building involving the removal or re-erection of any roof or any outer wall, or of any wall which supports the roof thereof or change the size of any existing room or passage so as to affect the light and ventilation of the building;
- (b) to remove or renew posts, columns and beams of a building;

- (c) to make any structural alteration;
- (d) to make any alteration in a building involving –
  - (i) the sub-division of any room or a shop or any other part of the building so as to convert the same into two or more separate rooms or shops or parts of the building;
  - (ii) the conversion of any passage or space or a garage in such building into a room or a shop or any other use;
- (e) to re-construct any building or any portion thereof;

shall submit an application to the Authority in writing on the prescribed Form A-1 for permission to execute the work and in cases where the employment of a Licensed Architect/Engineer is necessary, the name of the Licensed Architect/Engineer, whom he has employed to supervise its execution. The Licensed Architect/Engineer shall give notice to the Authority on Form A-2 along with all the information and documents, as required under regulation 6.

**8. Documents of title.-** Every person who intends to carry out building works, if required, shall produce all documents of title relating to the plot showing his right to carry out such works.

**9. Plans and documents.-** (1) Every person, who under regulation 6 and/or regulation 7, is required to furnish to the Authority any plan or other documents, shall furnish three copies of every such plan. One of such triplicate plans shall be mounted or drawn on linen, and shall be retained by the Authority together with one more copy. The third copy shall be signed by the Chairman or any other officer authorised by him in this behalf when signifying his approval and shall be returned to the person by whom the same was furnished.

In the case of unregistered documents, a copy of every such document shall be furnished, if so required by the Authority. In the case of registered documents, the applicant shall merely produce the documents for inspection.

(2) Every plan of any building submitted under regulation 6 and/or regulation 7 shall, in token of its having been prepared by a Licensed Architect/Engineer or under his supervision, bear his signature.

(3) In cases where designs approved by the Authority are adopted no signature of a Licensed Architect/ Engineer shall be necessary.

**10. Period of approval.-** With a fortnight after the receipt of an application for permission to carry out building works the Authority shall—

- (a) pass orders granting or refusing permission to carry out such building works, and in the case of refusal specifying the provisions of the regulation violated; or
- (b) require further details in the plans, documents, specifications and any other particulars to be submitted to it.

**11. Evidence of permission.-** Whenever under any of the regulations the doing or the omitting to do a thing or the validity of anything depends upon the sanction, permission, approval, order, direction, requisition, notice or satisfaction of the Authority, a written document along with the approved plan signed by the Chairman or any officer duly authorised by him purporting to convey or set forth his sanction, permission, approval, order, direction, requisition, notice or satisfaction shall be sufficient *prima facie* evidence.

**12. Cancellation of permission.-** If at any time after permission to carry out building works has been given, the Authority is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the application made under regulation 6 or 7 in the plans, elevations, sections or specifications and documents submitted therewith in respect of such building, such permission may be cancelled and any work done thereunder shall be deemed to have been done without permission.

**13. Work carried out without permission.-** (1) If the building works are commenced or carried out contrary to the provisions of these regulations or any other regulation(s) issued by the Authority, and for the time being in force, the Authority may:—

- (a) by written notice require the person who is carrying out such building works forthwith to cause to be stayed all such work.
- (b) by written notice require the person who is carrying out or has carried out such building works on or before such day as shall be specified in such notice, by a statement in

writing subscribed by him or by an agent duly authorised by him and addressed to the Authority to show sufficient cause why such building works or such part thereof shall not be removed or altered to comply with the regulations.

- (c) require the said person on such day, at such time and place as shall be specified in such notice to attend personally or through an agent duly authorised by him and show sufficient cause why such building works or part thereof shall not be removed or altered.

(2) If such person shall fail to show sufficient cause to the satisfaction of the Authority why such building works or part thereof shall not be removed or altered, the Authority may remove or alter the building works or any part thereof and the expenses thus incurred shall be paid by such person.

*Section (ii) — Fees*

14. **Scrutiny fees, schedule No. 5.**— (1) The Authority shall charge for the scrutiny of building plans required to be submitted under these regulations a fee to be known as scrutiny fee at the rates listed in Schedule No. 5.

(2) The Authority may exempt from charge of scrutiny fee building plans for premises which, in the opinion of the Authority, will be used for religious, charitable or educational purposes.

(3) If the building plans previously approved are amended, the Authority may charge a fee that may be prescribed by it for scrutiny of the amended building plans.

(4) If plans of an actual building submitted after completion of such building show substantial deviations from the plans previously approved, the Authority may charge the fee for scrutiny of such plans.

(5) No scrutiny fee shall be charged for renewal of approval of any building plans.

(6) No scrutiny fee shall be charged for granting permission to occupy a building, if the building has been completed, entirely in accordance with building plans approved or if the building has been completed with such deviations from the said building plans as are, in the opinion of the Authority, insignificant or minor.

*Section (iii)**Procedure, Notices, Inspections and Certificates During Construction*

**15. Site operations.-** Every person who carries out building works or demolition works shall comply with the Authority's instructions regarding Site Operations.

**16. Safety and stability of buildings.-** Every person who carries out building works shall use sound building materials which shall be of good quality and properly put together so as to ensure safety and stability of the building.

**17. Verification of building lines.-** Every person who commences to carry out building works, as described in regulations 6 and 7, shall give notice to the Authority in writing on Form D and shall not proceed further with the work. The Authority shall verify the building lines within one fortnight of the receipt of the aforesaid notice and intimate within the aforesaid period to the owner or his representative any error which may be found in the building line.

**18. Inspection of the building.-** The Authority may—

- (a) at any time, before the approval of an application received under regulations 6 and / or 7;
- (b) at any time during the carrying out of the building works;
- (c) within 30 days from the receipt of the notice of completion or the certificate of completion with respect to any such building;
- (d) at any time after the building has been erected, added to or altered,

inspect such building without giving previous notice.

**19. Work not in accordance with approved plans.-** (1) If on making any inspection under regulation 18 above, the Authority finds that the building works—

- (a) are otherwise than in accordance with the plans that have been approved; or
- (b) contravene any of the provisions of any rule, regulation or order issued under the Capital Development Authority



Ordinance, 1960, it may, by written notice, require the person carrying out building works, within a period to be specified in such notice, either to make alterations as shall be specified in such notice with the object of bringing the work into conformity with the said plans or provisions of any rule, regulation or order as aforesaid or to get amended plans approved after complying with the requirements of such rule, regulation or order.

(2) In the event of non-compliance with the requisition as made under sub-regulation (1) above, it shall be competent for the Authority to order cessation of work or demolition of so much of the construction as contravenes any of the provisions of a rule, regulation or order referred to in sub-regulation (1) above and the cost thereof shall be paid by the owner.

**20. Exposure of works for inspection.-** (1) If there be reasonable ground for suspecting that in the carrying out of the building works anything has been done contrary to any provision of a rule, regulation or order or that anything required by any such rule, regulation or order to be done has been omitted to be done; and if, on inspecting such building, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained; the Authority may, by written notice, require the person who has carried out the building works to cause so much of such building as prevents any such fact from being ascertained, to be drilled, cut into, laid open, exposed or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the carrying out of such building works nothing has been done contrary to any provision of a rule, regulation or order and that nothing required by any such rule, regulation or order to be done has been omitted to be done, compensation shall be paid by the Authority to the person aforesaid for the damage and loss incurred by drilling, cutting into, laying open, exposing or pulling down the building.

**21. Notice of completion.-** Every person who carries out and completes building works approved under these regulations shall, within one month of the completion of the work, deliver to the Authority at its office a notice in writing on the prescribed form B-1 or C-1, of such completion together with a certificate or certificates on the prescribed form B-2 or C-2, as the case may be, duly signed by the Licensed Architect / Engineer employed under regulation 5.

**22. Permission to occupy.-** (1) After the receipt of the said notice the Authority shall depute an officer to inspect such work and after such inspection,

either approve or disapprove the building for occupancy or make such further order as it may decide.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection, if any, of such building until the permission referred to in sub-regulation (1) has been granted.

## CHAPTER II

### SPACE REQUIREMENTS IN AND ABOUT BUILDINGS, LIGHT AND VENTILATION REQUIREMENTS

#### *Section (i) space about buildings*

**23. Site coverage.-** The maximum built-up area allowed for a plot shall conform to the provisions of the zoning regulation applicable to the area wherein the plot is located.

**24. Space in front, side and/or rear of buildings.-** Open spaces in front, side and/or rear of buildings shall be provided as laid down in the zoning regulation applicable to the area wherein the plot on which a building is to be constructed, is located.

**25. Interior and exterior open spaces.-** (1) Every person who erects or re-erects a building other than a shop or a godown shall cause at least on one side of every room included in such building and intended for human occupation and not being a verandah, kitchen, bath or a store room, to abut—

- (a) on the interior or exterior open air space of the width or dimensions and fulfilling the conditions hereinafter prescribed for such open air spaces; or
- (b) on an open verandah opening on to such interior or exterior open spaces as aforesaid.

(2) Every such interior open space shall be of such dimension that no portion of any face of a building abutting on such open space shall intersect any of a series of imaginary lines drawn across the open space from the remote end of the building at the level of the plinth at an angle of 57 degrees with the horizontal.

**26. Projections over a public street and over the building line.-** (1) Projection of steps, string courses, cornices, eaves, chhajjas and similar projections

over a public street are permissible in respect of buildings abutting on a street free of any fee subject to –

(a) string courses or steps shall not project more than 2 inches beyond the street line on any public street.

(b) the projection of cornices shall be as follows:—

<i>Width of street:</i>	<i>Maximum projection:</i>
20ft. and less	1 foot
more then 20ft. upto 40ft.	1 foot 3 inches
more than 40ft.	1 foot 6 inches

(c) the projection to top cornices, chhajjas, eaves and the like shall be as follows:—

<i>Width of street:</i>	<i>Maximum projection:</i>
20ft. and less	1 foot
more then 20ft. upto 40ft.	2 feet
more than 40ft.	3 feet

(2) Any projection over a public street beyond limits prescribed in sub-regulation (1) may be permitted by the Authority at its discretion on such conditions as may be prescribed by it and on payment of a fee.

(3) All projections of steps, string courses, sunshades, cornices, eaves, chhajjas and balconies over a public street may be in continuation of projections within the owner's plot.

**27. Covered arcades.-** The Authority may require the formation of covered arcades (verandah ways) within the curtilage of building plots.

The minimum width of such arcades shall be fixed by the Authority and will be measured at pavement level between the street line and the front of the building.

**28. Pergolas.-** Pergolas shall not be permitted within the minimum open spaces required by the relevant zoning regulation.

*Section (ii) — Internal Lighting and Ventilation*

**29. Size of external opening.-** (1) Every storey of a residential building, if there are more storeys than one, shall be provided with effectual means of ventilation.

(2) In case of buildings having more than one storey and intended for separate occupation by more than one family, every part of such building above the ground floors, intended for common use, which opens to external air space, shall be provided with adequate means of ventilation.

(3) Every habitable room shall be provided with natural lighting and ventilation by means of one or more doors and windows having a combined area of not less than 15% of the floor space of such room and all such doors and windows shall be capable of allowing free uninterrupted passage of air.

**30. Cross ventilation.-** In addition to the requirements of the preceding regulation there shall also be provided in the case of domestic buildings constructed in continuous rows (terraced development) permanent ventilation by the provision of ventilation in all internal walls which are parallel to the external walls at each storey. Such vents shall have a net opening of not less than 4 sq. ft. per room.

**31. Internal air wells.-** (1) Kitchens, lavatories, W.Cs. and bath rooms may receive day light and natural ventilation from internal air wells. In such cases air wells shall conform to following minimum sizes:—

for	buildings up to two storeys in height	50 sq.ft.
	minimum width of well	5ft.
for	buildings higher than two storeys	100sq. ft
	minimum width of well	8ft.

(2) The floor of each air well shall have impervious paving and shall be adequately drained.

(3) Reasonable access shall be provided at the bottom of each air well.

(4) No internal air well or portion thereof shall be roofed over.

**32. Latrines.-** Every latrine shall have openings for permanent ventilation into the external air of not less than 2sq.ft. aggregate area.

**33. Water closet and bathrooms.-** Every water closet, urinal stall and bathroom shall be provided with natural lighting and ventilation by means of one or more openings in external walls having a combined area of not less than 3sq.ft., per water closet, urinal stall or bathroom and such openings shall be capable of allowing free uninterrupted passage of air.

**34. Garages.-** Every garage shall be provided with adequate ventilation and lighting to the satisfaction of the Authority.

**35. Staircases.-** All staircases shall be provided with adequate lighting and ventilation to the satisfaction of the Authority.

*Section (iii) – Mechanical Ventilation*

**36. Air-conditioning.-** (1) Where permanent air-conditioning is intended the relevant regulation dealing with natural ventilation, natural lighting and heights of rooms may be waived at the discretion of the Authority.

(2) Consideration to the waiver of the relevant regulation will only be given if in addition to the permanent air-conditioning system there are provided alternative approved means of ventilating the air-conditioned rooms.

(3) A minimum number of air charges per hour for any one type of accommodation shall be provided to the satisfaction of the Authority.

**37. Mechanical ventilation.-** In lavatories, W.Cs., and bathrooms, where permanent mechanical ventilation is provided to the satisfaction of the Authority the relevant building regulations dealing with the natural ventilation and natural lighting will not apply.

**Section (iv) – Space Requirements Inside Buildings**

**38. Minimum floor areas, residential buildings.-** (1) No habitable room shall have a floor area of less than 100 sq. ft. provided that if the number of rooms in a building exceeds four, the area of one habitable room may be 87 sq. ft.

(2) The minimum width of a habitable room shall be 9 ft 4-in.

(3) The minimum floor area of kitchens shall be 45 sq. ft. with a minimum width of 5 ft.

**39. Minimum floor areas: Shops.-** The minimum floor area of a shop shall be 100 sq. ft., with a minimum width of 8 feet.

**40. Minimum floor areas.-** In all types of buildings the minimum areas and widths of latrines, W.Cs. and bathrooms shall be:

	<i>Minimum area</i>	<i>Minimum width</i>
Latrine or W.C.	12 sq. ft.	3' 0"
Bathroom	15 sq. ft.	3' 0"
Combined W.Cs., and bathroom	24 sq. ft.	3' 0"

**41. Minimum height of rooms.-** The minimum clear height of rooms shall be:—

(1) **Residential Buildings:**

Habitable rooms 9' 7"

Kitchens, bathrooms W.Cs. Latrines 8' 6"

Garages and porches 7' 6"

(2) **Schools:** The minimum height of rooms used for teaching shall be 12 feet.

(3) **Hospitals, Maternity and Nursing Homes:** The minimum height of rooms used to accommodate patients shall be 12 feet.

(4) **Factories and Workshops:** The minimum height of all working areas shall be 12 feet.

(5) **Place of Assembly:** The minimum height of rooms shall be 12 feet.

(6) **Any other type of building including shops:** The minimum height of room shall be 10 feet.

(7) **Basements, Cellars, Vaults:** The minimum height of any basement, cellar or vault shall be 7 feet 6 inches: Provided that except as otherwise permitted by a zoning regulation, no basement, cellar or vault shall be constructed in a building except with the previous written approval of the Authority.

(8) **Mezzanines and Lofts:** The minimum height of rooms in mezzanines and lofts shall conform to the height applicable to the buildings in which they are being provided with the exception of shops where the height may be reduced to seven feet six inches provided that:—

- (a) no mezzanine or loft shall be permitted in shops having a height of less than 16 feet from floor to ceiling;
- (b) the total mezzanine or loft area in any shop shall not exceed one-third of the total floor area of the shop;
- (c) the underside of every mezzanine or loft shall not be less than 8 feet above the floor of the shop;
- (d) in no case shall a mezzanine or loft be permitted within 6 feet from the front wall of the shop;
- (e) every such mezzanine or loft shall be open except for a railing not exceeding 4 feet in height;
- (f) every such mezzanine or loft shall be accessible by a ladder or a staircase of non-inflammable material and located inside the shop.

(9) **Minimum headroom:** The minimum headroom under beams and lintels shall be 6 feet and 3 inches.

**Section (v) — Means of Escape in case of Emergency**

**42. Means of escape in case of emergency.-** (1) All means of escape from a building including exit ways, corridors, stairs, etc., should permit unobstructed access to a street or to an open space or to an adjoining building or roof from where access to the street may be obtained;

The Authority deals with each case on its merits after full consideration of the circumstances. Nothing contained in regulation 43 must be taken as in any way derogating from the powers of the Authority to secure reasonable and adequate means of escape in case of emergency.

(2) *Assessment of occupation.* As a guide to assessing the requirements for means of escape, the population of various portions of buildings, the number of persons and the population density (where not specifically stated or shown on layout or seating plans) the following is the basis of calculation:—

One person per:

5 square feet for a closely seated audience.

5 square feet of circulating gangways leading upto or

provided between the sale stalls or counters in bazars or retail trade premises frequented by persons in large numbers:—

6 square feet in dance halls.

12 square feet in restaurants.

40 square feet in factories and workrooms.

50 square feet in shops and showrooms.

100 square feet in offices.

300 square feet in warehouses.

(3) All buildings shall have windows on the street elevation within convenient reach and of adequate shape and size to enable persons to escape in case of emergency.



**43. Clear widths of exit ways.-** (1) The clear widths referred to in this regulation shall mean the unobstructed and clear width of the staircases between finished wall surface or face of stringer beams in the case of stair-wells. This width shall apply (except where specifically laid down) to all corridors and passages leading to the staircases and from the staircases to the exits and shall also apply to the exits. There shall be no projection inside the "clear width" of any corridor, passage, stairway or ramp (other than handrails) at a level lower than 6'-9" above the floor or above any stair.

Every exit way shall open directly on to an open space or a porch leading to a street and shall be easily accessible therefrom. Doors in exit ways shall open in the direction of escape.

(2) *Clear widths of staircases.* In buildings where the floors above the ground floor are occupied by more than 250 persons, two or more staircases shall be provided according to the requirements.

(3) *Commercial and business premises, departmental stores and shops.* For buildings not more than two storeys high and accommodating on the first floor not more than 50 persons, one staircase of a width not less than 3'-6" shall be provided. In all other cases an additional means of escape must be provided of a minimum width of 2'-6".

The distance from any point to the nearest staircase shall not exceed 100 feet.

Passages between rows of shops or stalls shall conform to the following minimum widths:—

<i>Length of passage</i>	<i>Shop or stalls</i>	
	<i>on one side only</i>	<i>on both sides</i>
Upto 50 feet.	5 feet	7 feet
Upto 150 feet.	6 feet	8 feet
More than 150 feet.	7 feet	9 feet

(4) *Factories:* At least two staircases shall be provided, one of a minimum width of 3' - 0" and the other of a minimum width of 2' - 6".

The distance from any one point to the nearest staircase shall not exceed 100 feet.

(5) *Warehouses:* For buildings not more than two storeys high and accommodating not more than 20 persons at first floor level, one staircase of minimum width of not less than 3'-6" shall be provided.

The normal requirements for staircases and exit ways shall be increased at the discretion of the Authority if the goods stored present a special fire hazard.

The distance from any point to the nearest staircase shall not exceed 100 feet.

(6) *Hospitals:* The entrance to any ward or room used for accommodating patients shall be within 70 feet from the nearest staircase. From each such ward or room there shall be access to a secondary staircase. The width of all staircases shall be not less than 4'-6" and the width of corridors and passages leading to such staircases shall not be less than 6 feet.

(7) *Schools and places of public assembly:* Exit ways, viz., exit doors, staircases, corridors, passages and exits to a street or large open space shall be provided for every floor or tier as follows:—

<i>Occupation</i>	<i>Two exit way</i>
Upto 200 persons	3'-6" each
Upto 300 persons	4'-0" each
Upto 400 persons	4'-6" each
Upto 500 persons	5'-0" each

An additional exit way of 5 feet shall be provided for each additional 250 persons or part thereof. Additional exits from stages, where there is a fire curtain, shall be provided to the satisfaction of the Authority.

(8) *Places of public assembly (additional requirements):—*

- 
- (a) A clear passage or gangway not less than 4 feet wide shall be provided around the stalls and balcony provided that—
- if the passage or gangway on the balcony leads to exits of equal width the rear passage may be omitted; and
- no passage is necessary at the front of the balcony.
- (b) Where considered necessary by the Authority gangways not less than 4 feet wide running parallel to the seating shall be provided.
- (c) Gangways not less than 4 feet wide shall be provided intersecting the rows of seating in such a manner that no seat shall be at a greater distance than 7 seats from a gangway measured in the line of seating.
- (d) Steps shall not be used to overcome difference in level in a gangway unless the slope of such gangways exceed 1 in 10.
- (e) Where steps of a pitch exceeding 30 degrees or ramps of a slope exceeding 1 in 10 are provided in gangways flanking the seating, suitable handrails shall be provided.
- (f) The treads of steps in gangways shall have a nonslip surface and the edges of such steps shall be illuminated at step level.
- (g) Guard rails not less than 3 feet 3 inches above floor level shall be provided at the foot of gangways in circles and galleries or areas where the incline exceeds 15 degrees.
- (h) The slope of the tiers shall not exceed 30 degrees.
- (i) Lobbies, corridors or passage ways intended for the use of the audience outside the auditorium shall be at least 6 feet wide.
- (j) All exit doors and doors through which the public pass on the way to open air shall be without locks, bolts or other fastenings while the public are in the building; except that doors used for exit only may be fitted with panic bolts.

- (k) Panic bolts shall be not more than 3 feet nor less than 2 feet 6 inches from the ground.
- (l) Only panic bolts which are operable by horizontal thrust shall be employed
- (m) Turnstiles, if installed, shall be arranged clear of the line of exit, and shall not be included in the calculation of exit width.
- (n) Every external doorway used by the public which is necessarily locked when the public are not in the building, and every collapsible gate shall, during the whole time that the public is present, be made capable of being locked in the fully open position in such a way that a key is required to release it.
- (o) No ticket window shall open on to any public street and cause obstruction thereon.

(9) *Staircases, general structural requirements:* The design of staircases and the provisions of handrails shall comply with regulations 67-71.

### CHAPTER III

#### BUILDING STRUCTURES

##### *Section (i) – Sites*

**44. Ground floor level.-** In the absence of an effective storm water drainage system, the ground floor of every building abutting on a street shall be raised above the level of the verandah way or foot-way and shall not be less than two feet above the level of the crown of the adjacent road or street.

**45. Boundary walls.-** (1) The owner of every building may and if so required by the relevant zoning regulation shall provide a boundary wall or fencing on the boundaries of his plot of heights as specified in the zoning regulation.

(2) Boundary walls which abut on a public street, pathway or place which the public are allowed to use, shall not consist of fencing in which is used barbed wire or any material likely to cause injury to persons or animals.

(3) Every boundary wall or fencing shall be maintained in good condition and repair so long as the building on the plot exists.

***Section (ii) – Foundations***

46. **Ground to be tested.**- The owner shall cause tests to be made to prove the nature of the ground as required by the Authority.

47. **Foundations near drains.**- Where a building is to be erected near a drain or an excavation at a distance less than the depth of the said drain or excavation the owner shall satisfy the Authority that the foundations of the buildings are carried down to a level safeguarding its stability.

48. **Foundations of walls and piers.**- (1) Unless supported on a beam every load-bearing wall or pier or the footing thereof, if any, shall rest on concrete and such concrete shall extend horizontally beyond each of the sides and end faces of the wall or pier to a distance of not less than six inches.

(2) The thickness of concrete foundation shall be taken at an angle of dispersion of not less than 45 degrees.

(3) If constructed in reinforced concrete the foundation shall comply with the requirements of the building regulation for reinforced concrete.

***Section (iii) – Load bearing requirements***

49. **Load bearing structures generally.**- (i) The load-bearing structure of a building above the foundation shall be capable of safely sustaining and transmitting the dead load and imposed loads and the horizontal and inclined forces to which it may be subjected without exceeding the appropriate limits of streets for the materials of which it is constructed and without undue deflection.

(ii) *Dead loads etc.* The dead load and imposed loads, including wind load, shall be calculated in accordance with the provisions of Schedule No. 2.

(iii) *Structural calculations:* Until such time as the relevant Pakistani Codes of practice and Standard Specifications have been drafted, structural calculations shall be based on British Codes of Practice and Standard Specifications (See Schedule No. 4).

(iv) *Permissible loads on masonry:* Table of maximum permissible loads on masonry for guidance:—

Type of masonry	Limit of total permissible load in tons due to superincumbent weight and all other loads per sq. ft. of horizontal section area.
Ashlar or Masonry (1 <sup>st</sup> Class) with local stone in lime mortar	15.0
Ashlar or masonry (1 <sup>st</sup> Class) with local stones in cement mortar (1:4) i.e., one part of cement to four parts of sand.	18.0
Ashlar or Masonry (2 <sup>nd</sup> class) with local stones in lime mortar	12.0
Ashlar or Masonry (2 <sup>nd</sup> class) with local stones in cement mortar (1:4)	15.0
Burnt bricks (table moulded) in lime mortar	5.0
Burnt bricks (table moulded) in cement mortar.	7.0

**50. Structural steel work.-** Structural steel work shall be deemed to comply with regulation 49 (load-bearing structures generally), if-

- (a) the design and construction of the steel work are based upon the relevant recommendations of British Standard Code of practice CP 113 "The structural use of steel in buildings" or
- (b) the steel work is designed and constructed in accordance with the relevant rules given in British Standard 449 "The use of structural steel in buildings"

**51. Structural work of reinforced concrete.-** Structural work of reinforced concrete shall be deemed to comply with regulation 49 (load-bearing structures generally) if the design and construction are based upon the relevant

recommendations of British Standard Code of Practice CP 114 "The structural use of normal reinforced concrete in buildings."

**52. Structural works of timber.-** Structural work of timber shall be deemed to comply with regulation 49 (load-bearing structures generally) if its design and construction are based upon the relevant recommendations of British Standard Code of Practice CP112 "Structural use of timber in buildings."

**53. Walls, pier and columns: Masonry.-** A wall, pier or column shall be deemed to comply with regulation 49 (load-bearing structures generally) if its design and construction are based upon the relevant recommendations of British Standard Code of Practice CP111 "Structural recommendations for load-bearing walls".

**54. Structural calculations.-** The owner shall submit structural calculations along with the designs.

*Section (iv) – Resistance to weather and damp*

**55. Roofs and external walls.-** Every roof and external walls, including any parapet, of any building in which people live or work shall be constructed to adequately resist the penetration of rain.

**56. Damp-proof courses.-** (1) Every wall of a building shall be provided with a damp-proof course at a height of not less than 6 inches above the surface of the ground adjoining the wall and not higher than the level of the upper surface of the concrete or other similar solid material forming the structure of the floor.

(2) Where any part of a floor of the lowest or only storey of a building is below the surface of the adjoining ground and the wall or part of a wall of storey is in contact with the ground—

- (a) the wall or part of a wall shall be constructed or be provided with a vertical damp-proof course so as to be impervious to moisture from its base to a height of not less than six inches above the surface of the ground; and
- (b) an additional damp-proof course shall be inserted in the wall or part of a wall at its base.

(3) Where the floor of a building is, in the opinion of the Authority, subject to water pressure, that portion of the building below ground level shall be suitably water-proofed to the satisfaction of the Authority.

*Section (v) – Walls*

**57. Containing walls.-** Every building shall be contained within its own walls or party walls which, together with all cross walls shall be constructed of bricks, stone, concrete (properly bonded and solidly built together with lime cement mortar or with cement mortar or with mud mortar) or other hard and non-inflammable materials.

**58. Under-pinning.-** If under-pinning is required the owner or his agent shall give written notice to the Authority stating the method of under-pining proposed to be used and shall obtain the written sanction of the Authority before proceeding with the work.

**59. Wall thickness for residential buildings.-** In the case of residential buildings the following specifications will hold good in case of every external wall and every party wall. In each case the thickness will be minimum:—

**I. Bricks or stone**

- (a) *Height upto 12 ft:* Where the wall does not exceed 12ft., in height (whatever its length), it shall be 9” thick for its whole height.
- (b) *Height upto 15 ft:* Where the wall exceeds 12ft., but does not exceed 15ft., in height (whatever its length), it shall be 13 ½” thick.
- (c) *Height upto 25 ft:* Where the wall exceeds 15ft., but does not exceed 25 ft., in height, its thickness shall be as follows:—
  - (i) If the wall does not exceed 50’ in length, it shall be 13½” thick for its whole height.
  - (ii) If the wall exceeds 30’ in length it shall be 13½” thick below the top most storey if it comprises more than one storey, or if it comprises a ground floor only then 18” thick for a height of 15’ above its



base and in either case 13 ½" thick for the rest of its height.

- (d) *Height upto 35 ft:* Where the wall exceeds 25 feet but does not exceed 35 feet in height, its thickness shall be as follows:—

If the wall does not exceed 30 ft., in length it shall be 18" thick from the base for the height of 2 storeys 13 ½" thick for the rest of its height.

- (e) *Height upto 45 ft:* Where the wall exceeds 35' but does not exceed 45' height, its thickness shall be as follows:—

(i) If the wall does not exceed 30' in length, it shall be 18" thick from the base for the height of 2 storeys, and 13½" for the rest of its height.

(ii) If the wall exceeds 30' in length it shall be 22½" thick from the base for the height of one storey, then 18" thick for the height of the next 2 storeys and 13½" thick for the rest of its height.

**II. Concrete Blocks** (Blocks of a mixed volume of one part of cement, 3 parts of sand, 6 parts of aggregate of minimum crushing strength of 400 lbs. per square inch.

	Thickness
Single Storey Buildings	9"
Buildings upto 30' in height: (length of wall not exceeding 30 feet):	
Ground floor	12"
Upper floors	9"
Building upto 45' in height: (length of wall not exceeding 30 feet):	
Ground floor	15"

Intermediate floors	12"
Top floor	9"

The thickness of every internal cross wall shall be at least two-third of the thickness prescribed for an external or party wall of the same height and length, provided that if such cross wall supports a load, the whole of such cross wall shall be of the thickness prescribed for an external or party wall and all cross walls shall be bonded to the main walls to which they abut.

The mortar used may either be mud or lime mortar or cement mortar of a mix one part cement and six parts of sand.

**60. External panel wall in framed buildings.-** If a building is fully framed and no part of the panel wall sustains or transmits any load other than that due to its own weight and to wind pressure on its own surface, such panel wall may be off:

- (a) 4½ inches brick work reinforced with suitable expanded metal in every eight course, the panel not being greater than 16 feet in length and 11 feet in height, and suitably fixed to the frame-work. For a greater length or height the panel wall shall be 9 inches thick.
- (b) 6 inches thick precast concrete blocks, the panel size being as for 4½ inch brickwork. For a greater length or height the panel wall shall be 8 inches thick.

**61. Special panel construction or cladding: (External walls).-** Any other form of panel filling or cladding framed buildings not specified in these Building Regulations shall be subject to special sanction by the Authority.

#### *Section (vi) – Floors*

**62. Structural strength: (Schedule No. 2).-** Every floor shall be capable of sustaining adequately its own weight and any imposed loads which it is likely to be subjected to.

**63. Notice as to permissible loads on floors.-** (i) In every storey except where the floor is one used for residential purposes, there shall be exhibited by the owner, at each staircase, or at some other appropriate place, a notice, incised or embossed on metal, plastic or similar permanent material, in the

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following form, stating the imposed load for which the floor has been designed, letters to be at least ¼ inch high:

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**NOTICE**

This floor has been designed to  
sustain an imposed load of  
..... lbs. per square foot.

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(ii) Where floors of different rooms or different parts of floors have been designed for different imposed loads, a notice in the above form shall be suitably displayed in each room or one each part of the floor as the case may be, indicating the variations.

**64. Steel, reinforced concrete and timber.-** Where steel, reinforced concrete or timber is used in floor construction the design shall be in accordance with regulation 50 (Structural Steel Work), 51 (Structural work of Reinforced Concrete) and 52 (Structural Work of Timber) respectively.

**65. Floor finishes.-** Every floor shall be finished in a manner adequate for its intended use.

**66. Impervious floors.-** (i) The floor of every factory and warehouse intended to be used for the manufacture or storage of articles for human consumption shall be constructed of impervious material.

(ii) The floor of every garage shall be constructed of impervious material.

***Section (vii) – Staircases and Lifts***

**67. Pitch of staircases.-** (i) The rise shall normally not be more than 7 inches and the tread shall not be less than 9 inches.

(ii) In houses occupied by not more than one household 7½ inch risers will be permitted.

**68. Handrails.-** (i) All staircases shall be provided with a handrail or handrails.

(ii) In non-residential buildings a handrail shall be provided on each side of the staircase when the staircase is 5 feet wide (clear) and over. Where a staircase is 10 feet wide or more, there shall be provided in addition a handrail down the centre of the stair.

**69. Maximum flight.-** There shall not be more than 15 risers between each landing. A landing shall not be less than 3 feet in depth.

**70. Winders.-** Winders may be permitted in residential buildings other than blocks of flats.

**71. Limitation in the use of timber staircases.-** (i) Timber staircases are permissible only for residential buildings occupied by not more than one household.

(ii) All other staircases shall be of reinforced concrete or other non-inflammable material.

**72. Lifts.-** Lifts shall be provided in buildings where the climbing height from the ground floor level to the top floor level exceeds 42 feet and 6 inches.

#### *Section (viii) – Roofs*

**73. Timber.-** (i) *Farmings:* Timber for roof construction shall be of adequate sizes and properly framed in accordance with regulation 52.

(ii) *Preservative:* All built-in or hidden roof timbers shall be protected against damp and insect attack by treatment with a suitable preservative.

**74. Steel and reinforced concrete.-** Where steel work or reinforced concrete is used in roof construction the design shall be in accordance with regulations 50 and 51 respectively.

**75. Special types of construction.-** Any other type of roof construction not specified in these Building Regulations shall require special sanction of the Authority.

**76. Roof covering and drainage.-** On pitched roofs the following materials only may be used:—

Burnt clay or concrete tiles.

Slates.

Metal or asbestos cement sheets.

Glass.

Other materials approved by the Authority.

The roof of a building (whether flat or not) shall be so constructed as to effectually drain to suitable and adequate channels, gutters, chutes or troughs.

**77. Access to roof space.-** Access shall be provided to the space within a pitched roof where such space is enclosed by a ceiling.

**78. Lighting conductors.-** Lighting conductors if provided, shall be of a type approved by the Authority, and shall be earthed and fixed in a manner approved by it.

*Section (ix) – Refuse Chutes*

**79. Refuse chutes.-** Refuse chutes shall be of a type approved by the Authority and shall conform to the following minimum requirements:—

- (a) They shall be formed with glazed pipes or asbestos cement pipes of at least 12 inches internal diameter.
- (b) All chutes shall be adequately ventilated at the top and shall be provided with suitable arrangements for flushing with water for the full length of the chute.
- (c) All chutes shall discharge into a suitable moveable receptacle or receptacles of a size and pattern approved by the Authority.
- (d) The chamber housing the receptacle at the foot of the chutes shall be drained and shall be adequately fly and vermin proof and shall open into the external air, and shall be lined throughout with glazed tiles.
- (e) The opening into the chutes from each floor shall be fitted with a self-closing hopper type flap.

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*Section (x) — Flues and chimneys*

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**80. Chimneys.-** (1) Every chimney included in a building shall be built on solid foundations and with footings similar to the footings of the wall against which such chimney is built and shall be properly bonded into such wall.

Provided that any such chimney may be built on sufficient corbels of brick, stone or other hard and incombustible materials if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel.

Provided further that the chimney of an industrial and factory plant shall not be built nearer than 10 feet of the plot line.

(2) *Chimney flues to be pargeted.*

(a) The inside of every flue included in a building shall be properly rendered or pargeted as such flue is carried up unless the whole flue shall be lined with fire-brick or fire-proof piping of fire-clay at least one inch thick, and unless the spandrel angles shall be filled in so solid with brick work or other incombustible material.

(b) The back or outside of such flue, which shall not be constructed so as to form part of the outer face of an external wall, shall be properly rendered in every case where the brick work of such back or outside is less than nine inches thick.

(c) A flue connecting with a room intended for human habitation shall not connect with any other room.

(3) *Fire brick lining.-* Every flue included in a building and intended for use in connection with any furnace of copper, steam-boiler or close fire constructed for any purpose of trade, business or manufacture, or in connection with any cooking range or cooking apparatus of such building when occupied as a hotel, tavern or eating house, shall be surrounded with fire-brick at least four and a half inches thick for a distance of ten feet at least in height from the floor on which such furnace of copper, steamboiler, close fire, cooking range or cooking apparatus may be constructed or placed.

**81. Factory chimney shafts: Construction.**- (1) Regulations 81 to 84 shall apply to chimney shafts which are structurally independent and erected in connection with any factory or place in which steam, water or other mechanical power is to be employed.

(2) A shaft and its foundations shall be designed and constructed in accordance with the following provisions of this regulation.

(3) The appropriate limits of stress for the materials of which the shaft is constructed shall not be exceeded when the shaft is subjected to a horizontal wind pressure (as modified by the appropriate shape factor specified in the following Table) of-

- (a) 12 pounds per square foot if the height of the shaft does not exceed 40 feet;
- (b) 14 pounds per square foot if the height of the shaft does not exceed 50 feet;
- (c) 15 pounds per square foot if the height of the shaft does not exceed 60 feet;
- (d) 17 pounds per square foot if the height of the shaft does not exceed 80 feet;
- (e) 18 pounds per square foot if the height of the shaft does not exceed 100 feet;
- (f) 19 pounds per square foot if the height of the shaft does not exceed 120 feet;
- (g) 21 pounds per square foot if the height of the shaft does not exceed 140 feet;
- (h) 22 pounds per square foot if the height of the shaft does not exceed 160 feet;
- (i) 23 pounds per square foot if the height of the shaft does not exceed 180 feet;
- (j) 24 pounds per square foot if the height of the shaft exceeds 180 feet:

and the shaft shall be capable of resisting without overturning a wind pressure (as so modified) of one-and-a-half times that specified for its height in this paragraph.

TABLE

Plan shape of structure	Factor
Circular	0.7
Octagonal	1.0
Square (wind perpendicular to diagonal)	1.0
Square (wind perpendicular to face)	1.3

(4) For the purposes of paragraph (3) of this regulation, the wind pressure shall be assumed to be acting uniformly over the whole height of the shaft, the total lateral force being taken as the product of the wind pressure and the maximum vertical projected area.

(5) The base of the shaft shall rest upon solid undisturbed rock, or upon some suitable foundation so constructed that when the shaft is subject to the wind pressure specified for its height and shape by paragraph (3) of this regulation the pressure on the ground under the foundation does not exceed the safe bearing capacity of the ground.

**82. Shafts constructed of brick-work.-** (1) A shaft constructed of brickwork shall be deemed to be designed and constructed in accordance with paragraphs (3) to (5) of regulation 81 if it complies with the following provisions of this regulations:—

(2) The bricks shall be hard and well-burnt clay bricks, or sand lime bricks being bricks described as Class A in British Standard 187 and they shall be properly bonded and solidly put together with mortar.



(3) Where the horizontal section of the shaft is circular or in the form of a regular polygon, the external diameter or least width at its base shall be not less than one-twelfth of the height of the shaft.

(4) Where the horizontal section of the shaft is rectangular the lesser width at its base shall be not less than one-tenth of the height of the shaft.

(5) The thickness of the brick-work shall be not less than eight-and-a-half inches at the top of the shaft and for not more than twenty feet below the top, and shall be increased by not less than four inches for each additional twenty feet or part of twenty feet of the height of the shaft measured downwards.

(6) The shaft shall have a batter of not less than 2.5 inches in every ten feet.

(7) Any footings provided at the base of the shaft shall —

- (a) project in every direction from the base for not less than two-thirds of the thickness of the brickwork of the shaft at the base;
- (b) be in height not less than one and one-third times their projection;
- (c) be either in regular offsets from the base or in one offset;
- (d) be built solid to the level of the base.

(8) The footings or the base of the shaft shall rest upon a suitable and sufficient foundation.

(9) Where the footings or the base of the shaft rest upon cement concrete and the bearing capacity of the ground under the concrete is not inferior to that of firm clay, the requirements of the last preceding paragraph of this regulation shall be deemed to be satisfied if—

- (a) the projection of the concrete in every direction from the base of the shaft is not less than one-and-a-half times the thickness of the brickwork at the base;
- (b) the thickness of the concrete is not less than one and one-third times the projection of the concrete beyond the

footings, or beyond the base if footings are not provided; and

- (c) the concrete is composed of cement and well-graded aggregate in the proportion of one hundred and twelve pounds of cement to not more than twelve and-a-half cubic feet of well-graded aggregate.

(10) Where an opening is formed in the side of a shaft the sides of the opening shall be strengthened to offset any loss of strength due to the formation of the opening.

**83. Shafts constructed of masonry.-** (i) A shaft constructed of cut stone masonry shall be deemed to be designed and constructed in accordance with paragraphs (3) to (5) of regulation No. 81 if it complies with the following provisions of this regulation.

(ii) Every such chimney shall be built of a diameter at the base of not less than one-twelfth of the height, and for a height of at least twenty feet from its base. Every such chimney shall be lined in the following manner, that is to say, the shaft shall be provided with an independent lining of fire-bricks, separated from the masonry enclosing the shaft by a cavity at least one inch in width and every such cavity shall be covered at the top with corbelled brick work.

(iii) The batter of every such chimney shall be not less than one-third of an inch to the foot.

(iv) Where the inside diameter of the chimney at the top does not exceed four feet and six inches, the thickness of the masonry shall be as follows:

- (a) From the top of the chimney to the level of twenty-five feet below the top, it shall be twelve inches thick.
- (b) From the level of twenty-five feet below the top of the chimney to the level of fifty feet below the top, it shall be eighteen inches thick.
- (c) For each further space of twenty-five feet below the level of fifty feet from the top, the thickness shall be in like manner further increased to the extent of six inches.

(v) Where the inside diameter of the chimney at the top exceeds four feet and six inches, the thickness of the masonry shall be as follows:—

- (a) From the top of the chimney to the level of twenty-five feet below top, it shall be eighteen inches thick.
- (b) From the level of twenty-five feet below the top, it shall be two feet thick.
- (c) For each further space of twenty-five feet below the level of fifty feet from the top, the thickness shall be in like manner further increased to the extent of six inches.

**84. Shafts constructed of reinforced concrete.**— Where reinforced concrete is used in chimney shaft construction the design shall be in accordance with regulation 51.

#### CHAPTER IV

#### DRAINAGE AND SANITARY PROVISIONS

##### *Section (i) – Drainage*

**85. Connection to public storm sewers.**— The house connection with the street sewer shall be effected through an inlet grating having openings of not more than 1.5 inch centre-to-centre and shall be carried out under the direction and to the satisfaction of the Engineer incharge from the Authority. Under no circumstances the internal storm drainage system shall be connected with sanitary sewage system. The internal plumbing shall be done by a licensed plumber.

**86. Connection to public sanitary sewers.**— The house connection with the street sanitary sewers shall be effected through a service manhole to be located at an approved spot near the boundary line of the plot. The slope of the sanitary sewer upto this manhole shall be sufficient to allow a free flow and shall be carried out under the direction and to the satisfaction of the Engineer incharge from the Authority. Under no circumstances, the sewer carrying the night soil shall be connected with the main storm sewer system of the area. The internal plumbing shall be done by a licensed plumber.

**87. Cesspools, septic tanks, soak pits.**— (1) Where no public sewer is in existence, all sullage water shall be connected to cesspools or septic tanks.

(2) Where no public sewer is in existence, all waste water may be connected to soak pits.

(3) Cesspools and septic tanks shall –

- (a) be so constructed as to be impervious to liquid either from the outside or inside;
- (b) be so sited as not to render liable to pollution any spring or stream of water or any well the water from which is used or likely to be used for drinking or domestic purposes subject to a minimum distance of 20 feet.
- (c) a 4" or 6" ventilating shaft shall be provided in each septic tank for the removal of poisonous gases. The outlet of the shaft shall be placed 3 ft. above the highest building in the surrounding area.

**88. Roofs and balconies.-** The roof of every building and the floor of balconies abutting a street or constructed over a street shall be drained by means of gutters and down-pipes to the satisfaction of the Authority.

*Section (ii) — Sanitary Provisions*

**89. (1) Residential.—**

- (a) Every dwelling shall have at least one latrine or W.C. and one bathroom.
- (b) Single-room tenements shall have one latrine or W.C. and one bathroom per five tenements, subject to a minimum provision of two W. Cs. or latrines.
- (c) In the case of servant quarters attached to dwelling houses one W.C. or latrine and one bathroom shall be sufficient for every five quarters.

**(2) Hotels.-** Hotels, boarding houses and guest houses;

For every ten bedrooms or less there shall be provided at least two W. Cs. or latrines and two bathrooms.

(3) **Dormitories.**- For every 20 persons there shall be provided at least two W.Cs. or latrines and one bathroom.

(4) **Offices, stores and factories.**- Offices, departmental stores and factories.

For every 25 persons upto 100 there shall be provided one W.C. or latrine and one urinal and one additional W.C. or latrine plus one urinal for every 50 persons in excess of 100 persons.

**Ablution facilities:—**

One wash basin or equivalent washing trough space for 25 or less persons.

The above figures refer to staff only. If provision is to be made for public, this must be in addition to the above.

(5) **Shops. Shops and stalls –**

Communal sanitary facilities shall be provided at the discretion of the Authority.

(6) Shops of a floor area of 400 sq. ft. and more shall have a minimum of one W.C. or latrine and one draw-off tap on the premises.

(7) **Places of public Assembly.**- Places of public assembly –

**Males—**

One W.C. for every 100 and two urinals for every 200 persons or part thereof.

**Female –**

One W.C. for every 100 persons or part thereof.

In each room provided for sanitary purposes there shall be at least one wash basin.

(8) **Schools. Schools –**

**Boys –**

Two W.Cs. and three urinals per 100.

**Girls –**

Five W.Cs. for the first 100 and 1 W.C. for each 25 or part thereof.

**Ablution facilities.**

One wash basin or equivalent washing trough space per 25 pupils.

**(9) Hospitals: Hospitals—**

At least one W.C. one wash basin and one bathroom for every 10 persons (patients and staff).

**90. Latrines, W.Cs. and bathrooms.- Walls and floors—**

(1) All walls of W.Cs. and bathrooms shall be finished in cement mortar or other impervious material to a minimum height of 4 feet. All floors to W.Cs. and bathrooms shall be paved in concrete with cement rendering or other impervious material, laid in the case of bathrooms with proper falls to an approved outlet.

(2) Every latrine shall be constructed of brick, concrete or other impervious approved material.

(3) Where there is no water carriage system latrines shall be separated from the main buildings by cross ventilated passages not less than 3 feet wide or be accommodated in separate buildings.

***Section (iii) — Water Connections***

**91. Supply of water connections.-** (1) On application on Form A-3, the Authority will give water connection to the owner on payment of necessary charges in accordance with the extent and size of connection. The connection will be given at the boundary of the plot through a service manhole which would house the valve and meter. The water supply will be suitably measured for charging the water charges.

(2) The owner shall install a non-return valve of a suitable quality in the water line leading into the house from the service manhole.

(3) The procurement, installation and control over water meters shall be governed by the regulations and orders which the Authority may issue, from time to time.

CHAPTER V

FIRE RESISTANCE AND FIRE PRECAUTIONS

*Section (i) – Fire Resistance—General*

92. **Period of fire resistance.**- A structural part of a building shall be deemed to have the requisite fire resistance if it is so constructed as to have a period of fire resistance not less than the appropriate period specified in Schedule No. 3.

Until such time, as an appropriate Pakistan Standard Specifications Code has been drafted, the fire resistance of building materials shall be ascertained from British Standard 476: (Fire Tests on Building Materials).

*Section (ii) – Fire Resistance – Small houses*

93. **Small houses, definitions.**- A “small house” for the purpose of these Building Regulations shall be a house of upto 18,000 cu. ft. capacity on not more than two storeys and occupied by one household and the servant quarters attached thereto.

94. **External walls (small houses).**- Every external wall of a small house shall comply with the following table:—

TABLE – A

(1)		(2)
Distance of walls in feet from nearest boundary of premises		Appropriate requirements as to non inflammability and fire resistance.
Not less than	Less than	
10	—	No requirement
5	10	To be externally non-inflammable
3	5	To be non-inflammable throughout

**95. Separating walls (Small houses).**- A wall separating two small houses shall have fire resistance of one hour.

Where the external walls of small houses are of timber or other inflammable material, the walls separating such houses shall –

- (a) have a fire resistance of two hours;
- (b) extend not less than nine inches beyond outer surface of the external walls.

No inflammable material shall be built into a separating wall other than the ends of wooden joists or purlins which are properly protected by brick-work or other solid and non-inflammable material not less than four inches thick.

In every small house all load-bearing walls not already referred to in these Buildings Regulations shall have a fire resistance of half-an-hour.

***Section (iii) – Fire Resistance – Buildings other than Small Houses***

**96. External walls (other than small houses).**- (i) The external walls of any building other than a small house shall be non-inflammable throughout and have a fire resistance of two hours.

(ii) Every external wall of a domestic or public building of one storey, not being a small house, shall comply with the requirements of Table: B.

**TABLE B**

Capacity of building in cubic feet		Distance of wall in feet from nearest boundary of premises		Appropriate requirements as to non inflammability and fire resistance
Not less than	Less than	Not less than	Less than	
–	18000	10	–	No requirements
–	–	5	10	Top be externally non-inflammable
–	–	3	5	To have a fire resistance of one hour



18000	36000	20	—	No requirement
—	—	10	20	To be externally non-inflammable
—	—	5	10	To have a fire resistance of one hour
36000		10	—	To be externally non-inflammable and, unless its is an office building more than 30 feet from the nearest boundary of the premises, to have a fire resistance of one hour.

(iii) Every external wall of a building of the warehouse class not intended to be used wholly or predominantly for storage and comprising only one storey shall comply with Table C.

TABLE C

(1)		(2)
Distance of wall from nearest boundary of premises		Appropriate requirements as to non-inflammability and fire resistance.
Not less than	Less than	
20 feet or a distance equivalent to half of the height of the building (whichever is the greater)	40 feet or a distance equivalent to the height of building (whichever is the greater).	To have a fire resistance of one hour.
40 feet or a distance equivalent to the height of the building (whichever is the greater).	—	To be externally non-inflammable.

(iv) Every external wall of a building of the warehouse class intended to be used wholly or predominantly for storage shall, if the capacity of the building exceeds 250,000 cubic feet or if its height exceeds 75 feet, be non-inflammable throughout and have a fire resistance of four hours.

Provided that where a building is completely separated into two or more part by fire division walls the provision of this regulation shall apply as if each part were a separate building.

Provided that the fire resistance in the case of buildings of the warehouse class intended solely for the storage of non-inflammable goods may be reduced at the discretion of the Authority.

(v) Where an external wall of a domestic building of two or more storeys (other than a shop or small house) is a panel wall supported in a structural frame of metal or reinforced concrete and is constructed of non-inflammable material and is not less than ten feet or a distance equivalent to half the height of the building (whichever is the greater) from the nearest boundary of the premises, the frame and panels shall have a fire resistance of one hour.

**97. Separating walls (other than small houses).-** Walls separating buildings other than small houses or flats shall be non-inflammable throughout and shall have for the separation of domestic buildings, other than shops, a fire resistance of four hours and in any other case six hours.

Non-inflammable material shall be built into a separating wall other than the ends of wooden joists or purlins which are properly protected by brick-work or other solid and non-inflammable material not less than four inches thick.

**98. Fire division walls.-** Fire division walls in buildings of the warehouse class for use wholly or predominantly for storage shall have a fire resistance of four hours. In any other building, they shall have a fire-resistance of two hours.

An opening in a fire division wall shall be protected by doors or shutters having a fire resistance of half the period required for that of the wall.

**99. Walls separating flats.-** Walls constructed for the separation of flats shall be non-inflammable throughout and have a fire resistance of -

- (a) one hour if the building exceeds either fifty ft. in height or 2,500 square feet in any one storey in floor area.
- (b) half an hour in any other case.

**100. Floors, columns, beams and internal walls.-** (i) In every building (other than a small house) which comprises more than one storey, every—

- (a) floor above the lowest storey;
- (b) load-bearing wall (other than an external wall), wall separating buildings or fire division wall;
- (c) column and beam; and
- (d) wall enclosing a common stairway or a lift shaft;

shall have a fire resistance as specified in Table D.

Provided that —

- (a) Where more than one fire resistance period would be required according to whether regard is had to the height or the floor area or capacity of the building the longest period shall apply.
- (b) Where a building is completely separated into two or more parts by fire division walls, each such part shall be treated as a separate building.

(ii) Every opening in an external wall enclosing a common stairway or a lift shall be protected by doors or shutters having a fire resistance of half the period required for the wall, but in no case less than half an hour.

(iii) In this regulation —

“Common stairway” means a stairway used by more than one family or occupier.

“Floor area” means the floor area of any one storey in a building.

TABLE D

Class of building	Height, cubic capacity, floor area (of any one storey)	Fire resistance
(1)	(2)	(3)
Domestic buildings intended to be used wholly or predominantly for human habitation	(a) Exceeding two storeys but not exceeding 50 feet in height, or (b) Exceeding 1,000 square feet but not exceeding 2,500 square feet in floor area.....	½ hour
	(a) Exceeding 50 feet in height, or (b) Exceeding 2,500 square feet in floor area	1 hour
Domestic buildings not intended to be used wholly or predominantly for human habitation	(a) Exceeding 50 feet but not exceeding 75 feet in height, or (b) Exceeding 50,000 cubic feet but not exceeding 125,000 cubic feet in capacity	½ hour
	(a) Exceeding 75 feet in height, or (b) Exceeding 125,000 cubic feet in capacity	1 hour
Public buildings and buildings of warehouse class not used wholly or predominantly for storage.	(a) Not exceeding 50 feet in height, or (b) Exceeding 50,000 cubic feet but not exceeding 125,000 cubic feet in capacity.	½ hour
	(a) Exceeding 50 feet but not exceeding 75 ft. in height, or (b) Exceeding 125,0000 cubic feet but not exceeding 250,000 cubic feet in capacity, and not exceeding 7,500 square feet in floor area	1 hour

	(a) Exceeding 75 feet in height, or (b) Exceeding 250,000 cubic feet in capacity; or (c) Exceeding 7,500 square feet in floor area	2 hours
Building of the warehouse class used wholly or predominantly for storage.	(a) Exceeding 25 feet but not exceeding 50 feet in height, or (b) Exceeding 25,000 cubic feet but not exceeding 50,000 cubic feet in capacity	½ hour
	Exceeding 50,000 cubic feet but not exceeding 125,000 cubic feet in capacity.	1 hour
	(a) Exceeding 50 feet but not exceeding 75 feet in height, or (b) Exceeding 125,000 cubic feet but not exceeding 250,000 cubic feet in capacity and not exceeding 7,500 square feet in floor area.	2 hours
	(a) Exceeding 75 feet in height, or (b) Exceeding 250,000 cubic feet in capacity, or (c) Exceeding 7,500 square feet in floor area	4 hours

**Section (iv) – Fire resistance: miscellaneous provisions**

**101. Openings in external walls.-** (i) In the case of a building, other than a house of not more than two storeys, where any part of an opening in an external wall is vertically above an opening in the adjoining storeys, suitable provision shall be made to prevent the spread of fire from the lower to the upper opening.

(ii) The requirements of this regulation shall be deemed to be satisfied if-

- (a) the bottom of the higher opening is not less than three feet above the top of the lower opening and not less than two feet above the upper surface of the floor separating the storeys; or
- (b) a balcony of non-inflammable material with a solid floor or some similar horizontal projection is constructed between the two openings to project two feet from the wall.

**102. Structural members supporting certain walls.-** Any part of a structural frame, or any beam or column, carrying an external wall, a wall separating buildings or a fire-division wall, shall have the same fire resistance as that required by these Building Regulations for the wall it carries.

**103. Roofs.-** (i) In every building of the warehouse class, in every public building or house exceeding thirty-six thousand cubic feet in capacity and in every house forming part of a block of more than two houses, the roof shall be so covered as to afford adequate protection against the spread of fire into the building or to adjoining buildings.

(ii) In every building other than a building to which the preceding paragraph relates—

- (a) The roof shall be so covered, or
- (b) The building shall be so isolated from other buildings,

as to afford adequate protection against the spread of fire into the building or to adjoining buildings.

(iii) A roof shall be deemed to satisfy the requirements of paragraphs (i) and (ii) of this regulation if it is covered with any one or more of the following materials—

- (a) Natural slates, or slabs of stones;
- (b) tiles or slabs of burnt clay or concrete;
- (c) slates, tiles or sheets of asbestos cement;
- (d) corrugated sheets of galvanized steel, or of other not less suitable metal of an adequate thickness;

- (e) glass tiles, or sheets, or glass bricks or blocks in concrete or metal frames;
- (f) lead, copper, zinc or aluminium;
- (g) asphalt mastic containing not less than eighty-three per cent of mineral matter and laid not less than three-quarters of an inch thick on a suitable base;
- (h) asbestos based roofing felt which conforms to the British Standard 747;
- (i) organic based roofing felt laid directly on a base of non-inflammable material not less than one-half inch thick;
- (j) organic based roofing felt covered with non-inflammable material not less than one-half inch thick, or with bituminous macadam composed of fine gravel or stone chippings with no greater percentage of bituminous material than seven per cent.

(iv) A building shall be deemed to satisfy the requirements of paragraph (ii) of this regulation if it is distant from the nearest boundary of the premises by not less than its height.

**104. Garages.-** Every garage shall be constructed of non-inflammable materials having a fire resistance of half an hour.

**105. Habitable rooms over garages.-** Where in a small house a habitable room or any part of a habitable room is situated immediately above a motor garage the following provisions shall be complied with –

The ceiling of the garage shall be made of non-inflammable material having a fire resistance of half an hour.

All walls separating the garage from the remainder of the building shall be made of non-inflammable material having fire resistance of at least half an hour.

An opening in any such wall shall at its lowest point be at least four inches above the level of the floor of the garage and shall be protected by self-closing doors having a fire resistance of half an hour.

**106. Places of public assembly.-** (i) Every building used as a place of public assembly shall be self-contained provided that if the place of public assembly forms part only of a building, the part used as a place of public assembly shall be completely separated by fire division walls from the rest of the building, shall have separate doors and shall in no way communicate with any other building or part of a building.

(ii) Restaurants may be included in a place of public assembly provided they cannot be entered directly from the auditorium and provided the kitchens are situated to the satisfaction of the Authority

(iii) Any shop, dwelling or sleeping place situated in or forming part of a place of public assembly shall be completely shut off from the place of public assembly, its offices and passages by a brick, stone or concrete partition wall having a fire resistance of one hour.

(iv) The floors of balconies or tiers shall be constructed entirely of reinforced concrete.

**107. Stages in theatres.-** (i) In premises seating over 400 persons, in which scenery is employed (other than school halls or other similar halls where scenery is used infrequently), the stage shall be separated from the auditorium on either side of the proscenium opening by a fire-resisting wall of 9 inch brickwork or equivalent, carried down to a solid foundation and up to at least 3 feet above the roof level unless the roof is of fire-resisting construction.

(ii) Not more than two openings shall be provided in the proscenium wall in addition to the proscenium opening. No such additional openings to have an area exceeding twenty square feet. Each opening to be fitted with a door of half hour fire-resisting material.

(iii) A sprinkler system shall be provided for the whole of the fire risk behind the proscenium wall.

(iv) A fire resisting curtain shall be provided to the proscenium opening.

**108. Cinema projection rooms.** (i) Cinematograph apparatus shall be operated or set up for operation only within an approved enclosure.

(ii) Cinematograph apparatus shall be contained in an enclosure outside the auditorium. The enclosure shall be constructed of fire-resisting



material of two hours fire resistance. Minimum floor areas are 48 square feet for one projector with an additional 24 square feet for each additional projector.

(iii) Two exits shall be provided to each enclosure, and these shall be outside the auditorium and each shall be fitted with a self-closing, close-fitting door of half hour fire resisting material opening outwards from the enclosure. No openings other than projection and observation apertures shall be permitted between the enclosure and the auditorium.

(iv) Two openings for each projector shall be provided; the observation port shall be not larger than 200 square inches and the projection port shall be not larger than 120 square inches. Where separate slide projectors, spot or flood light machines are installed in the same enclosure, not more than one opening for each such machine shall be provided both for the operator's vision and for the projection of the light. Such openings shall be as small as practicable and shall be protected by approved automatic shutters.

(v) Each opening shall be provided with an approved type of gravity shutter of half hour fire-resisting material set into guides not less than one inch at sides and bottom and over-lapping the top of the opening by not less than one inch when closed. Shutters shall be suspended, arranged and interconnected so that all openings will close upon the operating of some suitable fusible or mechanical releasing device. There shall be provided suitable means for manually closing all shutters simultaneously from any projector head and from a point outside each exit door.

(vi) Enclosures used for the purpose of rewinding films and battery installations shall be provided and each shall be separated from the projecting enclosure.

(vii) All openings and joints in the enclosure shall be so constructed and maintained as to prevent as far as possible the escape of any smoke or noxious fumes into the auditorium.

(viii) All enclosures shall be provided with adequate means of ventilation by suitable openings or shafts of fire resisting material which shall lead to the open air.

(ix) All work under this regulation shall be carried out in accordance with the Cinematograph Act for the time being in force.

**109. Fire precautions in air conditioning systems.-** (i) All air-conditioning or ventilation ducts, including framing, except for ducts in detached and semi-detached houses, shall be constructed entirely of non-inflammable materials and shall be adequately supported throughout their length.

(ii) No air-conditioning ducts shall pass through fire division walls, party walls or adjoining external walls.

(iii) Where ducts pass through floors or walls not being fire division walls, party walls or adjoining external walls the space around the ducts shall be sealed with rope asbestos, mineral wool or other non-inflammable material to prevent the passage of flames and smoke.

(iv) The air intake of any air-conditioning apparatus shall be so situated that air shall not be re-circulated from any space in which objectionable quantities of inflammable vapours or dust are given off and shall be so situated as to minimise the drawing in of inflammable material or other fire hazard.

(v) Where duct systems serve two or more floors of a building or pass through walls or partitions not being fire division walls, party walls or adjoining external walls approved fire dampers with fusible links and access doors shall be located at the duct openings and such dampers shall be so arranged that the disruption of the duct will not cause failure to protect the openings.

**110. Stair wells.-** Stair wells in buildings accommodating more than 250 persons above ground floor shall have a fire resistance of one hour and doors leading thereto shall have a fire resistance of one-half hour.

**111. Extinguishment of fires.-** Every new building (except residential buildings) upto four storeys in height and except commercial and business premises upto four storeys in height and not exceeding 2,000 sq. ft. at first floor level shaft, if required by the Authority, be provided with sufficient means of extinguishing fire in the shape of—

- (a) fire fighting buckets;
- (b) fire extinguishers;
- (c) an independent water supply system in pipes of steel or cast iron with adequate hydrants, pump and hose reels.

**CHAPTER IV**

**MISCELLANEOUS**

**112. Compensation.-** No compensation shall be payable to an owner of building in cases where action, as contemplated in regulation 20 is taken by or on behalf of the Authority.

**113. Underground water.-** No person shall exploit underground water except to the extent and in the manner as may, from time to time, be permitted by the Authority.

**114. Natural resources.-** No person shall remove or cause to be removed any stone, gravel, sand, clay, mineral or any other material from the plot except for use therein subject to payment of royalties (if any be payable) but without prejudice to the rights of any person or authority for the time being entitled thereto in accordance with any law for the time being in force.

**115. Appeals.-** (1) Any person aggrieved by a final order of an officer of the Authority, may, if the order relates to rejection of an application for carrying out building works, within 15 days of such order, appeal to the Board.

(2) Every memorandum of appeal shall be in writing and shall set forth concisely without any narrative or argument the grounds of appeal consecutively numbered and the memorandum shall be signed and verified by the appellant.

(3) The appeal shall be presented to the Secretary of the Authority.

(4) No copy of the order appealed from need be filed nor any fees shall be payable on the appeal.

(5) The Board may pass such orders on the appeal as it may deem fit and the orders so passed shall be final and shall not be called in question in any court.

**116. Relaxation.-** The Authority may, by general or special order, exempt any land or building from the operation of these or any of these regulations.

**K.M. CHIMA**

**C.S.P.**

Secretary,

Capital Development Authority

Rawalpindi

Date, the 2<sup>nd</sup> May, 1962.

## SCHEDULE No. 1

## FORMS OF APPLICATIONS AND CERTIFICATES

## APPLICATION FOR APPROVAL OF PLANS-FORM A-1

'Rawalpindi \_\_\_\_\_

(Date of Delivery at Authority's Office).

To,

The Capital Development Authority,  
'Rawalpindi.

Dear Sir,

I hereby apply for your permission to erect/re-erect/make additions to and/ or alterations in a building on plot No. \_\_\_\_\_ Sector \_\_\_\_\_ Islamabad in accordance with the Building Plans sent herewith (in triplicate) for your approval.

The following particulars are certified to be true:

1. Plot No. \_\_\_\_\_ Sector \_\_\_\_\_ Area in sq. yds. \_\_\_\_\_
2. Reference to Title Deed \_\_\_\_\_
3. Intended use of proposed building \_\_\_\_\_
4. Description of the proposed building works \_\_\_\_\_
5. Nature of soil below foundation \_\_\_\_\_
6. Specification of foundation \_\_\_\_\_
7. Specification of plinth \_\_\_\_\_
8. Specification of superstructure \_\_\_\_\_
9. Specification of floor \_\_\_\_\_
10. Specification of roof \_\_\_\_\_
11. Method of Drainage and Sewerage \_\_\_\_\_
12. (a) The Architect employed to prepare the plans \_\_\_\_\_  
(b) The Architect/ Engineer employed to supervise the construction \_\_\_\_\_

Mr. \_\_\_\_\_

Address \_\_\_\_\_ is hereby authorised by me to do all acts and things required to be done in this regard under the ISLAMABAD BUILDING REGULATIONS for me and on my behalf.

Yours faithfully

\_\_\_\_\_  
(Owner)

Address

Dated \_\_\_\_\_

---

<sup>1</sup> Now Islamabad.

**FORM A-2**

SCHEDULE No. 1

**LICENSED ARCHITECT/ENGINEER'S CERTIFICATE**

To,

The Capital Development Authority,  
<sup>1</sup>Rawalpindi.

Dear Sir,

This is to certify that the Building Plans submitted by \_\_\_\_\_ for plot No. \_\_\_\_\_ have been prepared by me / by \_\_\_\_\_ and that I have undertaken to supervise the proposed construction. I further undertake that if I discontinue supervision of the work, I shall give immediate intimation thereof to you.

Yours faithfully,

Licensed Architect / Engineer \_\_\_\_\_

License No. \_\_\_\_\_

Dated \_\_\_\_\_ 19

**FORM A-3**

SCHEDULE No. 1

**APPLICATION FOR WATER CONNECTION**

<sup>2</sup>Rawalpindi \_\_\_\_\_

(Date of Delivery at Authority's office).

To,

The Capital Development Authority  
<sup>1</sup>Rawalpindi.

Dear Sir,

I hereby apply for a water connection to be given to me for the plot No. \_\_\_\_\_ in Islamabad the full particulars of which are given below:—

<sup>1</sup> Now Islamabad

<sup>2</sup> Now Islamabad

1. Plot No. \_\_\_\_\_ Sector \_\_\_\_\_ Area in sq. yds \_\_\_\_\_
2. Name and Address of the applicant \_\_\_\_\_
3. Size of the connection desired \_\_\_\_\_
4. Approximate quantity of water required per day \_\_\_\_\_
5. Purpose for which connection is desired \_\_\_\_\_ Domestic/  
Industrial

I am prepared to pay the water connection charges including the cost of meter and shall be bound and abide by the regulations and orders for the operation and control of this water connection and the meter as issued by the Authority from time to time. I further agree to pay the cost of water consumed by me at the rates fixed by the Authority.

Yours faithfully,

\_\_\_\_\_  
(Owner)

Address \_\_\_\_\_

Dated \_\_\_\_\_

### FORM B-1

#### SCHEDULE No. 1

#### NOTICE OF COMPLETION

<sup>1</sup>Rawalpindi \_\_\_\_\_

(Date of Delivery at Authority's office)

To,

The Capital Development Authority  
<sup>1</sup>Rawalpindi.

Dear Sir,

I hereby give notice of completion of building/additions and/or alterations in the building on plot No. \_\_\_\_\_ and of drainage and water supply arrangements therein, and apply for your permission to occupy the said building.

\_\_\_\_\_  
<sup>1</sup> Now Islamabad

The said work has been carried out in accordance with the Building Plans approved under your No. \_\_\_\_\_

Yours faithfully,

\_\_\_\_\_  
(Owner)

Date \_\_\_\_\_

(delete whatever is inapplicable).

Address \_\_\_\_\_

Dated \_\_\_\_\_ 19

**FORM B-2**

**SCHEDULE No. 1**

**LICENSED ARCHITECT/ENGINEER'S CERTIFICATE**

To,

The Capital Development Authority,  
Rawalpindi.

Dear Sir,

I hereby certify that the building/additions and/or alterations in the building on Plot No. \_\_\_\_\_ has/have been completely/partly completed under my supervision and to my satisfaction in accordance with the Building Plans approved under the CDA.

No. \_\_\_\_\_ Dated \_\_\_\_\_

(Delete whatever is inapplicable).

Yours faithfully,

Dated \_\_\_\_\_ 19

Licensed Architect / Engineer

\_\_\_\_\_  
Now Islamabad

**FORM C-1****SCHEDULE No. 1****WORKS CARRIED OUT WITHOUT PERMISSION**

To,

The Capital Development Authority,  
Rawalpindi.

Dear Sir,

Whereas I have constructed \_\_\_\_\_ on Plot No. \_\_\_\_\_ as shown on the Plans attached herewith without your prior permission;

Whereas I have made deviations from the Building Plans approved under your No. \_\_\_\_\_ dated \_\_\_\_\_ in the course of construction of the Building/alterations and additions to the building/on Plot No. \_\_\_\_\_ as shown on the Plans attached herewith;

Whereas I am willing to make any alterations required to be made in the said structure so as to make it consistent with the provisions of the relevant regulations.

It is therefore, requested that the unauthorised and offensive nature of the said structure may be condoned, the said plans may be approved and permission to occupy the said Building may be granted.

(Delete whatever is inapplicable)

Yours faithfully,

\_\_\_\_\_  
(Owner)Address \_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_



**FORM C-2**

**SCHEDULE No. 1**

**LICENSED ARCHITECT / ENGINEER'S CERTIFICATE**

To,

The Capital Development Authority,  
Rawalpindi.

Dear Sir,

I hereby certify that the existing structure on Plot No. \_\_\_\_\_ is consistent with the provisions of the Islamabad Building Regulations and the relevant zoning regulation.

And I further certify that the said existing structure has been fully and correctly shown on the Plans submitted by \_\_\_\_\_ along with those which have been prepared by me.

Yours faithfully,

Dated \_\_\_\_\_ 19

\_\_\_\_\_  
Licensed Architect / Engineer

License No. \_\_\_\_\_

**FORM-D**

**SCHEDULE No. 1**

**VERIFICATION OF BUILDING LINES**

To,

The Capital Development Authority,  
Rawalpindi.

Dear Sir,

I hereby inform you that the first course of plinth of my building on Plot No. \_\_\_\_\_ Sector \_\_\_\_\_ Islamabad has been laid. You are, therefore, requested to depute your officer to verify the building line so as to enable me to carry on my building work.

Yours faithfully,

Dated \_\_\_\_\_ 19

\_\_\_\_\_  
(Owner)

Address \_\_\_\_\_

**SCHEDULE NO. 2****CALCULATION OF LOADING**

**Dead Load 1.** (a) In calculating dead load, the unit weight of the materials shall be deemed to be those specified in the table below:

**TABLE I - WEIGHTS OF MATERIALS**

Earth (in natural state or rammed)	112 lbs. per cubic ft.
Sand (wet)	125 lbs. per cubic ft.
Gravel	120 lbs. per cubic ft.
Granite in masonry	165 lbs. per cubic ft.
Brick work in cement mortar	120 lbs. per cubic ft.
Concrete (mass)	144 lbs. per cubic ft.
Concrete (reinforced)	150 lbs. per cubic ft.
Timber	50 lbs. per cubic ft.
Cement plaster 1" thick	10 lbs. per sq. ft.
Glass per 1" thickness	14 lbs. per sq. ft.
Asbestos cement sheeting	4 lbs. per sq. ft.
18 guage galv, iron sheeting with bolts	3 lbs. per sq. ft.

Other materials not specified above shall follow the values set out in B.S.S. No. 648.

- (b) The dead load of any particulars, whereof the positions are not definitely located in the design of the building, shall be deemed to be a uniformly distributed load per square foot of the floor (or part of a floor on which the partitions are to be erected) of not less than 20 lbs. per sq. ft. or the actual calculated load whichever is the greater.

**Superimposed Load 2.** In all cases the superimposed loads to be provided for shall be as specified in Table II and for slabs forming parts of and for beams supporting such floors, roofs, stairs and landings, shall be either:—

- the loads specified in the third column of that table; or
- the loads specified in the fourth column or the fifth column (as the case may be) of that Table; whichever shall be the heaviest.

**TABLE II – MINIMUM SUPERIMPOSED LOADS**

(In this table, a reference to a floor includes a reference to any part of that floor to be used as a corridor and “slabs” includes beams and ribs spaced not further apart than three feet between centers and “Beams” means all other beams and ribs).

Class No.	Types of floors	Lb. per sq. ft. of floor area	Slabs lb. uniformly distributed over the span per ft. width	Beams lb. uniformly distributed over span.
(1)	(2)	(3)	(4)	(5)
1.	Floors in dwelling houses of not more than two storeys designed for one occupation.	30	240	1,920
2.	Floors (other than those of Class No. (1) for residential purposes including dwelling houses of more than one occupation, tenements, hospitals, wards, bedrooms and private sitting rooms in hotels, dormitories	40	320	2,560
3.	Office floors above the entrance floors; floors of light workrooms without storage	50	400	3,200
4.	Floors of banking halls; office entrance floors and office floors below entrance floors; floors of classrooms in schools	60	480	3,840
5.	Shop floors used for the display and sale of merchandise; work-rooms generally; garages for vehicles not exceeding 2½ tons gross weight; places of assembly with fixed seating churches and chapels; restaurants, circulation space in machinery halls, power stations etc., where not occupied by plant or equipment,	80	640	5,120

6.	Floors of warehouses, workshops, factories and other buildings or buildings of similar category for light weight loads; office floors for storage and filling purposes; places of assembly without fixed seating (public rooms in hotels, dance halls, etc.)	100	800	6,400
7.	Floors of warehouses, workshops, factories and other buildings or parts of buildings of similar category for medium weight loads, floors of garages for vehicles not exceeding 4 tons gross weight	150	For garage floors only 1.5 maximum wheel load but not less than 2,000 lbs. considered to be distributed over a floor area of 2 ft. 6 inches square.	
8.	Floors of warehouses, workshops, factories and other buildings or parts of buildings of similar category for heavy weight loads; floors of book stores and stationery stores; roofs and pavement lights over basement projecting under the public foot path.	200	—	—
9.	Flat roofs	30	240	1,920
10.	Pitched roofs (where no access is provided to the roof)	15	—	—
11.	Stairs and landings (lb. per sq. ft. of area measured horizontally)			
	(a) Used in connection with floors of class No. (1)	30	—	—
	(b) Used in connection with floors of class No. (2)	60	—	—
	(c) Used in connection with floors of any other classes	100	—	—

3. (a) In calculating the total load on any column, pier, wall or foundation, the minimum superimposed loads for every floor specified in Table II may be deemed to be subject to the reduction specified in Table III.

TABLE III – REDUCTION OF MINIMUM SUPERIMPOSED LOADS

Number of floors carried by member under construction	Percentage reduction of minimum superimposed load
1	0
2	10
3	20
4	30
5 or more	40

(b) The reductions specified in sub-paragraph (a) of this paragraph shall not apply with respect to :

- the floors of factories and workshop whereof the minimum superimposed load is less than 150 lbs. per square foot.
- the floors of warehouses, garages and any floor used for storage purposes.

(c) No building or part of a building shall with respect to any moving load, be deemed to be capable of safely sustaining and transmitting same, unless all proper provision to the satisfaction of the Authority has been made for all dynamic effects.

4. **Wind loading.** Wind loading on building shall be calculated on the basis of the recommendations of British Code of Practice CP3, Code of Functional Requirements of Buildings, Chapter V, Loading.

**SCHEDULE No. 3**

**PERIODS OF FIRE RESISTANCE FOR CERTAIN ELEMENTS OF CONSTRUCTION**

**TABLE A (1)**

**Walls and Partitions**

In this Table:—

Class 1 Aggregate means foamed slag, pumice, blast furnace slag, crushed brick and burnt clay products, including expanded clay, well burned clinker, crushed limestone.

Class 2 Aggregate means flint, gravel granite and all crushed natural stones other than limestone.

Construction and Materials	Minimum thickness in inches (excluding plaster) for period of—				
	6 hours	4 hours	2 hours	1 hour	½ hour
(1)	(2)	(3)	(4)	(5)	(6)
<b>SOLID CONSTRUCTION:</b>					
Bricks of clay, concrete or sand lime: No Plaster	8 ½	8 ½ *	8 ½ **	4	4
Concrete Blocks :					
Class I Aggregate : No Plaster	—	—	4	3	2 ½
Plastered at least 1/2 inch thick on each side	—	—	4	2 ½	2
Class 2 Aggregate :					
No Plaster	—	—	—	4	3
Plastered at least 1/2 inch thick on each side	—	—	4	3	2
Gypsum blocks:					
No Plaster	—	—	4	3	2
Plastered at least 1/2 inch thick on each side	—	—	3	2	2
Wood wool slabs:					
Plastered at least 1/2 inch thick on each side	—	—	3	2	2
Reinforced concrete:					
Aggregate with reinforcement (in two layers in walls over 5 inches in thickness) in two directions spaced not further apart than 6 inch centres, the volume of which is not less than 0.2 per cent of the volume of the concrete, with minimum concrete cover of 1 inch.	9	7	4	3	3
Plaster board:					
Supported at top and bottom edges in					

steel channels and plastered on each side at least 5/8 inch thickness with gypsum plaster	-	-	-	¾	-
<b>Glass bricks:</b> In panels not exceeding 40 square feet in area with expansion joints not less than 1/10-inch per foot width of the panel at each side of the panel, not less than 1/10-inch per foot of the height of the panel at the top of the panel.	-	-	-	4	-
<b>HOLLOW BLOCK CONSTRUCTION:</b> <b>Clay blocks:</b> Plastered at least 1/2-inch thick on each side and shells not less than ¾-inch thick	-	-	-	-	-
1 cell in each block and each block not less than 50 per cent solid	-	-	-	4	3
1 cell in each block and each block not less than 30 per cent solid	-	-	-	6	-
2 cells in each block and each block not less than 50 per cent solid	-	-	8 ½	4	-
2 cells in each block and each block not less than 30 per cent solid	-	-	-	6	-
<b>Concrete block:</b> Plastered at least 1/2-inch thick on each side and 1 cell in thickness	-	-	-	-	-
Class 1 Aggregate	-	8¾	4½	3	2½
Class 2 Aggregate	-	-	-	8¾	3
<b>Gypsum blocks:</b> Not less than 70 per cent solid:					
No plaster	-	-	4	3	2
Plastered at least 1/2-inch thick on each side	-	-	3	2	2

\* Where plastered at least ½-inch thick on each side with gypsum/ vermiculite plaster not leaner than 1:2 and where the wall does not exceed 10 feet either in height or length, the thickness for this period may be 4 inches.

\*\* Where plastered at least ½-inch thick on each side and where the wall does not exceed 10 feet either in height or length, the thickness for this period may be 4 inches.

## SCHEDULE No. 3

TABLE A (2)

## Hollow and Stud Partitions

Construction and Materials	Minimum thickness of plaster in inches on each face for period of—			
	4 hours	2 hours	1 hour	½ hour
(1)	(2)	(3)	(4)	(5)
<b>STEEL OR TIMBER STUDDING:</b>				
Plaster on metal or timber lathing:				
Portland cement plaster, portland cement-lime plaster or gypsum plaster	—	—	¾	½
Plaster board with or without gypsum plaster: 3/8-inch thick plaster board on each side	—	—	—	3/16 (neat single coat)
3/8-inch thick perforated plaster board on each side	—	—	½	—
Two 3/8-inch thick plaster boards on each side	—	—	—	—
½-inch thick plaster boards on each side	—	—	3/8	—
¾ inch thick plaster board on each side	—	—	—	—

TABLE B

## FLOORS

Construction and Materials	Minimum thickness in inches for—				
	Period of 4 hours	Period of 2 hours	Period of 1 hour	*Period of ½ hour	**Periods specified for small houses
(1)	(2)	(3)	(4)	(5)	(6)
<b>FILLER JOIST CONSTRUCTION:</b>					
Thickness of concrete:	6	5	4	3 ½	—
Concrete cover on bottom of joist	1	1	½	½	—



<b>SOLID REINFORCED CONCRETE CONSTRUCTION</b>					
(including flat slab construction and floors constructed of pre-cast inverted "U" channel or T-sections, without a ceiling or soffit):					
Thickness of concrete	6	5	4	3 ½	—
Concrete cover to reinforcement	1	½	½	½	—
<b>HOLLOW BLOCK FLOOR CONSTRUCTION:</b>					
(including floors constructed of pre-cast concrete units of box-section or I-section):					
Aggregate thickness of non-inflammable material (excluding ceiling finishes, if any)	5	3 ½	3	2 ½	—
Concrete cover to reinforcement	1	½	½	½	—
<b>STRUCTURAL TIMBER CONSTRUCTION:</b>					
(A) Plain edge boarding on timber joists not less than 1½ inches wide with ceiling of:-					
(i) Timber lath and plaster— Thickness of plaster	—	—	—	—	5/8
(ii) Timber lath and plaster with plaster of minimum thickness of 5/8 inch covered on underside with plasterboard of thickness	—	—	—	½	—
(iii) Metal lath and plaster thickness of plaster	—	—	—	5/8	—
(iv) One layer of plaster-board of thickness	—	—	—	—	½
(v) One layer of plaster-board of minimum thickness of 3/8 inch finished with gypsum plaster of thickness	—	—	—	—	½
(vi) One layer of plaster-board of minimum thickness of ½-inch finished with gypsum plaster of thickness	—	—	—	½	—

(vii) Two layer of plaster- board of total thickness	-	-	-	1	¾
(viii) One layer of insulating board of minimum thickness of ½-inch finished with gypsum plaster of thickness	-	-	-	-	½
(ix) Wood wool slab 1 inch thick finished with gypsum plaster of thickness	-	-	-	3/16	-
(B) Tongued and grooved- boarding not less than ¾-inch (nominal) thickness on timber joists not less than 1-1/2 inches wide with ceiling of:-					
(i) Timber lath and plaster Thickness of plaster	-	-	-	-	5/6
(ii) Timber lath and plaster with plaster of minimum thickness of 5/8 inch covered on underside with plaster-board of thickness	-	-	-	3/8	-
(iii) Metal lath and plaster- thickness of plaster	-	-	-	5/8	-
(iv) One layer of plaster- board of thickness	-	-	-	-	3/8
(v) One layer of plaster- board of minimum thickness of 1/2-inch finished with gypsum plaster of thickness	-	-	-	3/16	-
(vi) Two layer of plaster- board of total thickness	-	-	-	7/8	-
(vii) One layer of insulating board of minimum thickness of 1/2-inch finished with gypsum plaster of thickness	-	-	-	3/16	-
(viii) Wood wool slab 1 inch- thick finished with gypsum plaster of thickness	-	-	-	3/16	-
(C) Tongued and grooved boarding not less than 1 inch (nominal) thickness on timber joists not less than 7 inches deep by 2 inch wide with ceiling of:					

(i)	Timber-lath and plaster-- Thickness of plaster	-	-	-	5/8	-
(ii)	Metal lath and plaster Thickness of plaster	-	-	-	5/8	-
(iii)	One layer of plaster- board of thickness	-	-	-	-	3/8
(iv)	One layer of plaster- board of minimum thickness of 3/8 inch finished with gypsum plaster of thickness	-	-	-	1/2	-
(v)	One layer of plaster- board of 1/2-inch finished with gypsum plaster of thickness	-	-	-	3/16	-
(vi)	Two layers of plaster- board of total thickness	-	-	-	3/4	-
(vii)	One layer of insulating board of thickness	-	-	-	-	1/2
(viii)	One layer of insulating of minimum thickness of 1/2 inch finished with gypsum plaster of thickness	-	-	-	-	1/2
(ix)	Wood wool slab 1 inch thick finished with gypsum plaster of thickness	-	-	-	3/16	-

SCHEDULE No. 3

TABLE C

Steel Columns and Beams

In this Table:—

**SOLID PROTECTION** means casing which is bedded close up to the steel without any intervening cavities and with all joints in that casing made full and solid.

**HOLLOW PROTECTION** means that there is a void between the protective material and the steel. All hollow protection to column shall be effectively sealed at each floor level.

**REINFORCEMENT** Where reinforcement is required in this Table, that reinforcement shall consist of steel binding wire not less than No. 13 S.W.G., in thickness, or a steel mesh weighing not less than 1 lb. per sq. yd. In concrete protection the spacing of that reinforcement shall not exceed 12 inches in any direction.

Construction and Materials	Minimum thickness of protection in inches for period of—			
	4 hours	2 hours	1 hour	½ hour
(1)	(2)	(3)	(4)	(5)
<b>SOLID PROTECTION</b>				
Columns				
Reinforced concrete	2 ½ *	2 *	1	1
Solid bricks of burnt clay or sand lime	3	2	2	2
Solid blocks reinforced in every horizontal joint—				
(i) Foamed slab or pumice concrete	2 ½	2	2	2
(ii) Gypsum blocks	2	2	2	2
Sprayed asbestos	2	1	½	½
Beams:				
Reinforced concrete	2 ½ **	2 **	1	1
Sprayed asbestos	2	1	½	¼
<b>HOLLOW PROTECTION</b>				
Columns:				
Solid bricks of burnt clay or sand lime reinforced in every horizontal joint	4 ½	3	2	2
Solid bricks of foamed slag or pumice concrete or gypsum reinforced in every horizontal joint	3	2	2	2
Moulded asbestos bound in position with nicrome wire not less than No. 16 S.W.G. in thickness, the wires to be sunk not less than 1/8-inch deep in the outer surface of the asbestos and the grooves and all joints in the asbestos to be filled with refractory cement.	2 ½	½	1	1
Portland cement plaster or Portland cement lime plaster on metal lathing	—	—	—	¾
Portland cement plaster or Portland cement lime plaster on metal lathing with reinforcement over rendering coat	—	—	1	—
Gypsum plaster on metal lathing	—	—	7/8	5/8
Gypsum plaster on ¾-inch gypsum plaster board with No. 16 S.W.G. wire bind at 4 inches pitch	—	—	½	—

Gypsum plaster on 3/4-inch gypsum plaster board with No. 16 S.W.G. wire bind at 4 inches pitch	-	1/2	-	-
Two layers of metal lathing plastered with gypsum plaster on each layer, each	3/4	-	-	-
Precast concrete consisting of 4 volumes of vermiculite to 1 volume of Portland cement, reinforced with expanded metal, wire mesh or with No. 16 SWG wire binding at 4 inches pitch	-	-	1	-
Beams:				
Moulded asbestos bound in position with nicrome wire not less than No. 16 S.W.G., in thickness, the wires to be sunk in grooves not less than 3/8 inch deep in the outer surface of the asbestos and the grooves and all joints in the asbestos to be filled with refractory cement.	2 1/2	1 1/2	1	1
Portland cement plaster or Portland cement lime plaster or metal lathing	-	-	-	3/4
Portland cement plaster or Portland cement lime plaster on metal lathing with reinforcement over the rendering coat	-	1	-	-
Gypsum plaster on metal lathing	-	7/8	5/8	-
Gypsum plaster on 3/8-inch gypsum plaster board with No. 16 S.W.G., wire binding at 4 inches pitch.	-	-	1/2	-
Gypsum plaster on 3/8-inch gypsum board supported on wood battens	-	-	-	3/16 (neat single coat)
Gypsum plaster on 3/4-inch gypsum plaster board with No. 13 16 S.W.G., wire binding at 4 inches pitch	-	1/2	-	-
Precast concrete consisting of 4 volumes of vermiculite to 1 volume of Portland cement reinforced with expanded metal, wire mesh or with No. 16 S.W.G., wire binding at 4 inches pitch	-	-	1	-

\* The thickness of protection on any projecting cleat, projecting rivet head and the like need not exceed 1 inch.

\*\* The thickness of protection on the upper surface of the upper flange of an internal beam, and on any projecting cleat, projecting rivet head and the like need not exceed 1 inch.

TABLE D

## REINFORCED CONCRETE COLUMNS AND BEAMS

Construction and Materials	Minimum overall size of column in inches for period of—			
	4 hours	2 hours	1 hour	½ hour
(1)	(2)	(3)	(4)	(5)
Reinforced concrete columns	—	12	10	8
Reinforced concrete columns with light 2 inch mesh reinforcement placed centrally in the concrete cover to longitudinal reinforcement	12	10	—	—
	Minimum concrete cover to reinforcement in inches for period of—			
	4 hours	2 hours	1 hour	½ hour
Reinforced concrete beams	2 ½	2	1 ½	1

## SCHEDULE No. 4

The following British Codes of Practice and British Standard Specifications have been referred to in these Building Regulations :

CP3 Code of Functional Requirements of Buildings Chapter V Loadings.

CP 111 The structural recommendations for load bearing walls.

CP 112 The structural use of timber in buildings.

CP 113 The structural use of steel in buildings.

CP 114 The structural use of normal reinforced concrete in buildings.

BSS 187 Bricks.

BSS 449 The use of structural steel in building.

BSS 476 Fire tests on Building Materials.

BSS 648 Weights of Materials.

BSS 747 Asbestos based roofing felt.

## SCHEDULE No. 5

## RATES OF SCRUTINY FEES

The scrutiny fees shall be payable at such rates as may, from time to time, by notification, be prescribed by the Authority.

## THE ISLAMABAD (PRESERVATION OF LANDSCAPE) ORDINANCE, 1966

\*(ORDINANCE NO. III OF 1966)

[27th January, 1966]

*An Ordinance to provide for the preservation of landscape in Islamabad*

WHEREAS it is expedient to provide for the preservation of landscape in Islamabad;

AND WHEREAS clause (4) of Article 131 of the Constitution provides that the Central Legislature shall have power to make laws for the Islamabad Capital Territory with respect to any matter not enumerated in the Third Schedule to the Constitution;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29 of the Constitution read with clause (4) of Article 131 thereof and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Islamabad (Preservation of Landscape) Ordinance, 1966.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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\* Approved by the National Assembly of Pakistan on the 10<sup>th</sup> March, 1966, see Gaz. of Pak. 1966, Extraordinary Page 112.

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

- (a) “landscape” includes, earth, land, clay, rock, boulders, shingles, pebbles and any other substance over the surface of land, and grass, weeds, bushes, hedges, plants, standing trees, undergrowth and all objects of natural beauty visible to the eye; and
- (b) all other words and expressions have the meaning assigned to them in the Capital Development Authority Ordinance, 1960 (XXIII of 1960).

**3. Operation of other laws.-** The provisions of this Ordinance and the rules made thereunder shall be in addition to and not in derogation of the provisions of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), and the Pakistan Capital Regulation (M. L. Regulation No. 82), and the rules made thereunder and shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**4. Preservation of landscape.-** (1) No person shall remove, destroy, damage or alter anything, or commit any other act if such removal, destruction, damage, alteration or act affects or is likely to affect a landscape injuriously.

(2) This section shall not apply to anything done by, or at the instance or with the permission of, the Authority.

**5. Penalty.-** Whoever contravenes any provision of this Ordinance or any rules made thereunder, or abets such contravention, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

**6. Power to arrest without warrant.-** (1) Any police officer, or any officer appointed in this behalf by the Authority, may, without orders from a Magistrate and without a warrant, arrest any person who has contravened or is found contravening any provision of this Ordinance, or against whom reasonable suspicion exists of having been concerned in the commission of any offence punishable under this Ordinance.



(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police station.

**7. Cognizance and compounding of offences.-** (1) No Court shall take cognizance of any offence punishable under this Ordinance except on a report in writing by the Authority or a person authorised in this behalf by the Authority of the facts constituting such offence.

(2) The Authority or the person authorised may, instead of making a report of an offence under sub-section (1), compound such offence for such sum of money as may be determined by the Authority or the person authorised.

**8. Offences to be tried summarily.-** An offence punishable under this Ordinance shall be tried in a summary way in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to summary trials.

**9. Certain powers for officers of the Authority.-** For carrying out the purposes of this Ordinance, the officers of the Authority who may be specified by it in this behalf may—

- (a) hold enquiry into offences punishable under this Ordinance, and, in the course of such enquiry, receive and record evidence;
- (b) enter upon any land or in any building for the purpose of any such enquiry; and
- (c) exercise the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects.

**10. Requisition of police assistance.-** Any officer authorised to take any action under this Ordinance may, if he requires police assistance for taking such action, send a requisition to the officer in charge of a police-station who shall, on such requisition, render the assistance required.

**11. Certain persons deemed public servants.-** Any officer of the Authority or other person, while acting or purporting to act under the provisions of

this Ordinance, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

**12. Indemnity.-** No suit or other legal proceeding shall lie against the Authority or any person in respect of anything which is in good faith done or intended to be done under this Ordinance.

**13. Bar of jurisdiction.-** No Court or other authority shall call in question anything done or intended to be done under this Ordinance by or at the instance of the Authority.

**14. Power to exempt.-** The <sup>1</sup>[Federal Government] may, by notification in the official Gazette, exempt any part of the Islamabad Capital Territory or any class of land from the operation of all or any of the provisions of this Ordinance.

**15. Power to make rules.-** The <sup>1</sup>[Federal Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

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<sup>1</sup> Subs. by F.A.O., 1975 Art-2 and Table, for "Central Government".

## **THE ISLAMABAD (PRESERVATION OF LANDSCAPE) RULES, 1967**

**S.R.O. 1386 (K)/ 67 dated the 31<sup>st</sup> July, 1967.**- In exercise of the powers conferred by section 15 of the Islamabad (Preservation of Landscape) Ordinance, 1966 (III of 1966), the Central Government is pleased to make the following rules namely:-

**1. Short title.**- These rules may be called the Islamabad (Preservation of Landscape) Rules, 1967.

**2. Definition.**- In these rules, unless there is anything repugnant in the subject or context, "section" means a section of the Islamabad (Preservation of Landscape) Ordinance, 1966 (III of 1966).

**3. Application for permission.**- (1) Any person may apply for permission under sub-section (2) of section 4 for doing any of the following acts which affects or is likely to affect landscape of the Islamabad Capital Territory, namely:-

- (a) to dig, pick or otherwise remove stone from any land;
- (b) to dig or remove earth, clay, sand from any land;
- (c) to graze animal on land vesting in or otherwise under the charge, control or management of the authority;
- (d)
  - (i) to cut or remove grass, weeds, bushes, hedges, plants;
  - (ii) to fell, girdle, lop, strip of the barks or leaves of a standing tree; or
  - (iii) to burn any tree.

(2) Every application under sub-rule (1) shall contain the following particulars namely:—

- (a) full name and address of the applicant,
- (b) purpose, period, and quantity of stone, earth, clay, sand, heads of cattle, trees, etc., as the case may be, involved; for which permission is sought,
- (c) mode of operation,
- (d) place of operation with a sketch plan of the area and location of the place, if possible,
- (e) applicant's right and title, supported by documentary evidence if possible on the basis of which the permission is applied for.

**4. Report to officer competent to compound.-** An officer arresting a person under section 6 shall immediately report the fact to the Director of Horticulture or the Additional Director of Lands, Capital Development Authority.

**5. Procedure for compounding.-** (1) The Director of Horticulture or, as the case may be, the Additional Director of Lands, Capital Development Authority shall, upon a report received by him under rule 4, immediately examine and decide whether the offence should be compounded under sub-section (2) of section 7, and, if so, the sum for which it shall be compounded.

(2) If the offence is compounded, the Director of Horticulture or the Additional Director of Lands, Capital Development Authority shall give a certificate to that effect to the accused and also send a report of the fact to the Magistrate concerned.

**6. Procedure upon payment of the sum compounded for.-** On payment of the sum for which the offence has been compounded, a receipt under signature of the officer concerned shall be prepared in triplicate of which the first copy shall be given to the person making the payment, the second copy shall be sent to the Director of Audit and Accounts of the Authority and the third copy shall be retained on record.

# THE ISLAMABAD CAPITAL TERRITORY MUNICIPAL BYE-LAWS, 1969

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## **THE ISLAMABAD CAPITAL TERRITORY MUNICIPAL BYE-LAWS, 1969**

In exercise of the powers conferred under section 15A of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), read with section 122 of the Municipal Administration Ordinance, 1960 (X of 1960), the Capital Development Authority hereby makes the following bye-laws:—

**1. Short title, extent and commencement.**- (1) These bye-laws may be called the Islamabad Capital Territory Municipal Bye-laws, 1969.

(2) They extend to the area within the Islamabad Capital Territory as specified by the Central Government through the Cabinet Division notification No. S.R.O. 1701 (K)/68, dated the 7th October 1968, for the discharge of municipal functions by the Capital Development Authority.

(3) They shall come into force at once.

**2. Definition.**- (a) In these bye-laws, unless there is anything repugnant in the subject or context,—

(i) “Authority” means the Capital Development Authority as defined in the Capital Development Authority Ordinance, 1960 (XXIII of 1960);

(ii) “Director”, “Deputy Director” and “Health Officer” respectively mean the Director Municipal Administration or an officer designated by the Authority to discharge the functions of the Director Municipal Administration, the Deputy Director Municipal Administration and Health Officer employed by the Authority.

(b) All other words and expressions used but not defined in these bye-laws shall, unless the context otherwise requires, have the meaning assigned to them in the Capital Development Authority Ordinance, 1960.

## CHAPTER I

### ISSUE AND SERVICE OF NOTICES

**3. Forms of notice.-** (1) A special notice shall be issued in form "A" or in a form to the like effect.

(2) A public notice shall be issued in form "B" or in a form to the like effect.

(3) No notice shall be invalid for any defect in its form.

**4. Authentication of Notice.-** Every notice issued by a Directorate of the Authority shall be in writing signed by the Director or such other person as may be authorised in this behalf by the Authority and shall bear the seal of the Directorate.

**5. Service of special notice.-** A special notice may be served in any of the following ways:—

- (a) by delivery to the person to whom it is addressed;
- (b) by sending it in a registered cover addressed to the person for whom the notice is meant;
- (c) when the place of abode or business of the person to whom the notice is addressed is not within the municipal limits of Islamabad the notice may be sent in a registered cover addressed to his usual place of abode;
- (d) if the owner of any property has no place of abode or business within the municipal limits of Islamabad every such notice addressed to such owner may be served on the occupier of the property;
- (e) when the place of abode or business of the occupier of any property is not known, the notice may be served by affixing it to some conspicuous part of the property;

- (f) whenever any notice is to be given to the owner or occupier of any land or building and the owner and occupier are different persons, such notice, shall be given to one of them primarily liable to comply with such notice and in case of doubt, to both of them:

Provided that in any such case, where there is no owner residing within the municipal limits of Islamabad, the delivery of such notice to the occupier shall be sufficient;

- (g) when any notice is to be given to or served on the owner or occupier of any property and he is unknown it may be given or served;
- (i) by delivering a written notice to some person on the property, or should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property;
- (ii) by putting into the post a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

**6. Service of public notice.-** (1) A public notice shall be published by affixing it on a notice board of the Directorate and may also be made known to the public by—

- (a) loud speaker; or
- (b) posters and hand bills; or
- (c) a radio announcement; or
- (d) beat of drum; or
- (e) an advertisement or a press notice in a newspaper commonly read in the municipal limits of Islamabad;
- (f) such other measures as may be considered suitable by the Directorate.



(2) The Directorate shall provide adequate number of notice boards at important places in the municipal limits of Islamabad.

(3) The person by whom or under whose supervision a public notice is affixed on a notice board shall certify that the notice has been duly affixed and the Directorate shall ensure that the notice remains on the notice board for a sufficiently long time.

(4) A public notice of permanent nature may in addition be painted on a board and displayed at a conspicuous place within the municipal limits of Islamabad.

**7. Register of notices.-** (1) All public notices issued by the Directorate shall be entered in a register in form "C" and shall bear the serial number of the register.

(2) All special notices shall be entered in a register in form "D" and shall bear the serial number of the register.

(3) As soon as possible after the expiry of the time limits specified in a special notice, the Deputy Director shall submit to the Director a list of cases in which the requirements of the notices have not been carried out and suggest action against the defaulters, and the Director shall ensure that prompt action is taken against all such defaulters.

**FORM "A"**

*Special notice*

Directorate of \_\_\_\_\_ C.D.A. Islamabad.

Serial No. \_\_\_\_\_ Date of issue \_\_\_\_\_

To

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

Subject:— Notice under bye-laws<sup>1</sup> \_\_\_\_\_

Whereas<sup>2</sup>

And whereas<sup>3</sup>

Now, therefore, you are required to<sup>4</sup> \_\_\_\_\_  
 within a period of \_\_\_\_\_ days/months from the issue of this  
 notice.

2. Please take notice that if the requirements of this notice are not  
 complied with within the aforesaid period, you shall render yourself liable to  
 \_\_\_\_\_

Seal

Signature \_\_\_\_\_

Designation \_\_\_\_\_

Notes-1. Quote the relevant section of the Municipal Administration  
 Ordinance, 1960 or rules or bye-laws.

2. State the act which he had to do or not to do.
3. Give the particulars of his default.
4. Indicate what is required of him.

**FORM "B"**

Directorate of \_\_\_\_\_ C.D.A. Islamabad.

Serial No. \_\_\_\_\_ Date of issue \_\_\_\_\_

SUBJECT:- Notice under Bye-law \_\_\_\_\_ of \_\_\_\_\_

Notice is hereby given that \_\_\_\_\_

(Give the gist of the public notice)

Seal

Signature \_\_\_\_\_

Designation \_\_\_\_\_

**FORM "C"**

*Register of public notice*

Directorate of \_\_\_\_\_ C.D.A. Islamabad.

Serial No.	Date of issue of notice.	Subject matter of notice.	Time limit, if any fixed for compliance of notice.	Result, if any of the notice.	Sig. of the Dy. Director or Director.

**FORM "D"**

**Register of Public notice**

Directorate of \_\_\_\_\_ C.D.A. Islamabad.

Serial No.	Date of issue of notice.	To whom addressed.	Subject matter of the notice.	Penalty for non-compliance of the notice.	Time limit, fixed for compliance of the notice.	Action taken on the notice.	Action taken for non compliance.	Sig. of Dy. Director or Director.
1	2	3	4	5	6	7	8	9

**CHAPTER II**

**FAIRS AND FESTIVALS**

8. The Director may issue a license for the temporary lodging accommodation, shops or places of entertainment at a site of the fair and festival and may charge fee to be determined by the Authority from time to time.

9. No private fair shall be held in Islamabad without obtaining a written license from the Director.

10. The licensee of the site of fair and festival will be responsible to provide any conveniences which are considered necessary by the Director who will also specify the conditions of the license in writing.

11. The Director may help any agency or private body with regard to providing recreation to the general public or may arrange himself any recreational facilities in the form of fairs, exhibitions, tournaments, cultural events etc. for the general public.

12. Any person contravening the provisions of any bye-law in this Chapter, shall, on conviction be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which contravention continues after conviction, for the first of such contravention.

### \*[CHAPTER II-A

#### PARKING FACILITIES IN FRUIT AND VEGETABLE MARKET

12A. (1) The trucks shall enter the Fruit and Vegetable Market and leave it from the entry and exit points specified for purpose and no truck shall enter the market without getting clearance from the Security Staff posted at the entry points.

(2) The trucks shall be parked by the sides of the parking platforms specially constructed for the purpose and no truck shall be allowed to be parked on the roads inside the market.

12B. The vehicles parked in the parking lot shall be required to pay parking fee for 24 hours or part thereof as under:

Type of Vehicle	Loaded	Unloaded
Truck (Multi Axle)	Rs. 100/-	Rs. 50/-
Truck (Single Axle)	Rs. 70/-	Rs. 35/-
Mini Truck	Rs. 50/-	Rs. 25/-
Pick up	Rs. 30/-	Rs. 15/-
Suzuki Pick up	Rs. 20/-	Rs. 10/-]

\* Chapter II-A. added by S.R.O. 898(I)/2000 dated 1st December, 2000, published in Gazette of Pakistan, Extraordinary, Part II, dated 20<sup>th</sup> December, 2000, at pages 2563-2564.

### CHAPTER III

#### SANITATION

13. No khakrobe shall be employed in the municipal limits of Islamabad unless licensed by the Director on the license form appended to this chapter.

14. The khakrobe shall be healthy and not suffering from any contagious disease whether he /she is employed by the Government or any other agency or person.

15. The Director may require any khakrobe to be medically examined and if found suffering from any infectious disease may cancel his/her license till his/her recovery duly certified by a registered medical practitioner.

16. The following authorities/officers shall, for the purpose of sanitation have control over, and be responsible for maintaining sanitary conditions within the municipal limits of Islamabad:—

- (a) Director for all public places, drains and other spaces etc.
- (b) The head of any civil department occupying as such any building and/or land in his charge as head of that Department or administration.
- (c) A Directorate of CDA, occupying any lands or buildings of CDA for their own purposes.
- (d) Allottees and owners of all private houses/buildings and plots.

17. The Health Officer shall submit a monthly report to the Director with regard to the sanitary conditions together with such recommendations in connection therewith as he thinks fit.

18. 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 Director for matters referred to in these bye-laws, then without such consent and after giving notice in writing to the occupier, the Director or any officer authorised by him may undertake the house

scavenging of any building or land in the municipal limits of Islamabad for such period as he thinks fit on such terms as he may prescribe in this behalf.

*Explanation.-* For purposes of these bye-laws, "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.

19. (1) The Authority may provide in proper and convenient situations public receptacles, depots or places for the temporary deposit or disposal of rubbish, offensive matter etc.

(2) The Director 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 bye-laws referred to above may be removed along a street or may be deposited or otherwise disposed of.

20. The Director may by notice in writing require any person having the control whether as owner, lessee or occupier of any land or building within the municipal limits of Islamabad:

- (i) to keep in a clean condition any receptacle for filth or sewage accumulating on the land or in the building; or
- (ii) 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
- (iii) to deposit rubbish in the manner prescribed by the Director failing which the Directorate will do the needful at the cost of the defaulter.

21. Where any well, tank, cistern, reservoir, receptacle or other place 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 Director, is or is likely to be a breeding place for mosquitoes, the Director 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.

22. The Director may require—

- (i) the owner or other person having the control of any private latrine or urinal which, in the opinion of the Director/Health Officer, constitutes a nuisance, to remove the latrine or urinal;
- (ii) any person being the owner and having the control of any drain in the municipal limits of Islamabad, to provide within ten days from the service of the notice, such covering as may be specified in the notice.

23. Where it appears to the Director that any building or part of a building which is used as a dwelling house is so over crowded as to endanger the health of the inmates thereof, he may require within such time as may be specified in the notice, to abate the over-crowding of the same by reducing the number of lodgers, tenants or other inmates to such number as may be specified in the notice.

24. The Director may by notice in writing require to owner, lessee, or occupier of any land to clear away and remove within a specified period noxious vegetation or undergrowth which appears to be injurious to public health or offensive to persons residing in the neighbourhood.

25. If any building, or anything fixed thereon, be deemed by the Director to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers by the Director may, by notice, require the owner or occupier of such building to take such action in regard to the building as may be specified in the notice, and if there is default, the Director may take necessary steps himself, and the cost incurred thereon shall be deemed to be a tax levied on the owner or occupier of the building under these bye-laws.

26. If a building is in a dangerous condition, or otherwise unfit for human habitation, the Director may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Director.

27. Any person who fails, without reasonable cause, to comply with any notice or requisition, or contravenes any of the provisions of any of the bye-laws under this chapter shall on conviction be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence, an

additional fine which may extend to fifty rupees for every day during which the breach has continued for the first of such conviction.

*Form of the issue of license to khakrobes*

S.No. of the License _____		Date _____	
Name	Father's name	Home town	Present address
		Age	Caste

The holder of this license is authorised to work in any Government Department/private estate, provided that in case of Government Department clearance from the relevant authority should be obtained.

#### CHAPTER IV

#### REGISTRATION OF BIRTHS AND DEATHS

28. For the purposes of registration of births and deaths, occurring within the municipal limits of Islamabad, there shall be one registry office which shall be located in the office of the Municipal Administration.

29. Separate registers for registration of births and deaths shall be maintained by the Director.

30. The following particulars as to births shall be reported and registered in register of births:—

- <sup>1</sup>[(1) S. No. and date of birth.
- (2) Name of Child, if any.
- (3) Sex of the Child.
- (4) Name of the father and his NIC No., if any.
- (5) Name of the mother and her NIC No., if any.
- (6) Occupation, Caste and religion of the father, if any.
- (7) Residence of the father.
- (8) Place of birth (Hospital/ Clinic, etc.).

<sup>1</sup> Substituted by S.R.O. 1335(I)/98 Dated 2<sup>nd</sup> December 1998, w.e.f. 1<sup>st</sup> January, 1999



(9) Name of informant.]

31. The following particulars as to deaths shall be reported and registered in the register of deaths:—

<sup>1</sup>[(1) S. No. and date of occurrence.]

(2) Name of deceased.

(3) Deceased's father's name, or in the case of married woman, her husband's name

(4) Sex of the deceased.

(5) Age of deceased.

(6) Occupation, caste and religion if any of deceased.

(7) Residence of the deceased.

<sup>1</sup>[(8) Cause and place of death.]

(9) Period of sickness.

(10) Name of informant.

32. The head or guardian of a family or any type of institution such as hotel, club, mosque etc., in which any birth or death occurs, shall <sup>1</sup>[within one month] after the event report the same to the Director <sup>2</sup>[\*] giving the particulars as in the preceding bye-laws 30 and 31.

33. It shall be the duty of every military and civil medical officer of Government or private medical practitioner to report to the Director and the Health Officer <sup>1</sup>[within one month] after the event, every birth or death occurring in the municipal area of Islamabad of which he may become cognizant in the exercise of his profession giving the particulars as in bye-laws 30 or 31 as the case may be. This also applies to police officials who find dead bodies.

<sup>1</sup> Substituted by S.R.O. 1335(I)/98 dated 2<sup>nd</sup> December, 1998 w.e.f. 1st January, 1999.

<sup>2</sup> Words "and the Health Officer" omitted by S.R.O. 409(I)/2002, dated 28<sup>th</sup> June, 2002, w.e.f. 1st July, 2002.

34. (1) On receipt of any such report as is mentioned in the bye-laws above, the Director shall either himself or through such person as is authorised by him, register every birth or death in the appropriate register.

<sup>1</sup>[(2) No fee shall be charged for registration of births and deaths. However, in case of births and deaths reported after one month, fine shall be imposed as under:-

- (i) Births & Deaths reported beyond one month but within one year. .... Rs.25/-
- (ii) Births & Deaths reported after one year but within five years. .... Rs.100/-
- (iii) Births & Deaths reported after five years. .... Rs.500/-

Births and deaths reported after five years shall be registered only under the order of the District or Additional District Magistrate, Islamabad.]

35. After registering any such event, the Director shall issue a certificate of such registration signed by him and sealed with the common seal, to any person applying for such certificate on payment of the fee prescribed in bye-law 36.

<sup>2</sup>[36. Birth and Death Certificates or copies thereof may be obtained on payment of Rs. 25/- per certificate to be issued within 07 days on receipt of application duly supported by requisite documents. However, for certificates or copies thereof in addition to cost of certificate, i.e. Rs. 25/- each, searching fee will be charged at the following rates:—

S.No.	Certificate or Copies thereof applied for	Rate
1.	(i) After one year but upto five years	Rs. 100/-
	(ii) Beyond five years.	Rs. 500/-

<sup>1</sup> Added by S.R.O. 409(I)/2002, dated 28<sup>th</sup> June, 2002, w.e.f. 1st July, 2002.

<sup>2</sup> Subs. *ibid*.

For supply of certificates or copies thereof within 24 hours urgent fee at double the rate will be charged.]

<sup>1</sup>[37. Any person who commits a breach of the Bye-Laws in this Chapter shall be punishable with fine under section 116 of the Municipal Administration Ordinance, 1960.]

## CHAPTER V

### SPREAD AND PREVENTION OF INFECTIOUS DISEASES

38. The following diseases shall be considered as infectious diseases for the purpose of bye-laws in this chapter:—

1. Smallpox.
2. Cholera.
3. Typhus.
4. Relapsing fever.
5. Plague.
6. Food poisoning.
7. Diphtheria.
8. Whooping-cough.
9. Tuberculosis.
10. Meningococcal meningitis.
11. Acute anterior poliomyelitis.
12. Typhoid and paratyphoid fevers.
13. Rabies.
14. Gastro enteritis.

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<sup>1</sup> Substituted by S.R.O. 409(I)/2002, dated 28<sup>th</sup> June 2002, w.e.f. 1st July, 2002.

15. Any other epidemic or infectious disease which the authority may declare as infectious disease from time to time.

39. The Authority shall establish and maintain at least one hospital for the reception and treatment of persons suffering from infectious diseases. Until such infectious diseases Hospital has been established, or the existing one is insufficient, the Authority may make interim and temporary arrangements by requisitioning or erecting suitable premises for the purpose.

40. In the event of any person within the municipal limits of Islamabad other than a patient in a public hospital, being attacked by an infectious disease—

- (a) every medical practitioner who in the course of such practice becomes cognizant of the fact, and
- (b) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then any adult member of the household, and
- (c) every person who in any manner comes into contact with him,

shall, as soon as he becomes cognizant of the fact, forthwith report the same or cause a report thereof to be made to the Health Officer who will ensure that patient is removed to the place meant for patients suffering from infectious diseases or segregate him in the manner he deems fit and disinfect the premises.

41. The owner or person in whose custody any dog may be, which is suffering or is suspected to be suffering from rabies shall, as soon as he becomes cognizant of the fact report the same, or cause a report thereof to be made to the Director.

42. The Health Officer or any other person authorised by him may, at any time by day or by night, without notice, or after giving such notice of his intention as shall in the circumstances, appear to him to be reasonable, inspect any place in which any infectious disease is reported or suspected to exist, and take such measures as he shall think fit to prevent the spreading of the said disease beyond such place and shall forthwith send a report to the Director.

43. (i) If it shall appear to the Health Officer that the water in any well, tank, or other place or course is likely to cause the spreading of an infectious disease, he may, by public notice, prohibit the removal or use of the said water.

(ii) If it shall appear to the Health Officer that any food or fruit or any other article is likely to cause the spreading of an infectious disease, he may prohibit its sale or use and take such measures as he considers necessary including destruction of such items to ensure that it does not cause any harm to the public.

44. No person removed to a hospital or a specified place shall leave the same except with the prior permission of the Medical Officer Incharge thereof.

45. The Director shall, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any infectious disease may be washed, and no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

46. The Health Officer or any person authorised by him in this behalf may disinfect or destroy, or, by written notice, direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection.

47. The Directorate may provide and maintain conveyance for the free carriage of persons suffering from any infectious disease and when such conveyance has been provided, it shall not be lawful to convey any such person by any other public conveyance.

48. No person being the parent or having the charge or care of a child, who is or has been suffering from any infectious disease or any of the disease given below shall send such child to any public or private school, until a registered medical practitioner certifies to the effect that the presence of such child is not likely to cause injury to the health of other persons attending or living or employed in such school:

- (a) Measles.
- (b) Mumps.
- (c) Chicken pox.
- (d) Any other disease notified by the Director from time to time.

49. If it appears to the Health Officer that there is danger to the health of persons attending, living or employed in any public or private school or place of public resort he may, by an order in writing, direct that such school or place

shall be closed for such period as he shall think fit and the premises shall be cleaned or disinfected.

**50.** In the event of municipal limits of Islamabad being at any time visited or threatened with an outbreak of any infectious disease, or in the event of any infectious or epidemic disease breaking out or being likely to be introduced in the municipal limits of Islamabad, the Authority may undertake any emergency measures deemed necessary to meet the situation.

**51.** Any person who contravenes any bye-laws of this chapter shall, on conviction be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which contravention continues after conviction for the first of such contravention.

## CHAPTER VI

### BURIAL AND BURNING PLACES

**52.** No person shall bury or cause to be buried or, being the owner or person in charge of the burial/burning ground, shall permit to be buried the body of any person in any burial ground within the municipal limits of Islamabad, save in accordance with the following conditions:—

- (a) Each grave shall be of such a depth that every part of every coffin or body shall be at least four feet below the surface level, if confined in masonry, and six feet if not so confined.
- (b) The grave shall be not less than two feet from the nearest existing grave.

**53.** No person shall burn or cause to be burnt or being the owner or person in charge of the burning ground shall permit to be burnt, the body of any person in any burning ground within the municipal limits of Islamabad otherwise than in accordance with the following conditions:—

- (i) that the body shall be burnt within eight hours after its arrival at the burning ground.
- (ii) that no part of the body shall remain unconsumed, and

- (iii) that no part of the body shall be removed from burning ground until it is completely reduced to ashes. In the case of corpses of adult Hindus the bones may be removed before being completely reduced to ashes for transmission to Holy places.

**54.** Any unclaimed corpse or any pauper dying within the municipal limits of Islamabad shall be buried or cremated, as may be appropriate in the case, at the cost of the Directorate of Municipal Administration, C.D.A Islamabad, within the cost determined by the Director from time to time.

**55.** The piece of land for the graves within the municipal limits of Islamabad will be provided by the Directorate free of cost.

**56.** The grave diggers may be made available by the Director.

**57.** The charge for digging the grave would be as under and should be deposited in advance in the account of the Directorate and a receipt in lieu thereof be obtained for record:—

<sup>1</sup> [(a)	Grave for adults	Rs. 300.00
(b)	Grave for children above two years of age	Rs. 250.00
(c)	Grave for children, under two years of age	Rs. 100.00]

**58.** At the burial ground there shall be maintained a register wherein the name, age and sex, caste, religion occupation and full address of the deceased, the cause of death, the date and place of death, the name and address of the person bringing the corpse and the date and hour of the burial of the corpse, will be entered.

**59.** No person shall re-open the grave unauthorisedly or interfere with or remove any portion of the coffin and the stone/masonry slabs, etc.

**60.** No person, shall, except with the written permission of the Director, erect any masonry tomb exceeding 6 feet in length and 4 feet in breadth within the limits of any burial ground within the municipal limits of Islamabad.

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<sup>1</sup> Substituted by S.R.O. 1335(I)/98, dated 2nd December, 1998.

[60A. The Hears-cum-bus provided by the Authority shall be charged at Rs.4.00 per Kilometer.

61. Any person who commits a breach of any of these bye-laws shall be punishable with fine which may extend to one hundred rupees, and if the breach is a continuing breach, with further fines which may amount to ten rupees for every day after the first during which the breach continues.

## CHAPTER VII

### DANGEROUS AND OFFENSIVE TRADES

62. The articles and trades specified hereunder shall be deemed to be Dangerous and Offensive for the purposes of section 92 of the Municipal Administration Ordinance, 1960.

- (1) The business of storing or selling:—
  - (a) timber, firewood, coal, charcoal and coke;
  - (b) hay, straw, grass and bamboo;
  - (c) jute, gunny bags and gunny cloth;
  - (d) matches;
  - (e) paper, and
  - (f) ghee.
- (2) Sugar refining and sugar refineries;
- (3) Preparation and manufacture of aerated water;
- (4) Operation or running bake houses;
- (5) Brush making;
- (6) Electroplating;
- (7) Storing or selling explosives, petroleum or any other inflammable oil or gas.

<sup>1</sup> Added by S.R.O. 1335(I)/98, dated 2nd December, 1998.



(8) Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever blasting powder, ammunition, fireworks, gun powder, sulphur, mercury, gases, gun cotton, saltpetre, nitro compounds, nitro mixtures, phosphorus, or dynamite;

(9) Cleaning, dyeing, preparing or manufacturing by any process whatever clothes or yarn in indigo and other colours;

(10) Storing, processing, cleaning, crushing, melting, preparing or manufacturing, by any process whatever, bones, tallow, offal, fat, blood, soap, hides, skins, candles, manure, catgut and oil cloth;

(11) Storing, packing, pressing, cleaning, preparing or manufacturing fins, fish, horns and hoofs;

(12) Manufacturing oils;

(13) Washing or drying wool or hair;

(14) Making or manufacturing bricks, surkhi, tiles or earthenware pots or other earthenware by any process of baking or burning;

(15) Burning of lime stone or storing of lime for sale;

(16) Cleaning or grinding of grain of any kind or class of machinery;

(17) Cleaning or grinding chillies;

(18) Keeping animals likely to create nuisance;

(19) Fellmongering;

(20) Casting of heavy metals such as iron, lead, copper and brass;

(21) Dealing in chemicals, liquid, or otherwise;

(22) Wholesale storing, cleaning, pounding and selling of tobacco, except storing of tobacco required for the preparation of bidies, cigars or cigarettes;

(23) Operating or running tin factories;

(24) Manufacture of safes, trunks and boxes;

- (25) Marble cutting and polishing;
- (26) Glass bevelling and polishing;
- (27) Manufacture of earthenware pots and clay pipes including hume pipes;
- (28) Cement manufacturing;
- (29) Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever resins, pitch, tar, turpentine, dammer, coconut fibre flax, hemp, rosin or spirit;
- (30) Manufacturing, packing, pressing, cleaning or preparing by any process whatever, bidis, cotton seeds, wood, khokhas or wooden boxes;
- (31) Tanning, pressing or packing hides or skins, whether raw or dry;
- (32) Trade or operation of a farrier;
- (33) Any other article or trade declared by the Authority to be dangerous to life, health or property or likely to cause nuisance either from its nature or by reason of the manner in which or the conditions under which, the same may be possessed or carried on;
- (34) Welding.

**63.** (1) No dangerous and offensive trades shall be undertaken within the municipal limits of Islamabad except under a license granted by the Director or an official authorised by the Authority in this behalf.

(2) No premises shall be used or suffered to be used for any dangerous and offensive trade.

(3) No person shall store or keep in any premises:

- (a) any dangerous and offensive articles except for domestic use; or

- (b) any dangerous and offensive articles in excess of such limits as may be prescribed by the Director or any person authorised by him in this behalf.

64. In the event of any trade creating a nuisance in the opinion of the Director/ Health Officer, the license shall be liable to be cancelled.

65. Any person committing a contravention of any of the bye-laws in this Chapter shall, on conviction be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which contravention continues after conviction for the first of such contravention.

## CHAPTER VIII

### ENCROACHMENTS

66. No person shall encroach on the land under the charge of the Authority or put up an immovable structure, hut or khokha or overhanging structure under any circumstances. Free flow of pedestrian traffic in circulation verandahs of all the Markets of Islamabad shall not be obstructed by stacking articles or in any other manner. Articles so stacked shall be liable to be removed and confiscated at the cost and risk of the defaulter.

67. Monthly licence for roofless movable stalls can, however, be issued on the condition that the licence shall be revokable by a 12 hours notice.

68. The licence shall not be transferable.

69. When a licence is revoked, the articles of sale and furniture etc., will be removed by the licensee within 12 hours or these shall be removed by the authorised officials of the Directorate to their stores at the cost and risk of the licensee and no compensation shall be granted in this behalf.

70. Movable encroachment for which a licence is issued shall not be more than an area of 16 sq. ft.

71. Rent at the rate of Re. 1 per sq. ft. per month shall be payable in advance.

72. The licence shall be granted in the following proforma:—

**LICENSE**

Book No.

Serial No. \_\_\_\_\_

WHEREAS \_\_\_\_\_ has  
paid to the Municipal Administration of Islamabad Rs.  
\_\_\_\_\_ he is permitted to \_\_\_\_\_ within  
the municipal limits of Islamabad at \_\_\_\_\_ (place) from \_\_\_\_\_  
to \_\_\_\_\_ (period) for the purpose of \_\_\_\_\_

Particulars of licensee

Name	Father's Name	Caste	Trade	Address	Remarks
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73. Any person committing a contravention of any of the bye-laws in this Chapter shall on conviction be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which contravention continues after conviction for the first of such contravention.

**CHAPTER IX**

**FIRE FIGHTING**

74. The Director may impose any charges on the Insurance Companies, in the event of any fire in an insured building, provided the charges, will not exceed more than 1% of the annual rental value of the building or as fixed by the "Authority" from time to time.

75. All instructions issued by the Director with regard to the fire precautions in private building and government institutions shall be carried out.

76. The Director may appoint fireman on duty at commercial buildings like picture houses to avoid the risk of fire and nominal charges for the services will be recovered as may be fixed by the Authority from time to time.

77. No person shall interfere in or hamper the fire extinguishing operations of the Municipal Fire Brigade in any manner.

78. The Officer Incharge Fire Fighting operation may take the following measures for the safety of public life and property:—

- (1) He may pull down a portion or whole of the premises involved in fire operation.
- (2) He may shut off any mains of pipelines to allow better flow of water to the scene of fire and may take further measures considered essential for the preservation of life and property.

79. No person shall be liable to pay any damages in respect of anything done in good faith while directing the fire fighting operations.

80. Any person committing a contravention of any of the bye-laws in this Chapter shall on conviction be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine, which may extend to twenty rupees for every day during which contravention continues after conviction for the first of such contravention.

## CHAPTER X

### NUISANCE

81. 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.

82. Whoever in any street or other public place within the municipal limits of Islamabad:—

- (a) eases himself or wilfully or indecently exposes his person;  
or
- (b) begs importunately for alms; or
- (c) exposes or exhibits with the object of exciting charity any deformity or disease or any offensive sore or wound; or
- (d) carries meat exposed to public view; or
- (e) is found defecting; or

- (f) pickets animals, or collects carts, cycles; or
- (g) 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
- (h) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other documents; or
- (i) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or
- (j) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other documents put up or exhibited under the Municipal Ordinance; or
- (k) 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 through radio, amplifier and loud speaker; or
- (l) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with a 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 Authority in any street or public place, or extinguishes a public light; or
- (m) carries night soil or other offensive matter or rubbish at any hour prohibited by the Municipal Administration of Islamabad or fails to close such cart or receptacle when in use; or
- (n) carries night soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Municipal Administration of Islamabad by public notice; or

- (o) 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 on unoccupied land under the management of the Authority; or
- (p) disturbs the public peace or order by singing, screaming or shouting; or
- (q) 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 fails to report to the Director for disposal of the carcass; or
- (r) save with the written permission of the Director, and in such manner as he may authorise, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or
- (s) uses or permits to be used as latrine any place not intended for that purpose will be guilty of committing an offence within the meaning of these bye-laws.

**83.** The beasts of burden, sheep, goats and pigs, donkeys etc., shall not be driven along any of the roads in the municipal limits of Islamabad, at any time of the day or night, except on the roads, allowed by the order of the Authority issued from time to time.

**84.** No person shall take an elephant or camel along any road within the municipal limits except the road, that may be fixed by an order of the Authority.

**85.** No animal shall be kept standing on any of the roads within the municipal limits except for such period as is necessary for the purpose of loading and unloading.

**86.** No cattle shall be kept within the municipal limits of Islamabad under any circumstances.

**87.** No person shall at any time and on any road within the municipal limits, ride a horse or a mule and lead another, unless he has obtained permission

for the same from the Director. The roads on which horses may be allowed will be declared by the Authority from time to time.

88. No person shall keep a horse or donkey for hire without a permit from the Director. No horse shall remain standing on any road within the municipal limits, except at places appointed by the Director.

89. No person shall keep a dog without a licence issued on payment of prescribed fee of Rs. 5 per annum per dog by the Director. The dogs must be chained failing which they are liable to be treated as stray dogs and killed at the risk of the owner.

90. Any person who commits a breach of any of the bye-laws in this Chapter shall, on conviction by a magistrate, be punishable with fine which may extend to one hundred rupees and in the case of a continuing breach, with an additional fine which may extend to twenty rupees for every day during which such breach continues after conviction for the first of such breach.

## CHAPTER XII

### LICENSING OF TRADES

91. No person shall within Islamabad municipal limits carry on any of the trades mentioned in Schedule I except under a license issued by the Director or a person authorised by the Authority in this behalf.

92. Every application for a license under these bye-laws shall be made to the Director in the form prescribed for the purpose in Schedule II.

<sup>1</sup>[93. If the application for a licence is granted after inspection of the premises by the Director, or the person so authorised by him, the licence in Schedule IV shall be issued on payment of annual fee as specified below:-

- (i) Hotels and Restaurants:
  - (a) Centrally Airconditioned Hotels of any star Rs. 5,000
  - (b) Airconditioned Hotels and Restaurants Rs. 2,500
  - (c) Non-Airconditioned Hotels and Restaurants Rs. 1,500

<sup>1</sup> Substituted by S.R.O. No. 571(I)/96 dated 18th April 1996, with effect from 1<sup>st</sup> July 1995. see Gazette of Pakistan, Extra, Part-II dated July 2, 1996.



- 
- |     |                                   |     |       |
|-----|-----------------------------------|-----|-------|
| (d) | Restaurants in shops with A. C.   | Rs. | 1,000 |
| (e) | Restaurant in shops without A. C. | Rs. | 500   |
- (ii) Other trades (per item of Schedule D)]

94. Every application for a license and every licence issued under these bye-laws shall be got registered by the Director in the license register prescribed for the purpose in Schedule III. The license shall be displayed at a conspicuous place in the premises so licenced.

95. Whenever any licensable trade is carried on in contravention of the conditions of a license (as mentioned in Schedule V) or the provisions of these bye-laws, the Director or any person authorised by the Authority in this behalf may cancel the license and seize the property and if deemed necessary may seal the premises.

96. Whenever any property is seized under this bye-law and is not intended to be released the Director or any person authorised by him may dispose of such property by sale and after deducting the expenses so incurred, refund the balance to the owner provided that in case of perishable property, the Director may dispose of the same immediately on seizure or destroy it altogether if necessitated under any of the bye-laws.

97. Whoever carries on any licensable trade without obtaining a license therefore or carries on that trade during the period of suspension of a license or after the same has been revoked or the period of its validity has expired, shall be punishable with a fine which may extend to Rs.500 or in the event of a continuous breach, Rs.20 per day during which the breach continues.

### CHAPTER XIII

#### HAWKER BYE-LAWS

98. No hawkers and squatters dealing in goods, eatables, perishable or imperishable, selling wares of any kind or description at a specified place or on cycles, taxis or by any other means shall be allowed within the municipal limits of Islamabad except under a pass issued on payment of Rs.10 per month by the Director or any person authorised by the Authority in this behalf on the prescribed form.

99. Any person committing a contravention of the preceding bye-law shall, on conviction be punishable with fine which may extend to one hundred

rupees and in the case of a continuing contravention with an additional fine which may extend to ten rupees for every day during which contravention continues after conviction for the first of such contravention.

#### CHAPTER XIV

##### POWER TO FILE COMPLAINTS AND COMPOUND OFFENCES

100. The Director, the Deputy Director or a person specifically authorised by the Authority in this behalf may file a complaint before a magistrate in respect of any offence punishable under any of the provisions of the bye-laws in Chapters I to XIII.

101. The Director/ Deputy Director may compound offences committed under any of the bye-laws on an application by the defaulter for a reasonable sum not exceeding the maximum penalty specified in the bye-laws.

102. A register in form appended shall be maintained and the particulars of every composition shall be entered in the register.

103. All sums received in composition shall be credited to the Directorate of Municipal Administration Islamabad, against a proper receipt.

##### *Register*

Serial No.	Name and residence of defaulter	Offence to be compounded with reference to chapter of bye-laws	Sum paid in composition
Remarks	No. and date of receipt	Date of composition	Initials of the Director / Deputy Director

#### CHAPTER XV

##### ARBORICULTURE, GARDENS AND PARKS

104. Riding or walking on the grass lawns along the roads and other places in the municipal limits of Islamabad and the plucking of flowers on road sides and in the gardens are strictly prohibited.

**105.** No entertainment or other function shall be held in the gardens or other open spaces except with the prior permission of the Director Horticulture of the Authority (hereinafter in this Chapter referred to as the Director) on application made in this behalf, specifying the exact nature, duration and mode of operation of the function; provided always that the applicant shall be responsible for any damage done to flowers, bushes, trees, grass etc. for whatever reason and for having the gardens cleaned up afterwards if necessary.

**106.** No boundary wall, hedge or fence of any material or description shall be erected in the municipal limits of Islamabad without the permission in writing of the Director. The Director, may by notice in writing, require the owner or lessee of any land,—

- (a) to remove from the land any boundary wall, hedge or fence which is, in his 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.

**107.** The Director 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.

**108.** Where, in the opinion of the Director, the felling of any tree of mature growth standing in a private enclosure is necessary for any reason, the Director, 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.

**109.** The Director may by public notice require all owners, lessee or occupiers of land 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.

**110.** The Director or any person authorised in this behalf may by notice in writing require the owner, lessee or occupier of any land to clear and remove any thick or noxious vegetation or under growth which appears to him to be injurious the trees, plants, bushes, flowers, grassy plots etc.

111. Where in the opinion of the Director the cultivation of any description of crop or the use therein of any kind of manure or the irrigation in any manner is not in the interest of proper development of arboriculture, he may prohibit such operations.

112. No owner, occupier, lessee or any other person shall cut any tree standing on any Government or private land without the previous permission of the Director or any person authorised in this behalf provided that nothing herein contained shall apply to *bonafide* trimming or otherwise altering shrubs or fruit trees for horticulture purposes in private estates.

113. No person shall graze animals including horses, donkeys, buffaloes, cows, goats, sheep, camels, etc., within the municipal limits of Islamabad on private estates or lands belonging to the Authority.

114. The Director or any person authorised by him in this behalf may capture and impound such animals and release them only on payment of composition fixed by the Director.

115. No person shall dig or excavate earth or blast stones with or without explosives from any land belonging to the Authority.

116. No person shall enter or quit a public park or garden otherwise than through a gate, wicket, passage or opening specially provided for the purpose.

117. No person shall remove, deface or injure any sign board, notice board, plate or tablet, or any support or fastening or fitting thereof which is set up or maintained by the Authority in any part of a public park or garden.

118. No person shall remove, injure or destroy any part of a wall, railing, hedge, or fence, in or enclosing a public park or garden, or any part of a building, structure or erection, or any monument, fountain, work of art, ornament or decoration, or any appliance, apparatus or article used in, or for the purpose of laying out, planting, improvement or maintenance of a public park or garden or for cultivation or protection of any tree, sappling, shrub, plant or the like.

119. No person shall at any time in any part of a public park or garden, walk, run, stand, sit or lie upon any part of a bed of flowers or shrubs, or any ground in course of preparation or cultivation as a flower bed, or for the reception or growth of flowers, plants or shrubs.

120. No person shall at any time in any part of a public park or garden, pluck or injure any bud, blossom or flower, or any tree, sappling, shrub or plant.

121. No person shall throw or discharge in a public park or garden any stone or other missile so as to cause injury or danger to any person therein.

122. No person shall without the written permission of the Director, in any part of a public park or garden, play a musical instrument or beat any drum or shout or sing in a manner likely to interfere with the lawful enjoyment of any other person using the public park or garden.

123. A public park or garden shall not, except with the written permission of the Director, be used for the purpose of playing games, or of holding meetings or fairs, or celebrating festivals, or for any other purpose than that of public resort.

124. No person shall in any way in a part of a public park or garden, spread or deposit any linen or other fabric for the purpose of drying or bleaching.

125. Fishing in the tank of a public park or garden shall not be allowed except with the permission of the Authority which may issue fishing passes for rods and lines only.

126. No animal shall, without the written permission of the Director, be permitted by the owner or person in charge thereof to graze on, or be driven over, any lands of a public park or garden.

127. No person shall, without the sanction in writing of the Director, remove, cut or destroy or cause to be removed, cut or destroyed any tree, shrub or plant, standing in a public park or garden or in any avenue or other public place, or cut any grass from road sides of other public places.

128. No person shall remove, injure or destroy any fence or enclosure erected by the Authority for the protection of growing trees.

129. The Director/Deputy Director may file a complaint before a magistrate in respect of an offence punishable under any of the provisions of bye-laws in this Chapter and may compound offences on an application by the defaulter for a reasonable sum not exceeding the maximum penalty specified in these bye-laws.

130. All sums received in composition shall be credited to the Director of Horticulture against a proper receipt.

131. Any person who contravenes any of the bye-laws in this Chapter shall, on conviction by a Magistrate, be punishable with fine which may extend to five hundred rupees, and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after the conviction for the first of such contravention.

## CHAPTER XVI

### WATER SUPPLY

132. The Director Maintenance (hereinafter referred to as the Director in this Chapter) or the person authorised in this behalf by the Authority may by agreement supply from any source of public water supply, the owner, lessee or occupier of any building or land in Islamabad, water for any purpose including domestic purpose on such terms and conditions and rates, as may be prescribed by the Authority from time to time.

133. The Director or Deputy Director may withdraw supply for any purpose other than domestic purposes or curtail the quantity thereof at any time if it is necessary to do so for the purpose of equitable supply of water for domestic use by inhabitants of Islamabad. The Authority shall not be liable to any forfeiture, penalty or damage for such withdrawal or curtailment of water supply.

134. The Authority shall not be liable to any damages for failure to supply or for curtailing the quantity thereof if arises from accident or draught or other unavoidable causes.

135. Notwithstanding anything contained in any agreement the supply of water by the Authority to any building or land shall be granted subject to the following conditions namely:—

- (a) The owner or lessee or occupier of any building or land in or on which water is supplied by the Authority 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 the Director or any person authorised in this behalf.
- (b) The Director or any other officer or servant of the Maintenance Directorate (duly authorised by the Director) may enter into any premises supplied with water by the Authority for the purposes of examining all pipes, taps,

works and fittings connected with the supply of water or ascertaining whether there is any waste or misuse of such water.

- (c) The owner or occupier of the building or land shall pay the water bill and other charges connected with the water supply within one month from the date on which such charge falls due for payment. A surcharge of 10% will be levied if the bill is not paid by the specified date.
- (d) The Director or any official authorised in this behalf by the Authority may after giving one month 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 thereof if the bill along with surcharge is not paid on the expiry of notice period of one month.
- (e) The Director or any officer authorised by him in this behalf may after giving in writing cut off the water supply if:—
  - (i) the owner or occupier refuses to admit the Director or any other officer authorised by him in this behalf into the building or land for the purpose of meter reading or making examination of enquiry with regard to the state of water pipes, installations, etc.
  - (ii) the occupier wilfully misuses or causes waste of water;
  - (iii) the occupier wilfully or negligently injures or damages the meter or any pipe or installation conveying water from the water works.

136. The Director/ Deputy Director may file a complaint before a magistrate in respect of an offence punishable under any of the provisions of bye-laws in this Chapter and may compound offences on an application by the defaulter for a reasonable sum not exceeding the maximum penalty specified in these bye-laws.

137. All sums received in composition shall be credited to the funds of the Director against a proper receipt.

138. Any person who contravenes any of the bye-laws in this Chapter shall, on conviction by a magistrate, be punishable with a fine which may extend to five hundred rupees, and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after the conviction for the first of such contravention.

#### SCHEDULE I

##### *Licensable Trades*

S. No.	Name of the Trade
1.	Fruit and Vegetable.
2.	Meat.
3.	Fish.
4.	Poultry and Games.
5.	Milk, Cream and Butter.
6.	Ghi and Sweet Meat.
7.	Bakery.
8.	Aerated Water, Ice-Ice Cream.
9.	Cooked Food.
10.	Hotels.
11.	Hawkers.
12.	Wash Houses / Dhobi Ghats.
*[13.	Barbers, Beauticians, Hair Stylists.]

\* Added by S.R.O. 730/(I)/2003, dated 25<sup>th</sup> July 2003.



**SCHEDULE II**

*Application for the grant of a License/ Sanction/ Permission.*

To,

The Director,  
Municipal Administration,  
Capital Development Authority,  
Islamabad.

1. Name of applicant \_\_\_\_\_
2. Father's name \_\_\_\_\_
3. Present address \_\_\_\_\_
4. Purpose for which license/sanction/permission is required \_\_\_\_\_
5. Period for which the license/sanction/permission is required \_\_\_\_\_
6. Amount of fee to be paid for the grant of license \_\_\_\_\_
7. Documents attached with the application \_\_\_\_\_
8. Any other information which the applicant desires to give in support of this application \_\_\_\_\_

The conditions on which the license/sanction/permission will be given to me/us have been read by me/ us or read over to me/us and I/we undertake to abide by them.

Date \_\_\_\_\_

(Sig. of applicant/ applicants)

*For office use only*

Orders of the sanctioning authority.

(DIRECTOR)

**SCHEDULE III****Directorate of Municipal Administration CDA Islamabad***License Register*

1. Serial No. \_\_\_\_\_ Date \_\_\_\_\_
2. Name and address of applicant \_\_\_\_\_
3. Date and receipt of application \_\_\_\_\_
4. Description of License \_\_\_\_\_
5. Amount of fee paid \_\_\_\_\_
6. Date and the abstract of the order passed on the application \_\_\_\_\_
7. Date of issue of License etc. \_\_\_\_\_
8. Period of validity of License etc. \_\_\_\_\_
9. Date of expiry of License \_\_\_\_\_
10. Initials of the official issuing the License \_\_\_\_\_
11. Action taken after the expiry of License \_\_\_\_\_
12. Remarks \_\_\_\_\_  
\_\_\_\_\_

Sig. of Clerk / Inspector  
responsible to maintain this  
register.

**SCHEDULE IV**

*License Form*

**Form "B"**

<p><b>COUNTER FOIL</b></p> <p>Dte of Municipal Administration, C.D.A. Islamabad.</p> <p>Licence for the trade of _____</p> <p>Name of licensee _____</p> <p>Father's name _____</p> <p>Address _____</p> <p>Premises _____</p> <p>Period of licence _____</p> <p>Date of issue _____</p> <p>Date of fee paid _____</p> <p>Amount of fee paid _____</p> <p>Initial of Director (Seal)</p> <p><i>Note:— Terms and Conditions of this licence/ sanction / permission are given on the reverse.</i></p> <p><b>INSPECTION</b></p> <p>(1) Date _____ Initial of Official</p> <p>(2) Date _____ Initial of Official</p> <p>(3) Date _____ Initial of Official</p>	<p><b>S.No.</b></p> <p>Dte of Municipal Administration, C.D.A. Islamabad.</p> <p>Licence for the trade of _____</p> <p>Name of licensee _____</p> <p>Father's name _____</p> <p>Address _____</p> <p>Premises _____</p> <p>Period of licence _____</p> <p>Date of issue _____</p> <p>Date of fee paid _____</p> <p>Amount of fee paid _____</p> <p>Sign. of Director (Seal)</p> <p><i>Note:— Terms and Conditions of this licence / sanction / permission are given on the reverse.</i></p> <p><b>INSPECTION</b></p> <p>(1) Date _____ Initial of Official</p> <p>(2) Date _____ Initial of Official</p> <p>(3) Date _____ Initial of Official</p>
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**SCHEDULE V**

(i) **Conditions of Licence for sale of fruit or vegetable.**- Every license granted for the sale of fruit or vegetable shall be deemed to be granted subject to the following conditions:—

1. That every place, licensed for the sale of fruit and vegetable and all implements, tables, receptacles, vessels or other things used in the sale or exposure for sale of fruit and vegetables shall at all times be kept in a clean and wholesome condition and protected from dust and flies, and every place shall at all times be provided with a sufficient supply of water for cleaning the same.

2. That the license shall maintain one or more receptacles for the collection of sweepings, refuse or rubbish and the same shall be cleaned twice every day.

3. That walls of the licensed premises shall be properly lime-washed at least twice a year or more often, if so required by the Director.

4. That no room or any portion of the licensed premises shall be used as a living room or sleeping room or for any other trade or occupation.

5. That the rooms in which fruit and vegetable are stored must have floors made of bricks, stone, cement or other impervious material and must be rat-proof. The walls must be plastered and lime-washed, and there must be adequate provision of light and ventilation. A suitable drain must be provided and the floor must be so sloped as to allow all liquid to flow off by the drain. All windows and ventilators must be covered with gauze to keep out flies and all door ways must be fitted with additional self-closing wire gauze doors.

6. That no fruit or vegetable shall be offered for sale unless the same is fresh, clean and suitable for human consumption.

7. That the licensee shall not permit any fruit or vegetable to be wrapped in dirty or soiled paper, cloth or leaves, or to be transported except in a clean fly-proof receptacle.

8. That the Director, may by public notice prohibit for such period as may be specified in such notice, the sale of any specified kind of fruit or vegetable within Islamabad Municipal limits.

9. That any fruit of vegetable found unfit for human consumption, or of which the sale has been prohibited, shall forthwith be confiscated and destroyed in such manner as the Director may think fit.

10. That if required by the Director, any person employed for the sale of fruit or vegetable shall be medically examined at the expense of the Authority to ascertain if he is not a carrier of any infectious disease.

11. That the licensee shall display the LICENSE at a conspicuous place.

12. That the Director or any officer of the Directorate of Municipal Administration so authorised by the Director in writing shall be permitted by the licensee to inspect the licensed premises at all reasonable times without notice.

(ii) **Conditions of licence for the sale of meat.**- Every licence granted to butchers for the sale of meat which includes the flesh of sheep, goats and beef but shall not include cooked, sealed or preserved meat, shall be deemed to be granted subject to the following conditions:—

1. That no place within the municipal limits shall be used for the sale of meat unless it has been approved by the Director for the purpose.

2. That every place intended for the sale of meat shall be fitted with table, board or slab of wood covered with a zinc-sheet or marble, slate, stone or cement for cutting up meat and also with metal scales and weights. Every such place shall also be provided with a plentiful supply of water for purposes of washing and cleaning.

3. That the licensee shall at all times keep the approved place and all tables, wooden boards, stone slabs, blocks, choppers, knives and all other implements, vessels, receptacles and other things used by him in a clean and sanitary condition. Wire brushes shall be used for cleaning and chopping blocks. The top of the chopping blocks are to be periodically sawn off flat as they become uneven through chopping.

4. That the interior of any butcher's shop shall, if the Director by written notice so directs be concealed from public view in such manner as may be specified in the notice.

5. That no person shall reside or sleep or keep clothes or any other wearing apparel in any part of the shop where meat be kept or exposed for sale.

6. That the licensee and all persons employed by him shall wear reasonably clean clothes.

7. That no meat shall be sold or kept for sale unless such meat has been slaughtered in the slaughter house licensed or approved by the Director.

8. That all meat kept or exposed for sale at all times be covered with a clean white cloth or placed in gauze safes as a protection against flies.

9. That no meat shall be exposed for sale which has been blown out or artificially stuffed, nor the flesh of any animal which has died from any disease or other natural cause nor any meat which is unfit for human or animal consumption.

10. That no meat shall be hawked around for sale within the municipal limits of Islamabad.

11. That beef and mutton shall not be carried together for sale in the same basket or other receptacle.

12. That no waste meat trimmings, bones, refuse or offensive matter shall be thrown in a street but shall be kept in fly-proof receptacles to be provided by the licensee for the purpose.

13. That any meat found unfit for human consumption shall at once be confiscated and produced before the Health Officer or Director and be thereafter destroyed at the owners expense.

14. That the licenced premises shall be kept structurally fit for the purpose of which the license is granted. Structural fitness shall be deemed to include:—

- (i) The existence of the floor made of bricks, stone, cement or other impervious material;
- (ii) Walls properly plastered and lime-washed;
- (iii) Adequate provision of light and ventilation;
- (iv) Suitable drains and the floor so sloped as to allow all liquid to flow off by the drain.

(iii) **Conditions of license for the sale of Fish.**- Every license granted for the sale of fish, shall be deemed to be granted subject to the following conditions:—

1. That no place within the Islamabad municipal limits shall be used for the sale of fish, unless it has been approved by the Director for the purposes.

2. That fish shall be exposed for sale or cut up on stands having an impermeable and rustless surface approved by the Director and kept at a suitable height from the ground, or hung from hooks of similarly approved material.

3. This fish which shall not be stale, exposed for sale, shall at all times be adequately protected against flies.

4. That the licensee shall at all times keep the approved place, and all tables, stands and all other implements, receptacles and other things used by him, in a clean and sanitary condition.

5. That the interior of any shop where fish is kept or exposed for sale, shall if the Director by written notice so directs be concealed from public view in such manner as may be specified in the notice.

6. That no person shall reside or keep clothes or any other wearing apparel in any part of the shop where fish is kept or exposed for sale.

7. That the licensee and all persons employed by him shall wear reasonable clean clothes.

8. That fish, hawked around for sale in the Islamabad municipal limits shall be carried in a clean basket or other receptacle suitably covered.

9. That any fish found unfit for human consumption, shall be confiscated and destroyed in such manner as the Director may think fit.

(iv) **Conditions of license for the sale of poultry, or game.**- Every license granted for the sale of poultry or game shall be deemed to be granted subject to the following conditions:—

1. That the diseased birds are not to be offered for sale.
2. That no place within the Islamabad municipal limits shall be used for the sale of poultry, game or the flesh of poultry or game, unless it has been approved by the Director for the purpose.
3. That the flesh of poultry or game, shall be exposed for sale or cut up on stands having an impermeable and rustless surface approved by the Director and kept at a suitable height from the ground, or hung from hooks of similarly approved material.
4. That any live poultry or game, birds, kept or exposed for sale, shall be confined in suitably ventilated places.
5. That the flesh of poultry or game kept or exposed for sale, shall at all times be adequately protected against flies.
6. That the licensee shall at all times keep the approved place, and all tables, stands and all other implements, receptacles and other things used by him, in a clean and sanitary condition.
7. That the interior of any shop where the flesh of poultry or game, is kept or exposed for sale, shall if the Director by written notice so directs be concealed from public view in such manner as may be specified in the notice.
8. That no person shall reside or keep clothes or any other wearing apparel in any part of the shop where the flesh of poultry or game, is kept or exposed for sale.
9. That the licensee and all persons employed by him shall wear reasonably clean clothes.
10. That any flesh of poultry or game, found unfit for human consumption, shall be confiscated and destroyed in such manner as the Director may think fit.

(v) **Conditions of license for the manufacture and sale of Milk, Cream and Butter.**- Every license granted for the manufacture and sale of milk, cream and butter shall be deemed to be granted subject to the following conditions:—

1. (i) "Milk" means the undiluted and unadulterated milk of cow, buffalo or goat and includes skimmed milk and cream but does not include condensed, powdered or dried milk or hermetically sealed milk in tins and bottles;
- (ii) "Skimmed milk" means milk from which the milk fat has been wholly or partly removed either by skimming or in a separator;

- (iii) "Cream" means the fatty part of milk, which is taken out of milk by a separator, etc;
- (iv) "Butter" means milk fat extracted either from milk or from cream by means of churning, which separates the butter from the milk, but does not include butter in hermetically sealed tins;
- (v) "Dilution" means the addition to milk of water;
- (vi) "Adulteration" means the addition to milk of foreign substances except innocuous colouring matter.

2. That all the persons employed in the dairies will be regularly inoculated and vaccinated as required by the Director and that a list thereof showing the dates of such inoculation and vaccination shall be hung in the dairy.

3. That the clothes of all the persons mentioned in these conditions shall be neat and clean.

4. That the hands of milkmen shall be washed before milching the cattle.

5. That the premises used for the storage of milk or preparation of butter or for sale of both of these will be kept in a sanitary condition to the satisfaction of the Director.

6. That the floor of the rooms shall be made of either pucca bricks or cement concrete.

7. That the walls of such rooms shall be made of pucca bricks and plastered all round with cement up to a height of 6 feet from the ground floor.

8. That the vehicles, vessels, covering and other apparatus to be used shall be kept in a clean and sanitary condition.

9. That the sale of milk should only be carried out in the premises duly inspected by the Director and for which a license shall have been previously issued by the Director.

10. That milk for sale shall be kept in duly covered clean vessels and the butter for sale shall be kept in the fly-proof nets.

11. That all milk cases or other utensils used for the purpose shall bear label showing the name of the dairy.

12. That the milk found unwholesome by the Director shall be disposed of by the Director, after obtaining the opinion of the Health Officer.

13. That during the process of the skimming of milk "sweet yellow colour" shall be put in the receptacle meant to receive skimmed milk for separating machine before the skimming is commenced and no skimmed milk shall be kept in the dairy or offered for sale unless it has been processed.



14. That the milch cattle shall be kept in the premises duly inspected and approved by the Director.

15. That the license obtained from the Director by the proprietor of the dairy shall be hung by him in the dairy at conspicuous place and shall be shown to the Director or any person so authorised for the purpose.

(vi) **Conditions of License for the sale of Ghi and Sweetmeat.**- Every license granted for the sale of ghi or sweetmeat shall be deemed to be granted subject to the following conditions:—

1. (i) "Adulterated" when applied for banaspatine or charbini means mixed or diluted with any substance of lower commercial value than banaspatine or charbini, as the case may be;
- (ii) "Adulterated Ghi" mixed or diluted with any substance, other than banaspatine or charbini of lower commercial value than pure ghi;
- (iii) "Banaspatine" means any article of food, whether mixed with ghi or not, which resembles ghi, but is derived from vegetable fat and contains no animal fat other than milk fat;
- (iv) "Charbini" means any article of food, whether mixed with ghi or not, which resembles ghi or banaspatine, but contains animal fat other than milk fat;
- (v) "Ghi" means ghi obtained entirely from milk fat.

2. That the licensee shall not sell adulterated ghi, or adulterated banaspatine or charbini, or sweetmeats, cakes or other food prepared with adulterated ghi, banaspatine or charbini.

3. That the licensee shall not sell banaspatine or charbini or sweetmeats, cakes or other food prepared therewith in premises which have been licensed for the sale of ghi or *vice versa*.

4. That the licensee shall not sell any food under the name of ghi or any equivalent term with or without the addition of any other word to such name unless such food is derived solely from milk fat.

5. That the licensee shall not sell any ghi or banaspatine or charbini, or use in the preparation of sweetmeats, cakes or other food any ghi or banaspatine or charbini obtained from a place from which the import of ghi or of banaspatine or charbine, as the case may be, has, under any general or special declaration notified to the licensee, been declared by the Director to be dangerous to the public health.

6. That the licensee shall keep ghi, banaspatine or charbini exposed for sale in clean covered containers.

7. That the licensee shall keep all sweetmeats, cakes and other food exposed for sale under such covers as will prevent the articles from being contaminated by flies or other insects.

8. That the licensee shall not keep any ghi, banaspatine or charbini intended for sale in any place used for cooking or sleeping purpose.

9. That any person employed for the sale or preparation or exposure for sale of ghi, banaspatine or charbini or sweetmeat if required by the Director shall be examined for the purpose of ascertaining that he is not carrier of any infectious disease.

10. That the licensee shall display at the licensed premises a sign board indicating whether the premises are licensed for the sale of sweetmeats, cakes or other food prepared with banaspatine or charbini.

11. That the licensee shall display on every package or other container of banaspatine or charbini exposed for sale by retail in such manner as to be clearly visible to the purchaser, a label measuring at least 4-in. × 4-in. marked "banaspatine", or "charbini", as the case may be, in red letters on a white ground.

12. That the licensee shall display on every utensil, on or in which sweetmeats, cakes or other articles of food prepared with banaspatine or charbini are exposed for sale by retail, a label measuring at least 4-in. × 4-in. setting forth in red letters on white ground that sweetmeats, cakes or other articles have been prepared with banaspatine or charbini as the case may be.

13. That the licensee shall at all reasonable hours permit the Director, or any officer authorised in this behalf to inspect the licensed premises without notice and take for examination samples of ghi or of banaspatine or charbini, sold by him.

**(vii) Conditions of license for the manufacture of bread, biscuits, cakes and other articles of confectionary (Bakery).**- Every license granted to makers of bread, biscuits and cake or other articles of confectionary shall be deemed to be granted subject to the following conditions:—

1. That the word "Bake-house" means and shall be deemed to mean, and include any house, room, place or premises used for the preparation and sale of bread, cakes, biscuits, etc., and shall include all houses, rooms, places and premises which are used for the storage of materials and ingredients used in the preparation of bread, cakes, biscuits, etc.

2. That no place shall be used as a bake-house unless it has been previously approved by Director for the purpose.

3. That no owner or person incharge of a bake-house shall keep or suffer to be kept there any bedding, soiled clothes or any offensive or unwholesome articles.

4. That no person shall dwell, sleep or smoke in a bake-house.

5. That no owner or person incharge of a bake-house shall employ or permit to be employed therein any person suffering from loathsome sores or who has been attending on any person so suffering nor shall he suffer any such person or animal to enter or remain in bake-house.

6. That every owner or person or incharge of a bake-house when residing with his family shall report in writing to the Director forthwith the occurrence of any infectious or contagious disease in household or family or among his employees and shall abide by all such directions consistent with the Regulations as said officer may think fit to issue.

7. That the licensee shall at all times keep the premises and all tables, cupboards, boxes, receptacles, vessels, utensils, the implements or other things used for the purpose of bake-house in a clean and sanitary condition.

8. That the licensee and all persons employed by him shall always remain clean and dressed in a reasonably clean clothes.

9. That all stuff or other materials used in the preparation of bread, biscuits etc., shall be wholesome and shall be kept in clean receptacles.

10. That the bread, biscuits or cake shall at all times be kept in clean and fly-proof receptacles.

11. That bread, biscuits or cake shall at all times when transported by the licensee or his agents for sale or delivery to customers be conveyed in clean containers covered with clean white cloth or enclosed in fly-proof receptacle.

12. That only piped water drawn from a source approved, by the Director shall be used for making bread, biscuits or cake. If piped water is not obtainable, the water used shall be boiled.

13. That any bread, biscuits or cake or flour or other materials in their preparation found in bake-house unfit for human consumption shall be confiscated and destroyed in such manner as the Health Officer or Director may think fit.

(viii) **Conditions of license for the manufacture and sale of aerated water, Ice, Ice cream.**- Every license granted to manufacturers of aerated or other portable water, ice or ice cream shall be deemed to be granted subject to the following conditions:—

1. That no house, room, place or premises shall be used for purposes of manufacture of aerated or other portable waters unless the same and the machinery, if any installed therein, have been previously approved by the Director for the purpose.

2. That the floor of any such house, room, place or premises shall be made of tiles of impermeable cement properly sloped to allow all water draining on into outside drain.

3. That the licensee shall at all times keep such house, room, place or premises and all utensils, vessels, dishes, cups, spoons, bottles or other receptacles used for manufacturing, conveying, keeping aerated or other portable water, ice or ice-cream in a clean and sanitary condition.

4. That the licensee shall cause all utensils, vessels, cups, spoons, empty bottles or other receptacles used in the manufacture or sale of aerated or other portable water, or ice-cream to be effectually sterilized from time to time.
5. That no owner or person incharge of an aerated or ice factory shall use or permit to be used therein any water except obtained:—
  - (i) In place where there is a piped water supply, from such water supply laid in direct pipe connection to such factory.
  - (ii) In place where there is no piped water supply, from a source and conveyed to such factory in a manner approved by the Director.
6. That the utensils, vessels and other receptacles used for the storages of water shall be of such metal or material as may be approved by the Director.
7. That every owner or person incharge of an aerated water or ice factory, shall obey all such directions regarding the proper filtering of the water used in the manufacture of aerated or other portable water, ice or ice-cream as the Director may think fit.
8. That effective arrangement for cleaning empty bottles shall be made and observed.
9. That bottles shall be brushed up in washing and placed in racks provided for the purpose in such manner that they are efficiently drained.
10. That aerated or other portable waters which are kept in bottles shall have label showing manufacturer's name fixed to them.
11. That no person shall dwell, spit or smoke in any aerated water or ice factory.
12. That no owner or person incharge of an aerated water or ice factory shall keep or suffer to be kept therein any bedding, soiled clothes or offensive or unwholesome clothes.
13. That no owner or person incharge of aerated water or ice factory shall employ or permit to be employed therein any person suffering from any infectious disease or from loathsome sores or who has been attending on any person so suffering or shall permit any such person or any animal to enter or remain in such factory.
14. That the milk or cream used in the manufacture of ice-cream shall be obtained only from such source as may be approved by the Director.
15. That no owner or person incharge of aerated water or ice factory shall use any unwholesome substance in the manufacture of any aerated or other portable water or ice or ice-cream.
16. That ice shall be stored in such receptacles only as may be approved by the Director.

17. That an aerated or other portable waters or ice or ice-cream found unfit for human consumption shall be confiscated and disposed of in such manner as the Health Officer or Director may think necessary.

18. All employees of Soda Water Factories shall be inoculated (T.A.B.) and protected by vaccination both of which must be repeated as required by the Director or the Health Officer.

(ix) **Conditions of license for the preparation and sale of cooked food.**- Every license granted for the preparation and sale or exposed for sale of cooked food shall be deemed to be granted subject to the following conditions:—

1. The expression "cooked food" shall include the articles of food and drink specified below in the Schedule.

2. The licensed premises shall be kept structurally fit for the purpose for which the license is granted.

*Explanation.*- "Structural fitness" shall include—

- (i) the existence of a floor made of stone, cement or other non-absorbent impervious material;
- (ii) walls, properly plastered and lime-washed;
- (iii) adequate provisions of light and ventilation; and
- (iv) suitable drains.

3. There shall be no direct communication between the premises and any room used as a sleeping room.

4. There shall be no latrine, cesspool, cow-shed, stable, or other place within one hundred feet of the premises, which in the opinion of the Director renders it undesirable that such premises shall be used for the manufacture, preparation, or exposure for sale of cooked food.

5. The licensee shall not employ or permit to be employed, for the manufacture, preparation, sale or exposure for sale of cooked food, any person suffering from any infectious or contagious disease, or from loathsome sores or who has recently been attending on any person so suffering and he shall not suffer any such person or any animal to enter or remain upon the licensed premises.

6. The licensee shall keep all vessels, utensils, receptacles and other things and articles used in the manufacture, preparation or exposure for sale of food in a state of cleanliness and shall protect from dust and flies, by making, use of wire gauze, frames or clean white muslin, all materials used in such manufacture, or preparation for sale and articles manufactured or prepared for sale to the satisfaction of the Director.

7. The licensee shall daily cause to be thoroughly washed and cleaned the floors and drains of the licensed premises and every bench, counter, table, shelf or other place on which the articles manufactured, prepared or exposed for sale or any material used in such manufacture, preparation or exposure for sale are kept.

8. The walls of the licensed premises shall be properly lime-washed at least twice a year and more often if so required by the Director.

9. The licensee shall not carry on or permit to be carried on any other trade or occupation in the licensed premises other than the manufacture, preparation, sale or exposure for sale of the cooked food.

10. That the licensee shall not spit or smoke or suffer any other person to spit or smoke within the licensed premises.

11. That bedding, soiled clothes and articles not connected with the manufacture, preparation or exposure for sale of cooked food shall not be kept on the licensed premises.

12. (i) the licensee shall not use or permit to be used in such manufacture or preparation for sale any water except water obtained from a source and conveyed to the licensed premises in a manner approved by the Director.

(ii) the storage of water, if any, on the premises shall be done in a manner approved by the Director.

(iii) when required by the Director the water used on the premises shall be treated with such chemical substance and of such strength as he may determine to ensure the purity of water and to avoid the spread of disease.

13. That the licensee shall not permit any cooked food to be wrapped in dirty or soiled paper, cloth or leaves.

14. That if required by the Director the licensee shall present any person employed on the premises to be medically examined for the purpose of ascertaining that he is not a carrier of any infectious disease.

15. That the licensee shall provide a receptacle for the collection of waste material and other rubbish.

16. That the licensee shall provide a proper place of a sanitary type approved by the Director for washing hands and for washing and cleaning of vessels receptacles, utensils and other such articles and things used in the premises.

17. That the licensee shall make adequate exits of smoke or other offensive gass emitted during the process of cooking.

**18.** That the drainage of the premises shall be connected with the recognised system of drainage, if any in existence in the neighbourhood.

**19.** That the licensee shall not import, manufacture, sell or prepare or expose for sale of cooked food containing any colouring material which is injurious to public health.

*Explanation.*- The colouring matters, which shall not be added, are as follows:—

- (i) Antimony;
- (ii) Copper;
- (iii) Cadmium;
- (iv) Lead;
- (v) Arsenic;
- (vi) Mercury;
- (vii) Chromium; and
- (viii) Zinc or colours made from coal.

**20.** That the licensee who uses banaspatine or charbini in the preparation of cooked food shall exhibit in a prominent place on the premises a sign-board to that effect.

**21.** That the licensee shall keep cooked food in such a manner that it does not decompose or deteriorate or become poisonous or contaminated from any source whatsoever.

**22.** That the licensed premises shall be open without notices issued by the Director in respect of sanitation.

**23.** That a person holding a license may also be permitted to deliver cooked food at the residence of his customers.

**24.** That the licensee shall comply promptly with all notices issued by the Director in respect of sanitation.

#### **SCHEDULE**

- (1) Bread;
- (2) Bread (Chapaties);
- (3) Rusks;
- (4) Luchis;

- (5) Puras;
- (6) Puris;
- (7) Dal;
- (8) Cooked vegetables;
- (9) Cooked meat, fish, game poultry or eggs;
- (10) Sweets or confectionary of all kinds;
- (11) Biscuits of all kinds;
- (12) Kachauries;
- (13) Chughnain;
- (14) Chhole;
- (15) Cooked rice;
- (16) Siwayan;
- (17) Kababs;
- (18) Lobia;
- (19) Dalian;
- (20) Pokoras;
- (21) Laddus;
- (22) Halwa;
- (23) Potatoes (boiled);
- (24) Kachalu (boiled);
- (25) Chhalian (boiled);
- (26) Phaluda;
- (27) Kulfa;
- (28) Khir and Khoa;
- (29) Sugar including misri and patassa;



- 
- (30) Sharbat;
  - (31) Boiled milk;
  - (32) Dahi;
  - (33) Clarified butter (ghee);
  - (34) Boiled sweet beetroot;
  - (35) Ice-Cream;
  - (36) Purathas;
  - (37) Indigenous drugs;
  - (38) Lassi;
  - (39) Mulai;
  - (40) Alu-chhole;
  - (41) Gol gappas;
  - (42) Cheese;
  - (43) Biryani;
  - (44) Zarda; and
  - (45) Mutanjan.

(x) **Condition of license for keeping Hotels.**- Every license granted for keeping a hotel shall be deemed to be granted, subject to the following conditions:—

1. Every hotel shall be structurally sound and in good state of repairs.
2. That the dwelling rooms shall have adequate ventilation and light in every part of the building.
3. That all kitchens and dining rooms shall be made of impervious non-absorbent, material and of such pattern as directed by the Director with suitable provision for accommodation, drainage, ventilation exit for smoke and protection from birds, flies, rats and vermin.
4. That separate places or rooms made of impervious non-absorbent material will be provided for washing and cleaning of all utensils, cutlery, crockery and other articles used for purposes of food and drink. Such places or rooms shall be fitted with sufficient supply of wholesome water and efficient drainage to the satisfaction of the Director.

5. That every hotel shall be thoroughly cleaned and lime-washed at least once a year or more often if so required by the Director.

6. That the licensee, shall at all times keep his premises in a clean and wholesome condition. He shall cause every room, verandah, passage, staircase, drain, watercloset and urinal to be thoroughly swept and cleaned at least twice a day. The licensee shall comply with any direction given by the Director in this behalf.

7. That every hotel shall be provided with an adequate wholesome supply of water laid in direct pipe connection from the municipal mains or from an other source approved by the Director and shall also provide a receptacle or receptacles of an approved pattern for the storage of water during the hours when the mains are closed. The receptacles for drinking water must be separate and distinct and fitted with separate pipes from those intended for flushing purposes.

8. That every hotel shall be provided with adequate provision of toilets, urinals, baths, wash basins for the use of its residents which shall at all times be properly cleaned and flushed in accordance with Islamabad Building Regulation and the respective Zoning Regulation.

9. That the licensee shall carry out such additions, alterations in the construction and sanitary appliances and water supply on the premises as may be required by the Director for keeping the hotel in a wholesome and sanitary condition.

10. That the licensee shall, if so required by a written notice from the Director, make such alteration to his hotel and will ensure that—

- (i) every room intended to accommodate residents shall be in every part at least 10 feet in height from the floor to the ceiling, and in the lowest storey of a building of more than one storey, at least 12 feet.
- (ii) ventilation shall be provided for every such room by means of windows, gratings or other opening exclusive of doors, having a combined area equal to not less than one-tenth of the floor area of the room:

Provided that nothing shall be considered in any way to waive the requirements of any condition for the regulation of buildings in general which may from time to time be in force in Islamabad.

11. That there shall be no over-crowding in the hotel. The Director may fix the number of persons who may occupy any room in a hotel and no person who keeps such hotel shall suffer more than the number of persons so fixed to occupy such rooms.

12. That the licensee shall—

- (i) before admitting the lodgers have their names, parentage, etc. entered in a register to be kept by him for the purpose as provided in clause (v) below and furnish all such information as the Director may require;
- (ii) if he does not reside on the premises, nominate a person as his agent;

- (iii) not permit males and females over 10 years of age to occupy the same sleeping apartment except in the case of family;
- (iv) not permit persons of bad character to lodge in his hotel and he shall maintain and enforce good order and decorum therein;
- (v) maintain a register showing (separately for each room) the full names and number of inmates, together with their occupation and native place, residing for the time being in the hotel;
- (vi) provide dust bins of approved pattern with close fitting covers at convenient places where all refuse and filth shall be deposited and arrange for these dust bins to be cleaned at least once a day and the refuse removed to the nearest Municipal dust bin or disposed of in such manner, as the Director may require;
- (vii) cause all solid or liquid filth or refuse to be removed and every vessel, utensil or receptacle for such filth or refuse in every room or part of the building to be cleaned every day;
- (viii) cause to be cleaned and kept in sanitary condition all vessels, utensils and other apparatus in use and every part of the house itself;
- (ix) cause every room in the hotel to be well lighted and ventilated and at all times be scrupulously cleaned;
- (x) not employ or accommodate on the premises any person known to him to be suffering from an infectious, dangerous or loathsome disease;
- (xi) if any person in the hotel becomes ill from any infectious, dangerous or loathsome disease forthwith give notice thereof to the Director and shall cause the room occupied by such inmate to be forthwith vacated and properly disinfected and or lime-washed at his own expense and not admit any resident therein until the premises shall have been inspected and certified by the Director as free from infection;
- (xii) provide and maintain, sufficient number of water supply buckets for use in case of fire and always keep such buckets full of water. He shall also, if so required, provide sufficient number of fire extinguishers or other appliances on the premises;
- (xiii) provide accommodation of not less than 30 square feet of floor area and 300 cft. of air space per head;
- (xiv) provide water closets, bathing and washing places properly paved and drained, for the use of the customers and their servants;
- (xv) shall get all his servants inoculated and vaccinated;

- (xvi) if he employs non-resident servants, provide and maintain in a register the local addresses of such non-resident servants and take reasonable care that the particulars recorded are accurate and up to date.

13. That the licensee shall inform the Director of the name of the agent or agents who will look after the lodging house in his absence, and who will be responsible for the due fulfilment and observance of the condition of the license. The licensee shall forthwith communicate to the Director any change in the name of agent or agents.

14. That the licensee shall cause his license to be affixed in some conspicuous part of the premises to which it relates.

(xi) **Conditions of license for Hawkers.**- Every license granted to hawkers shall be deemed to be granted subject to the following conditions:—

1. That the expression "hawk" shall mean exposing or carrying goods for sale, either in the hand, or any part of the body, or in a cart, wheel barrow or any other wheeled conveyance, and shall include setting up a stall or otherwise selling or exposing for sale on a street.

2. That all articles of food or drink stored or exposed for sale and all other substances used in their preparation shall be kept in vessels, glass, bottles or jars, show cases with panels of glass or perforated zinc or under fly-proof gauze covers and shall be protected in equally effectual manner against contamination by dust, impure air or any offensive or injurious gas.

3. That the licensee shall not keep any articles mentioned above on the ground or any place where the same is likely to be contaminated by impure air or exposed to dust or flies.

4. That the licensee shall keep all utensils, vessels and containers of any kind or material in a cleanly state and observed due cleanliness in the handling of the articles of food or drink in their delivery to customers.

5. That the licensee shall keep at all times copper and brass utensils in a properly tinned condition.

6. That the licensee shall not sell or expose for sale at any time any articles of food or drink which is diseased, unwholesome, adulterated, or which is injurious to health by reason of any colouring, substance or other ingredients added thereto, which is injurious to health. If the licensee is found at any time selling or exposing for sale any such articles, the same shall forthwith be seized and destroyed.

7. That the licensee shall always carry the license with him and produce it whenever called upon to do so by the Director or any officer authorised in this behalf.

8. That the licensee shall wear a badge on his left arm which shall be issued to him by the Director on payment of prescribed license fee.

(xii) **Conditions of license for Wash-houses/Dhobi Ghats.**- Every license granted to washerman shall be deemed to be granted subject to the following conditions:—

1. That the licensee shall wash or dry clothes only at such place or places as the Director may from time to time authorise for the purpose.

2. That the licensee shall not wash at any place where the water is contaminated or infected nor use dirty or waste water in washing of the clothes.

3. That the licensee shall allow no person suffering from any infectious or contagious disease to enter any place where he carries on his occupation or to wash the clothes.

4. That the licensee shall report forthwith to Director the occurrence of any infectious or contagious disease in his house or family and shall abide by all such directions as the Director may see fit to issue.

5. That the licensee shall not wash the clothes of any person suffering from any infectious or contagious disease unless special permission has been obtained which shall be given subject to such directions as the Director may think fit to prescribe.

6. That all persons using public wash-houses shall conform to all directions given by the Director or any other officer authorised by him in this behalf for ensuring cleanliness, orderliness and sanitation:

7. No person shall –

- (i) commit any nuisance or answer a call of nature within the enclosure set apart for the actual washing of clothes.
- (ii) bathe within the enclosure;
- (iii) light any fire or cook or eat any food within the enclosure;
- (iv) throw any refuse or other article whatever;
- (v) place any clothing upon any place not set apart for the purpose; and
- (vi) remove any water from the taps or tank inside the washing place or any place outside.

8. That the owner / licensee of every public wash-house shall

- (i) be responsible for the cleanliness, orderliness and sanitation of such place;
- (ii) provide an adequate water supply for the purpose of washing clothes and for domestic use of the persons if any, residing on the premises;
- (iii) give free access to the premises to Director or any officer or servant duly authorised by him for the purpose of inspection.

**\*THE CAPITAL DEVELOPMENT  
AUTHORITY (ABATEMENT OF  
ARBITRATION PROCEEDINGS)  
ACT, 1975**

(ACT NO. XXVII OF 1975)

[5th March, 1975]

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

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

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

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

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

AND WHEREAS it is necessary that the references to arbitration in which the Capital Development Authority is a party be annulled and the proceedings

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\* The Act received the assent of the President on the 1st March, 1975, and published in the Gazette of Pakistan, Extraordinary, Part I, dated 5th March, 1975, at pages 77-79.

before the arbitrators be abated, and necessary provisions consequent upon such annulment and abatement be made;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

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

(a) “Authority” means the Capital Development Authority established under the Capital Development Authority Ordinance, 1960 (XXIII of 1960); and

(b) “contractor” means any person, firm or company, not being a foreigner or a foreign firm or company, who or which has entered into an agreement with the Authority for the execution of any projects or works, or for the supply of any goods or labour or for the performance of any obligation, and includes a sub-contractor.

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

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

(a) any provision in an agreement entered into before the coming into force of this Act by or on behalf of the Authority and a contractor relating to the execution of any project or works or to the supply of any goods or labour or to the performance of any obligation, providing for reference to arbitration of any dispute arising out of the agreement or any term or condition thereof shall stand abrogated and annulled and be of no effect;

(b) all arbitration proceedings in pursuance of any such agreement as is referred to in clause (a), whether the reference to arbitration was made by consent of the parties

thereto, by order of a Court or otherwise, pending before an arbitrator or arbitrators or an umpire immediately before the coming into force of this Act shall forthwith abate and, save as hereinafter provided, shall be of no effect;

- (c) any award made by an arbitrator, arbitrators, or umpire in pursuance of any such agreement as is referred to in clause (a) shall, unless the award has been made the rule of the Court, or partly or wholly implemented or acted upon, stand annulled and be of no effect, and any proceedings in respect of such award, if pending immediately before the coming into force of this Act, shall abate;
- (d) all proceedings in relation to an application made to a Court for referring a dispute to arbitration pursuant to an agreement referred to in clause (a) shall abate, and any order made by a Court on such application referring the dispute to arbitration shall be of no effect; and
- (e) any dispute referred to arbitration the proceedings whereof have abated by reason of the provisions of this section shall be decided in accordance with the provisions of the law for the time being in force.

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

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

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



**COMMENTS**

**Synopsis**

1. Applicability.
2. Vires of the Act.
3. Abatement of proceedings.

**1. Applicability.** Capital Development Authority (Abatement of Arbitration Proceedings) Act, 1975 is applicable to the contracts/arbitration proceedings entered into by Capital Development Authority prior to the passing of the Act. Abatement of proceedings before arbitrators under section 3 of Capital Development Authority (Abatement of Arbitration Proceedings) Act, 1975 pertains to the contracts and proceedings entered into prior to the passing of the Act. Such prohibition or abatement is with regard to the contracts entered in the past and not for future contracts or arbitration proceedings. Capital Development Authority (Abatement of Arbitration Proceedings) Act, 1975 has no applicability to the agreements executed after the passing of the Act [2015 CLC 734].

**2. Vires of the Act.** Act XXVII of 1975 treating all persons belonging to class of Pakistani contractors alike and not favouring some within class nor unduly burdening others. Not an invalid legislation. Fact of some firms being left out of such classification on account of implications of international law and agreements and formed into a different class. Does not make legislation arbitrary. Object of annulment of arbitration agreement appearing to avoid loss to Capital Development Authority from latent misconduct of arbitrators, in allowing unreasonable claims of contractors, not possible to prove in Court of law on limited grounds of section 30 of Arbitration Act, 1940, classification, held, not arbitrary on such score also. Act XXVII of 1975, held, *intra vires* of Constitution.

Equal protection of law ensures a guarantee that all persons shall be treated alike. Its aim is to procure equality of rights, privileges, and capacities, to have "one rule for rich and poor, for the favourite at Court and the countryman and plough", to remove prerogatives of birth, or privileges or distinctions by reasons of race, birth, social class, sex, religion or even political ideas. Its object is that the privileges or immunities of the citizens in regard to their life, liberty, property, opportunity of employment and pursuit of happiness shall not be abridged. The protection extends to the enjoyment of civil and political rights and the performance of public duties and political rights. This does not, however, mean that the Legislature shall not in its enactments have due regard to difference of capacity, physical and moral, or the varying needs of different classes requiring separate treatment. As observed in the case of Zain Noorani "mere differentiation or inequality in treatment does not amount to discrimination in contravention of Article 5 (similarly worded Article in the Constitution of 1956) and that the Article prohibits only unreasonable or arbitrary differentiation having no rational basis with reference to the legislation." Both the phrases i.e., "equal protection before the law" and "equality before the law" envisage that. (a) rights of all persons must rest upon the same rule under similar circumstances regardless of race, religion, antecedents, physical appearance, intellect, public spirits, political views, wealth or occupation, (b) all persons shall be treated alike under like circumstances and conditions both in the privileges conferred and in the liabilities imposed, (c) powers should be defined by law, (d) every man, whatever he, his rank or condition is subject to the ordinary law of the land and amenable to the jurisdiction of ordinary tribunals or Courts, (e) equality or equal protection permits reasonable classification and mere differentiation or inequality of treatment does not amount to discrimination. Equal subjection of all persons to the ordinary law is also included in the 'Equal Protection' clause is clear from the view of the Supreme Court of Pakistan in case of

*Jabindra Kishore* that “the guarantee of equal protection of the laws requires that all persons shall be treated alike under like circumstances and conditions, both in the privileges conferred and in the liabilities imposed.” The two phrases being overlapping if not coextensive in character, the same principle of classification will be kept in view while judging the vires of the Act of 1975. The Supreme Court held that “the principle is well recognised that a State may classify persons and objects for the purpose of legislation and make laws applicable only to persons or objects within a class. In fact almost all legislation involves some kind of classification whereby some people acquire rights or suffer disabilities which others do not. What, however, is prohibited under this principle is legislation favouring some within a class and unduly burdening others. Legislation affecting like all persons similarly situated is not prohibited. The mere fact that legislation is made to apply to a certain group of persons and not to others does not invalidate the legislation if it is so made that all persons subject to its terms are treated alike under similar circumstances. This is considered to be permissible classification.” Applying this principle to the present case it will be seen that to categorise Pakistani contractors who have entered into an agreement with the Capital Development Authority for execution of any project or work or for supply of any goods or labour or for performance of any obligation, as a class is permissible classification and does not invalidate the legislation since this law treats all persons belonging to this class alike. It does not favour some within the class and unduly burden others. The fact that some firms have been left out of this classification to form a different class does not make this legislation arbitrary on account of the implications of international law as well as the international agreements between Pakistan on the one hand and the countries of origin of those firms on the other. The object of annulment of arbitration agreements appears to be to avoid loss to the Capital Development Authority from the latent misconduct of the arbitrators in allowing big and unreasonable claims of the contractors which it is not possible to prove in a Court of law on the limited grounds of section 30, Arbitration Act. Existence of error apparent on the fact of the award is no doubt a ground for setting aside the award but this ground is of no avail in a case where the award does not give any grounds. The classification cannot, therefore be said to be arbitrary, and the Act is intra vires of the Constitution [PLD 1976 Lah. 1115].

**3. Abatement of proceedings.** Arbitration clause. Interpretation of document. Agreement between parties contained a clause whereby in case of dispute the matter was to be referred to Chairman Capital Development Authority and his decision was to be final. Trial Court, on application filed by plaintiff, removed the Chairman as arbitrator and appointed another person as sole arbitrator. Order passed by Trial Court was maintained by Lower Appellate Court. Validity. Any provision in agreement entered into before year, 1975, regarding arbitration stood abrogated and annulled under section 3 of Capital Development Authority (Abatement of Arbitration Proceedings) Act, 1975. As agreement in question was signed in year, 1999, therefore, proceedings before arbitrator were not abated and provisions of section 3 of Capital Development Authority (Abatement of Arbitration Proceedings) Act, 1975, were not attracted. According to clause in question parties were to amicably settle their dispute failing which reference should have been made to the Chairman Capital Development Authority whose decision would be final and binding on parties. Such clause in agreement could not be construed as an arbitration clause and had not attracted provisions of Arbitration Act, 1940. According to such clause, provision for alternate dispute resolution could be invoked with final decision being upon Chairman Capital Development Authority. Intention of such clause was to settle disputes with minimum of procedure, fuss and delay. Such like clauses were to expedite resolving the disputes expeditiously where dispute delays could cause huge monetary losses to both the parties. Both the Courts below had erred in interpreting the clause in agreement and had gone beyond its scope. Judgments passed by both the Courts below were set aside and petition under Sections 8, 11 and 20 of Arbitration Act, 1940, filed by plaintiff were dismissed [2009 MLD 451].

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

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

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

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

# THE ISLAMABAD (CONTROL OF ADVERTISEMENTS) REGULATIONS, 1977

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# THE ISLAMABAD (CONTROL OF ADVERTISEMENTS) REGULATIONS, 1977

[3rd May, 2008]

**S. R. O. 653(I)/2008.**- In exercise of the power conferred by Section 51 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Authority hereby makes the following Regulations as being necessary:—

## CHAPTER I

### PRELIMINARY

1. **Short title, extent and commencement.**- (a) These Regulations may be called the Islamabad (Control of Advertisements) Regulations, 1977.
- (b) These Regulations extend to Islamabad Capital Territory.
- (c) These Regulations shall come into force at once.\*

### COMMENTS

**Applicability to rural areas.** Islamabad (Control of Advertisement) Regulations, 1977 has been issued under the Capital Development Authority Ordinance, 1960, therefore, the same has applicability within the area of the operation given under section 1(2) & 2(p) read with Schedule to the said Ordinance, which draws no distinction between the rural or the urban areas. Capital Development Authority can levy fee, irrespective of urban or rural territory, in accordance with the Islamabad (Control of Advertisement) Regulations, 1977 [except the statutory advertisement subject to size requirement] [PLD 2015 Isl. 36].

2. **Definitions.**- In these Regulations, unless there is anything repugnant in the subject or context.

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 23rd June, 2008, at pages 2101-2114.

- (i) "Advertisement" means any words, letters, model, sign, placard, board, notice, device or representation whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisements. Announcement or direction, and includes any hoarding or similar structure used or adopted for display of any advertisement.

#### COMMENTS

**Facia boards.** Definition of the word "advertisement" provided under Regulation 2(i) of the Islamabad (Control of Advertisements) Regulations, 1977, is exhaustive enough to include all kinds of facia boards and identification boards [PLD 2015 Isl. 36].

- (ii) "Advertiser" means the person to whom the advertisement belongs or relates or who benefits therefrom.
- (iii) "Areas of Special Control" Deleted vide CDA Board Decision dated 12-8-2004.
- (iv) "Authority" means the Capital Development Authority as defined in the Capital Development Authority Ordinance (XXIII of 1960).
- (v) "Building" means any structure or enclosure affixed to the land.
- (vi) "Business Premises" means any building normally used for carrying on any professional, commercial or industrial undertaking or any building normally used for the provision therein of services to members of the public or of any association, and includes public restaurants, licensed premises and places of public entertainment.
- (vii) "Director" means the Director Municipal Administration, Capital Development Authority, Islamabad, or any such officer deputed by the Authority to act on his behalf.
- (viii) "General level" in the relation to the display of an advertisement on any building means the ground floor level of the building.

- (ix) "Illuminated advertisement" means an advertisement which is designed or adopted to be illuminated by artificial means directly or by reflection.
- (x) "Sites" means land or building on which an advertisement is displayed or intended to be displayed.

#### COMMENTS

**Advertisement on property.** Islamabad (Control of Advertisement) Regulations, 1977, draws no distinction between public or private owned properties and the only restriction upon area of its application has been made under Regulation 2(x) of the said Regulations, whereby the advertisement falling within the regime of the said Regulations is restricted to that which is 'on' the building or land instead of inside of buildings, meaning thereby that the outer structures of private or public owned building remained subject to the Islamabad (Control of Advertisement) Regulations, 1977 [PLD 2015 Isl. 36].

- (xi) "Traffic Signs" include all signals, warning sign posts, direction post, or other devices for the information, guidance or direction of traffic, installed by or under of the Authority.

#### CHAPTER II

##### GENERAL PROVISIONS

**3. Ban on display of advertisements without permission.-** No advertisement except those mentioned hereunder, shall be displayed within the Islamabad Capital Territory without the permission of the Authority:

- (a) *Election notices-* advertisements relating to any pending election of the Parliaments, provincial assembly or a local body provided that all such advertisements shall be removed within seven days after the close of the polls in the election to which the advertisements relate.
- (b) *Statutory advertisements-* advertisements required to be displayed by any enactment for the time being in force subject to the condition that these conform to the size restrictions prescribed by the Authority for area concerned of any and standard conditions laid down in clause 4 of these Regulations.

- (c) Office Sign Boards of the Government departments and Government sponsored autonomous organizations on their office buildings.
- (d) Traffic Signs.
- (e) *Name plates on residential buildings.*— Name plates of the owners occupants not exceeding  $\{1/50\}$  sq. meter surface area to be displayed on the gate or gate posts.

#### COMMENTS

**Requirement of permission.** Where permission is not mandatory for displaying an advertisement, fee is not applicable, however, where the advertisement does not conform to the restriction or the standard size given in Regulation 4 of the Islamabad (Control of Advertisement) Regulations, 1977, it would automatically lose cover under Regulation 3 of the said Regulations and requirement of permission and the fee would become applicable [PLD 2015 Isl. 36].

**4. Advertisement Items Not Permissible in Islamabad.**- The following advertisement items will not be permitted within municipal limits of Islamabad:

- (a) Billboards or Hoardings on ground or on building rooftops.
- (b) Mobile Hoardings on vans expressly for advertisement purposes.

**5. Standard Conditions.**- (i) The display of the advertisements for which permission has been granted by the Authority or which are permissible under these Regulations shall be subject to the following conditions:—

- (a) All advertisements displayed, any land used for the display of an advertisement shall be maintained in a clean and tidy condition to the satisfaction of the Authority.
- (b) Advertisements shall not be sited or displayed so as to obscure or obstruct any traffic sign, railway signal or aid to navigation by air or so as otherwise to render hazardous use of any road, railway or air field;
- (c) Where any advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the satisfaction of the Authority, and



- (d) No hoarding shall be used for an advertisement or a sign, which is indecent, or prejudicial to public law and order, or mars scenic value of the landscape, or is likely to create public nuisance.
- (ii) The Authority may impose any other additional conditions, as it deems necessary.

#### COMMENTS

“Tax” or “fee”. Tax is imposed to share the common burden while fee is levied as a charge against a benefit or privilege. Islamabad (Control of Advertisement) Regulations, 1977, itself used the name ‘advertisement fee’ because it is not a common burden which is being shared rather it is being imposed as a fee [PLD 2015 Isl. 36].

Certain kinds of ‘fee’ are such that the corresponding consideration is not clearly perceivable and pertained to privilege or benefit, such as in case of ‘regulatory fees’ where the authority exacts the fee against the service of regulating an obligatory duty from the public. “Arms License Fee’ or other ‘professional fees’ are examples of such regulatory fee where the corresponding service is not that conspicuous as it is in the case of water supply fee received by the municipality, but either way it cannot be called exaction of money to share common burden, therefore, it is not termed as tax and is called “fee” [PLD 2015 Isl. 36].

### CHAPTER III

#### CLASSES AND SPECIFICATIONS OF ADVERTISEMENTS

6. **Permissible Advertisement.**- The Authority may, on such additional terms and conditions as it may impose, permit the display of the following classes of advertisement:—

- (i) **CLASS-I Functional Advertisement.**- Functional advertisement required to be displayed for the safety and performance of the various organization/ institution not exceeding one sq meter in area in respect of each such premises.
- (ii) **CLASS-II Miscellaneous Advertisement.**- miscellaneous advertisement relating to premises on which they are displayed for the purpose of identification, direction or warning or relating to any institution of religious, educational, cultural, recreational, medical or similar character not exceeding one square meter in area in respect of each such premises.

(iii) **CLASS-III Advertisement of a temporary nature.-**

Advertisement of temporary nature for a period **not more than 14 days** relating to the carrying out of building or similar work on the land on which they are displayed and those announcing any local event of a religious, educational, cultural, social or recreational character. These advertisement shall not exceed (6) sq. meters in area. Different types of short term advertisements are as under:

- Banners
- Streamers
- Temporary Hoardings
- Projection Screens

(iv) **CLASS-IV Advertisements of a Long-term nature.-**

Advertisements which are of **longer duration than 14 days** are classified as long term advertisements. The following are permissible.

- Billboards—only renewal of existing licenses.
- Neon Signs
- Trivision
- Video Walls, LCD screens etc
- Variable Message Electronic Signs
- Twin Sided back-lit billboards
- Moppies
- Pylons
- Bridge Panels
- Pole Signs
- Temperature and time clocks
- Building wraps

- Face sign boards
- LCD/ Screen sites on major roads and sit out areas
- Branding on Underpasses and Fly over
- Sky signs
- Trivisions
- Branding of Roundabouts, Parks and Recreational areas

(v) **CLASS-V Advertisement on business premises.-**

Advertisement displayed on any external face of building shall not exceed [one fourth] of the area that face calculated up to the height of twelve feet from the ground level and 1/5 for each additional floor for multi story buildings.

- (a) Advertisements of class-III shall not displayed earlier then 14 days before the relevant date and shall be removed within 7 days after the conclusion of that event or other matter to which they relate.
- (b) Advertisement of class-I, II, IV or V, if illuminated, shall be in a manner reasonable required to achieve the purpose of advertisement as adjudged by the Authority.

**7. Advertisements in the form of Illuminated Signs.-**

Advertisements in the form of Neon Signs, Flex-Face, Pana-flex, Trivision, Video Walls, Variable Messages, Electronic Signs etc. can be displayed only in the commercial areas i.e. Blue Area, Markaz, I & T Centers. Such signs must be installed in a manner not obstructing visibility/natural light/ventilation to any building user and not hindering traffic management.

**CHAPTER IV**

**AREAS OF ADVERTISEMENT CONTROL**

**8. Location of advertisements.-** Permission for display of advertisements shall be regulated by their locations as follows:-

- a. **HOUSING AREAS.-** (i) No advertisement shall be displayed in these areas except those mentioned in clause (d) of Regulation 3. Provided that where domestic houses are in temporary use for non residential purpose, advertisement not exceeding one square meter in area may be allowed on application be the Director for specified period.
- (ii) The Authority may \*be general or special order, specify from time to time advertisements to be accepted to these areas.
- (b) **SHOPPING AREAS.-** The fascia of shop may be used to display the names and functions of the shop in painted or applied letters. Where it is required to add a fascia in some other material the case may be considered on its own merits; but in any case the applied fascia shall not exceed in size the fascia of the shop.
- (c) **COMMUNITY CENTRE.-** Advertising towers may be provided by the designers in prescribed places but care must be taken to ensure that they are related to the environments and do not destroy the visual harmony of the area. Where any such towers are already in existence each case shall be decided on its merits.
- (d) **Roadside advertisement.-** For the purpose of indicating the presence in the vicinity of any building normally used for public purposes, hotels, restaurants, guests hostels, camping sites or such other places which cannot adequately by made known to public without putting up advertisements or signs, not exceeding one - half sq. meter in area. Such advertisements shall when permitted on application to that effect by the advertiser be included in the standard boards already displayed by the Authority indicating locations/directions of the different places. Provided that selected sites along the Islamiabad / Kashmir Highway may be licensed out through open auction for display of advertisements in sizes up to 400 sq. meters.

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\* The word should be "by".

- (e) **Area or places of public utility.**- The signs for places of public utility such as petrol stations, railway stations, banks, telephone and telegraphs, WAPDA Sui Gas Tourism Offices, Post Office, and such other public places may be considered as part of the design of the building or place, but these should be in harmony with the environments. A maximum of one direction sign board not exceeding 2 sq. meters in size in the immediate surrounding of such buildings can be allowed for installation.

## CHAPTER V

### APPLICATION FOR PERMISSION

9. The procedure adopted for processing of advertisement applications will be as follows:

- (a) Every application for permission to display and advertisement shall be made to the Director in the form annexed at Annex-A with these Regulations.
- (b) The Director shall, after such scrutiny and inspection as may be deemed necessary, either grant and issue such permission subject to the conditions specified therein or reject the application by informing the applicant in writing.
- (c) If the application for the permission is granted, the applicant shall pay the Advertisement fee in advance as may be fixed by the Authority are notified in the press from time to time.

10. **Allocation of advertising media.**- The allocation policy for both short term and long term advertisements will be based on the following:

- (a) First come on first serve basis.
- (b) And if more than one applicants then on competitive basis through sealed bids.

## CHAPTER VI

ADMINISTRATION, CONTROL AND  
ENFORCEMENT OF ADVERTISEMENTS

11. (i) If it appears to the Director that an advertisement has been displayed in contravention of these regulations, a notice requiring the advertiser to alter or remove the advertisement within 7 days of the receipt of such notice shall be issued. If the advertisement is not altered or removed by the advertiser within the prescribed time the Director may order such advertisement to be removed without any liability and the expenses incurred by the Director on such removal shall be recoverable from the advertiser as per procedure provided in the CDA Ordinance, 1960.

- (ii) If the advertiser responsible for the advertisement referred to in sub-paragraph 1- Above is not known or is not traceable the Director may cause the advertisement to be removed forthwith in such manners he may deem fit.
- (iii) When an advertisement is caused to be removed by the Director under the provision of sub-paragraph (i) and (ii) he may dispose off the advertisement in such manner as he may deem fit.
- (iv) The system of administration and control of advertisement policy and its enforcement will be exercised by the Director.
  - (a) The permission for short term advertisements such as banners, streamers rests with the Director.
  - (b) The long term advertisement will be allowed after seeking approval from the Chairman through Member (Environment) incorporating the view points from \*Panning Wing (Traffic Engineer). There is exception for fascia signboards for which the Director will be the authority.

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\* The word should be "Planning".

## CHAPTER VII

### PENALTY

(12) (i) Whoever contravenes any of the provision of these Regulations, or without lawful excuse fails or refuses to comply with any direction or under these Regulation or allowed to commit or abets the communication of an understand meaning of the Section 10 C of CDA Ordinance shall in addition to any other action taken under the Regulations, be punished under Section 46 of the CDA Ordinance, 1960 with imprisonment which may extend to the impose the fine or with both.

(ii) The Director and other employees of the Authority when specifically assigned in this regard is responsible/authorized under Section 47 of the CDA Ordinance to make complaints of the offences committed under these Regulations to the Court.

## CHAPTER VIII

### APPEAL

(13) (i) Any person aggrieved by an order passed by the Director under the provision of these Regulation may appeal to the Authority within 15 days of the receipt of such order.

(ii) The Appeal shall be addressed to the Member (Environment), Capital Development Authority, stating briefs of the facts giving rise to the appeal.

**14. Review of the Rates and determination of the rates of each item.**-Keeping in view the latest trends and in comparison with prevailing rates at Lahore and Karachi, the necessary revision in advertisement rates have been made. The revised rates are annexed at Annex-B herewith. The objective of this revision is not only to increase revenue and bring at par with other cities but also to rationalize the rates and make them more transparent and easier. These revisions in advertisements will be made on regular basis.

**15. Imposition of Fine/Late Fee.**- (a) Renewal of license fee with in the period of Grace Period (No Late Fee) three months of due date.

- (b) Renewal after three months of expiry of due date Prorated @ 5% annual Late Fee.
- (c) Renewal after six months of expiry of due date Prorated @ 10% annual Late Fee.

**16. Security (on long term advertisement.-** Security to be decided on case to case bases by the Competent Authority.

**17. Security on Streamers/Banners.-** (a) Security to be decided on case to case basis, refundable upon the expiry of permission and subject to removal of all permitted banners by the Licensee/ Advertiser.

- (b) If the streamers/ banners or other such material is not removed during the stipulated permission the security deposited shall be forfeited.

**18. Penalty (on long term advertisement.-** In case of installation of illegal bill board / without prior permission, the penalty to be charged as decided by the Director, subject to a maximum of Rs.1000/- per Sq. ft.

**19. Penalty (Streamers/Banners).-** In case display of illegal/extra streamers or banners, in addition to removal/confiscation of such Streamers/Banners, the fine/ penalty shall be imposed by the DMA which shall not exceed twice the amount of fee to be charged in the normal course of permission.

**20. Appeal.-** An appeal against the order of the DMA will be made to the Member (Environment), CDA within fifteen **15 days** of the passing of the orders, whose decision shall be final.

**21. Period of Permission.-** The license period for the short term advertisement will be maximum 2 weeks. In case of long term advertisements the license period will be one year or more as per the terms and conditions of the license, subject to the approval of the Member (Environment), CDA. There is exception in case of fascia signboards for which Director Municipal Administration will be the authority.

### **PROPOSED ADVERTISEMENTS RATES**

The Following revisions in the advertisement rates are being proposed:



**A. Face Signboards**

- (i) Ordinary advertisement Rs. 10/- per sq. ft./ per annum
- (ii) Illuminated Shop name Rs. 35/- per sq. ft./ per annum  
(Un-sponsored)
- (iii) Illuminated advertisements Rs. 100/- per sq. ft. / per annum  
Commercial advertisement  
(Sponsored)

**B. Long term Advertisements  
(Roadside / on CDA land)**

Allocation policy, fee, Size/ Design to be decided by the Chairman on case to case basis and keeping in view location and advertisement potential.

- i. Billboards (do)
- ii. Video Walls (do)
- iii. Variable Message Electronic Signs (do)
- iv. Twin Sided back-lit billboards (do)
- v. Pylons/ Unipole Signs (do)

- vi. Bridge Panels Allocation policy, fee, Size/Design to be decided by the Chairman on case to case basis and keeping in view location and advertisement potential.

- vii. Temperature and time clock (do)
- viii. Advertisement on Walls (do)
- ix. Sponsored public facilities, (do)  
such as gantries, traffic \* signs,  
Bus Shelters etc.

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\* The word should be "signs".

xii.	Sponsored facilities such as parks round about and all other such places.		(do)
xiii	Pole Signs	A+	Rs.33,750/- (size 4'x6" per pole/per annum) Rs.22,500/- (size 4'x 4" per pole / per annum)
		A	Rs.22,500/- (size 4'x 6" per pole/per annum) Rs. 15,000/- (size 4'x 4" per pole/ per annum)
		B	Rs.18,000/- (size 4'x 6" per pole/per annum) Rs. 12,000/- (size 4'x 4" per pole/ per annum)
		C	Rs.15,000/- (size 4'x 6" per pole/per annum) Rs. 10,000/- (size 4'x 4" per pole/ per annum)
(xiv)	<b>Moppies</b>	A	Rs.200,000/- size 4'x8" (4 sided) per moppy/per annum Rs. 75,000/- size 4'x 6" (2 sided) per moppy I per annum
		B	Rs. 133,334/- size 4'x 8" (4 sided) per moppy/ per annum Rs.50,000/- size 4'x 6" (2 sided) per moppy I per annum
		C	Rs.66,667/size(4sided) per moppy/per annum Rs. 25,000/- size 4'x 6" (2 sided) per moppy/ per annum
(xv)	<b>LCD/VCD</b>	A+	Rs.6,000/- per sq. ft. per annum
		A	Rs.3,200/- per sq. ft. per annum
		B	Rs.2,610/- per sq. ft. per annum
		C	Rs. 1,350/- per sq. ft. per annum
(xvi)	<b>Sky Signs for LCD/ VCD</b>	A+	Rs.2,000/- per sq. ft. per annum
		A	Rs.1,500/- per sq. ft. per annum
		B	Rs.1,000/- per sq. ft. per annum
		C	Rs.500/- per sq. ft. per annum
(xvii)	<b>Trivision</b>	A+	Rs.2,000/- per sq. ft. per annum

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A	Rs.1,200/-per sq. ft. per annum
B	Rs.1,000 per sq. ft. per annum
C	Rs.500/- per sq. ft. per annum

**C. TEMPORARY ADVERTISEMENTS**

- (i) **Banners** Rs.100/- size up to 3 x 1 meter per banner per week
- (ii) **Streamers** size up to 4 x 8 ft per streamer per week
- |    |          |
|----|----------|
| A+ | Rs. 60/- |
| A  | Rs. 50/- |
| B  | Rs. 40/- |
| C  | Rs. 30/- |
- (iii) **Temporary Hoardings**  
Rs. 250/- per sq. feet/ per month
- (iv) **Temporary Floats** Publicity floats running on temporary basis is Rs. 30,000/- per float per month.

**D. PETROL PUMP (MONOLITH) SIGNBOARDS**

A+	Rs. 1500/- per sq.feet/ per annum
A	Rs. 1200/- per sq.feet/ per annum
B	Rs. 1000/- per sq.feet/ per annum
C	Rs. 900/- per sq.feet/ per annum
D	Rs. 800/- per sq.feet/ per annum

**E. ROOFTOP BILL BOARDS**

A+	Rs. 375/- per sq.feet/ per annum
A	Rs. 250/- per sq.feet/ per annum
B	Rs. 225/- per sq.feet/ per annum
C	Rs. 200/- per sq.feet/ per annum

**F. VIDEO SCREEN**

Rs. 500/- per sq. ft. per annum

**G. DIRECTIONAL SIGN BOARDS**

- (i) **Government Departments**
- |                  |                                 |
|------------------|---------------------------------|
| Ordinary Sign    | Rs.200/- per sq. ft. per annum  |
| Illuminated Sign | Rs. 400/- per sq. ft. per annum |
- (ii) **Private Departments: *Hotels, Motels, etc.***

Ordinary Sign           Rs. 500/- per sq. ft. per annum

Illuminated Sign       Rs.1000/- per sq. ft. per annum

**H. BUILDING WARP**

Rs.125/- per sq.ft. per annum.

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**SCHEDULE OF BOARDS I AREAS**

**Category—A+**

1. Jinnah Avenue (upto Parade Ground)
  2. Faisal Avenue (upto F-10)
  3. Islamabad Highway
  4. Blue Area (Service roads of Jinnah Avenue)
  5. Sector F-6
  6. Sector F-7
- 

**CATEGORY. A**

1. Kashmir Highway
  2. Club Road/ Murree Road
  3. Fazal-e-Haq Road, Blue Area
  4. Suharwardi Road
  5. Sector F-8
  6. Sector F-10
  7. Sector F-11
  8. Aabpara
-

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**CATEGORY. B**

1. Nazim-ud-Din Road
2. Margallah Road
3. 5th Avenue
4. 6th Avenue
5. 7th Avenue
6. 8th Avenue
7. 9th Avenue
8. 10th Avenue
9. Sector G-6
10. Sector G-7
11. Sector G-8
12. Sector G-9
13. Sector G-10
14. Sector G-11

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**CATEGORY-C**

1. Mauve Areas
  2. I&T Centres
  3. All Sectors other than above
  4. Sector I-8
  5. Sector I-9
  6. Sector I-10
-

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**CATEGORY-D**

1. All Model villages
  2. Outer Perimeter of Municipal Limit
- 

[File NO.CDA/DMA/18(1)/MF/2003/2008.]

NADEEM AKBAR MALIK,  
*Secretary CDA Board.*

**\*THE ISLAMABAD CLUB  
(ADMINISTRATION)  
ORDINANCE, 1978**

**(ORDINANCE NO. XXXIII OF 1978)**

[17<sup>th</sup> July, 1978]

*An Ordinance to provide for the proper administration of the  
affairs of the Islamabad Club*

<sup>1</sup>[WHEREAS the Islamabad Club was established as a social and residential Club for the use, relaxation, convenience and entertainment of the officers of the Federal Government and the members of the diplomatic corps stationed at Islamabad;

AND WHEREAS it is expedient to provide for the proper administration of the affairs of the Islamabad Club;]

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C M L A Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.-** (1) This Ordinance may be called the Islamabad Club (Administration) Ordinance, 1978.

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\* The Ordinance was made by the President on 11th June, 1978, and published in the Gazette of Pakistan, Extraordinary, Part I, dated 17th July, 1978, at pages 197-199.

<sup>1</sup> Substituted by the Islamabad Club (Administration)(Amendment) Ordinance, 1980.

(2) It shall come into force on such day<sup>1</sup> as the Federal Government may, by notification in the official Gazette, appoint.

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

- (a) “Administrator” means the Administrator appointed under section 5;
- (b) “company” means the company registered under the Companies Act, 1913 (VII of 1913), under the name of the Islamabad Club;
- (c) “Islamabad Club” means the club set up by the company and generally known by that name; and
- (d) “Managing Committee” means the Managing Committee set up under section 5.

**3. Ordinance to over-ride other laws.-** This Ordinance shall have effect notwithstanding anything contained in the Companies Act, 1913 (VII of 1913), or any other law for the time being in force.

**4. Dissolution of Company, etc.-** On the commencement of this Ordinance,—

- (a) the Company shall stand dissolved;
- (b) any person exercising or having the right to exercise immediately before such commencement any power or function in relation to the Islamabad Club shall cease to exercise or to have the right to exercise such power or function;
- (c) the administration of the affairs of the Islamabad Club shall vest in the Administrator;
- (d) all assets, rights, powers, authorities and privileges, all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights

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<sup>1</sup> The Ordinance come into force on 23rd July, 1978 vide notification No. F.1-2/78 – Admn. Dated 23rd July, 1978.



in, or arising out of, such property, of the Company shall stand transferred to, and vest in, the Administrator;

- (e) all debts and liabilities incurred, all obligations undertaken, all contracts entered into, and all agreements made by or with the Company, shall stand transferred to, and be deemed to have been incurred, undertaken, entered into or made, by or with, the Administrator;
- (f) any sum payable to, or recoverable by, the Company shall be deemed to be payable to, or recoverable by, the Administrator; and
- (g) all suits and other legal proceedings instituted by or against the Company before such commencement shall be deemed to have been instituted by or against the Administrator and may be continued or proceeded with accordingly.

<sup>1</sup>5. **Patron.**- The President of Pakistan shall be the Patron of the Islamabad Club.

6. **Administrator.**- (1) The Federal Government shall appoint an officer of Government drawing pay in a grade not lower than grade 21 in the National Pay Scales to be the Administrator of the Islamabad Club in addition to his duties as such officer.

(2) Unless the Federal Government otherwise directs, the Administrator shall hold office for a period of two years and shall be eligible for reappointment.

(3) The Administrator may, by writing under his hand addressed to the Federal Government, resign his office.

(4) The Administrator shall, subject to any direction issued by the Federal Government, be competent to exercise and perform all such powers and functions as may be necessary for the efficient administration of the affairs of the Islamabad Club.

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<sup>1</sup> Sections 5 & 6 substituted and section 6A added by the Islamabad Club (Administration) (Amendment) Ordinance, 1980 (XVI of 1980).

## COMMENTS

**Maintainability of constitutional petition.** Functions mentioned in Islamabad Club (Administration) Ordinance, 1978 are primarily functions of State and a civic responsibility of Federation towards its citizens. Club is vested with power to take necessary steps for achievement of the objects as well as to allow and restrain facilities to natural persons. Condition with regard to exercise of public power is fulfilled. President of Pakistan is Patron of the Club and its administrator is a *persona designata* Grade-21 officer of Federal Government. Government has invariably taken upon itself to provide funds for the Club and persistently provides for its finances. Islamabad Club is person performing function in connection with the affairs of Federation and as such is amenable to constitutional jurisdiction [2016 CLC 504].

**6A. Managing Committee.-** (1) To aid and advise the Administrator in the performance of his functions, the Federal Government shall constitute a Managing Committee consisting of —

- (a) five members, being Service Members of the Islamabad Club, to be nominated by the Federal Government;
- (b) three members, being Members of the Islamabad Club other than Service Members, to be nominated by the Federal Government; and
- (c) one member, being a member of the diplomatic corps in Islamabad, to be nominated by the doyen of that corps.

(2) Unless the Federal Government otherwise directs in the case of a member referred to in clause (a) or clause (b) of sub-section (1), a member of the Managing Committee shall hold office for a period of two years and shall be eligible for re-nomination.

(3) A member of the Managing Committee may, by writing under his hand addressed to the Federal Government, resign his office.]

**7. Continuance in service employees.-** Unless the Administrator otherwise directs in any particular case, all the employees of the Company in employment immediately before the commencement of the Ordinance shall continue in their respective employments on the same terms and conditions as were applicable to them immediately before such commencement.

**8. Bar of jurisdiction.-** No court shall grant any injunction or make any order or entertain any proceedings in relation to anything in good faith done or intended to be done under this Ordinance.

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**9. Indemnity.**- No suit or other legal proceeding shall lie against the Federal Government or the Administrator or any other person in respect of anything in good faith done or intended to be done under this Ordinance.

**10. Power to make rules.**- The Federal Government may make rules for carrying out the purposes of this Ordinance.

**11. Removal of difficulties.** If any difficulty arises in giving effect to any provision of this Ordinance, the Federal Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty.

# THE ISLAMABAD WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND MANAGEMENT) ORDINANCE, 1979

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**\*THE ISLAMABAD WILDLIFE  
(PROTECTION, PRESERVATION,  
CONSERVATION AND MANAGEMENT)  
ORDINANCE, 1979**

(ORDINANCE NO. LXX OF 1979)

[19th December, 1979]

*An Ordinance to provide for the protection, preservation, conservation and management of wildlife and setting up of a National Park in the Islamabad Capital Territory*

WHEREAS it is expedient to provide for the protection, preservation, conservation and management of wildlife and setting up of a National Park in the Islamabad Capital Territory;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977, (C.M.L.A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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\* Published in the Gazette of Pakistan. Extraordinary, Part I, dated 19th December, 1979, at pages 559-576.

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

- (a) “authorised officer” means any person whom the Federal Government or any officer empowered by the Federal Government in this behalf may appoint to carry out all or any of the purposes of this Ordinance or to do anything required by this Ordinance or the rules, to be done by an authorised officer;
- (b) “Board” means the Wildlife Management Board constituted under section 4;
- (c) “capture” means the taking alive of any wild animal;
- (d) “certificate of lawful possession” means a certificate of lawful possession issued under section 9;
- (e) “dealer’s permit” means a dealer’s permit issued under section 14;
- (f) “game animal” means a wild animal specified in the First Schedule;
- (g) “game reserve” means an area declared as such under section 22;
- (h) “hunting” means any act immediately directed to the killing or capturing of a wild animal, and includes the taking of nests or eggs of such animals;
- (i) “hunting permit” means a hunting permit issued under subsection (2) of section 22;
- (j) “Licence” means a licence issued under section 7;
- (k) “meat” means the fat, blood, flesh or any edible part of a wild animal, whether fresh or preserved;
- (l) “national park” means an area declared as such under section 21;
- (m) “prescribed” means prescribed by rules;

- (n) "private game reserve" means an area declared as such under section 23;
- (o) "protected animal" means an animal or bird specified in the Third Schedule;
- (p) "rules" means rules made under this Ordinance;
- (q) "trophy" means the dead body of a wild animal or any horn, antler, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg, shell or other durable part of any wild animal, whether or not included in a manufactured or processed article;
- (r) "wild animal" means an animal or bird specified in the First Schedule or the Third Schedule;
- (s) "wildlife" means all natural resources, including organic resources, animals, birds, reptiles, vegetation, soil and water; and
- (t) "wildlife sanctuary" means an area declared as such under section 20.

**3. Appointment of officers and staff.-** The Federal Government may, for the purposes of this Ordinance, appoint such officers and staff as it thinks fit and on such terms and conditions as may be prescribed.

**4. Constitution of the Board.-** (1) The Federal Government may constitute a Board of Wildlife Management consisting of such members including a Chairman, as it may appoint.

\* "NOTIFICATION No. 6(21) /80 — CDA III / ICT II dated 28th October, 1981. Ministry of Interior. In exercise of the powers conferred by section 4 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to constitute a Board of Wildlife Management consisting of the:

- |   |          |
|---|----------|
| 1. Chairman, Capital Development Authority, Islamabad.  | Chairman |
| 2. Member Administration, CDA Islamabad.  | Member   |
| 3. Joint Secretary, Tourism Division, Islamabad.  | Member   |
| 4. Conservator (Wildlife), Pakistan National Council for Conservation of Wildlife, Islamabad. | Member   |
| 5. Deputy Secretary, Ministry of the Interior, Islamabad.                                     | Member   |
| 6. Director, Horticulture, CDA, Islamabad.  | Member   |
| 7. Deputy Commissioner, Islamabad.  | Member   |
| 8. Senior Superintendent of Police, Islamabad.  | Member"  |



(2) The Chairman and members of the Board shall hold office during the pleasure of the Federal Government and on such terms and conditions as it may determine.

(3) The Board shall exercise such powers and perform such functions as may be prescribed.

**5. Killing and capturing of wild animals prohibited.-** Save as otherwise provided in this Ordinance and the rules, no person shall hunt, kill or capture wild animals.

**6. Restrictions on hunting.-** No person shall:-

- (i) hunt any wild animal by means of a set-gun, drop-spear, deadfall, gun trap, explosive projectile, bomb, grenade, baited hook or any other trap whatsoever;
- (ii) hunt any game animal by means of an automatic weapon or a weapon of a calibre used by the Pakistan Army or Police Force, a projectile containing any drug or chemical substance having the property of anaesthetising, paralysing, stupefying or rendering an animal incapacitated, whether partly or totally;
- (iii) hunt any game animal, other than a bird or hare, with a shot-gun or a nonmagnum rifle of 22 calibre or less;
- (iv) use, or have in his possession, any poison or like injurious substance for the purpose of hunting a game animal;
- (v) use any motor vehicle, motor-driven vessel, watercraft, of any type, aircraft or any other manually or mechanically propelled vehicle of any type to pursue, drive or stampede game animals for any purpose whatsoever.
- (vi) shoot any game animal from any aircraft motor vehicle, rail-trolley, cart, boat or any kind of watercraft or any other conveyance or from within two hundred meters of such conveyance;
- (vii) hunt any wild animal with the help of live decoys or call-birds; or

- (viii) construct, use or have in his possession for the purpose of hunting any game animal any pitfall, gamepit, trench, or similar excavation, fence or enclosure, or use bhagwa or any other contrivance:

Provided that an authorised officer may, in his discretion, exempt any person from one or more of the provisions of this section:

Provided further that any wild animal may be driven away from an aerodrome or airstrip by using a motor vehicle or an aircraft if it is necessary to ensure safety of the aircraft using that aerodrome or airstrip.

**7. Prohibition to employ hawks and dogs without licence.-** No person shall use hawks for hawking or dogs for coursing game animals, except under a licence issued by an authorised officer in such manner, on such terms and conditions and on payment of such fees as may be prescribed.

**8. Animals found dead, etc. to be property of the Government.-** Any wild animal found dead or dying or which has been killed or caught otherwise than in accordance with the provisions of the Ordinance or the rules, and any trophy or meat thereof, shall be the property of the Federal Government.

**9. Certificate of lawful possession,-** (1) No person shall be in possession of any wild animal, trophy or meat specified in the Second Schedule except under a certificate of lawful possession in respect thereof issued by an authorised officer in such manner, on such terms and conditions on payment of such fees as may be prescribed.

(2) Provided that a person who, on the coming into force of this Ordinance, is in possession of, or at any time thereafter, imports or acquires, any such animal, trophy or meat shall, within such time as may be prescribed, apply to the authorised officer for a certificate of lawful possession.

(3) The authorised officer shall mark the wild animal, trophy or meat in respect of which a certificate of lawful possession is issued and make entries in respect thereof in the prescribed register.

(4) The holder of a certificate of lawful possession shall produce the certificate to the authorised officer when asked by him to do so.

(5) No person shall –

- (a) be in possession of a wild animal, trophy or meat specified in the Second Schedule without a certificate of lawful possession or without having applied for such certificate as required by sub-section (2); or
- (b) counterfeit, change, or in any way interfere with, any mark put on a wild animal, trophy or meat under sub-section (3) or alter or in any way change a certificate of lawful possession.

**10. Restriction on transfer of wild animals, etc.-** (1) No person who is not in possession of a certificate of lawful possession in respect of a wild animal, trophy or meat specified in the Second Schedule shall transfer such wild animal, trophy or meat to any other person by way of gift, sale or otherwise.

(2) No person shall receive by gift, purchase or otherwise any wild animal, trophy or meat specified in the Second Schedule unless he is at the same time given the certificate of lawful possession clearly mentioning thereon the nature of the transfer and the name of the person to whom the wild animal, trophy or meat is transferred.

(3) The person to whom a wild animal, trophy or meat is transferred shall submit the certificate of lawful possession given to him by the transferor to the authorised officer who shall endorse it in favour of the transferee and make necessary amendment in the prescribed register.

**11. Restriction on import of wild animals, trophies, etc.-** (1) No person shall import, or attempt to import, into Pakistan any live wild animal or any endemic or exotic species thereof, or any trophy or meat, except through a customs-port of entry, and any person, importing such animal, or endemic or exotic species, trophy or meat shall, in respect thereof, produce to the officer of customs—

- (i) proof to his satisfaction that it has been lawfully exported from the country of export;
- (ii) an import permit.

(2) The officer of customs may detain any live wild animal, endemic or exotic species, trophy or meat which has been imported until such time as the proof of its lawful export from the country of export is given and the import permit is surrendered to him, and if the proof is not given or the import permit is

not surrendered within a reasonable time, the wild animal, endemic or exotic species, trophy or meat shall be forfeited to the Federal Government and disposed of in the prescribed manner.

**12. Restriction on export of wild animals, trophies, etc.-** No person shall export, or attempt to export, any wild animal, trophy or meat except through a customs-port of exit, and a person exporting such animal, trophy or meat shall produce to the officer of customs an export permit in respect thereof.

**13. Animals, trophies, etc., in transit.-** Nothing in sections 11 and 12 shall apply to any live wild animal, any endemic or exotic species, thereof or any trophy or meat in transit through Pakistan, if the animal, endemic or exotic species or trophy or meat—

- (i) is accompanied by transit documents;
- (ii) enters through a customs-port of entry; and
- (iii) is not unloaded from the ship or motor vehicle on which it is being carried, or, in case of rail or air transport, does not leave the precinct of the railway station or the airport at which it is landed or transshipped or does not remain at such precincts, except in a customs-warehouse, for more than forty-eight hours.

**14. Restriction on dealing in wild animals, trophies, etc.-** (1) No person shall engage himself in any trade or business, or otherwise deal in, any wild animal, trophy or meat, or, in the course of such trade or business carried on by him on his own behalf or on behalf of any other person, shall sell, purchase, barter, cut, carve, polish, preserve, clean or mount any wild animal, trophy or meat, or manufacture any article therefrom unless he has obtained a dealer's permit issued by an authorised officer in such manner, on such terms and conditions and on payment of such fees as may be prescribed.

(2) The holder of a dealer's permit shall maintain such record of transaction as the authorised officer may require, and shall produce it for inspection at any reasonable time when called upon to do so.

(3) Nothing in this section shall be construed to absolve the holder of a dealer's permit from complying with the other provisions of this Ordinance.

**15. Power to search without warrant.-** Any authorised officer, if he has reason to believe that any person has in his possession or control any wild animal, endemic or exotic species or trophy or meat in an unauthorised manner or has committed an offence under this Ordinance, may search any person, place, vessel, vehicle, animal, package, receptacle or covering without warrant.

**16. Power of seizure.-** (1) Any authorised officer may seize any wild animal which is in the possession of a person who is not authorised to possess it under this Ordinance or the rule, together with any fire-arm, net, trap, snare, bow, arrow, vehicle, vessel or anything whatsoever used or suspected to have been used in the commission of an offence under this Ordinance.

(2) The property seized under sub-section (1) shall be dealt with in accordance with the orders of the court or the authorised officer compounding the offence under section 33 as the case may be:

Provided that, if the property is subject to natural decay, it may at any time be sold with the permission of the court and the proceeds shall be dealt with in accordance with the orders of the court.

**17. Onus of proof respecting property.-** When in any proceeding under this Ordinance a question arises as to whether a wild animal, trophy or meat is the property of the Federal Government, such wild animal, trophy or meat shall be presumed to be the property of the Federal Government until the contrary is proved.

**18. Duty of chaukidars, dafadars, village watchmen, etc.-** Every purchaser of forest produce, lambardar, canal patwari, public works department darogha, chaukidar, village watchman, abdar, zilladar, revenue patwari, chairman or member of a local authority qanungo and tehsildar shall be bound, in the absence of reasonable excuse, to give to the authorised officer information in respect of any snaring, trapping, netting, unauthorised killing or any other offence under this Ordinance committed within the limits of his jurisdiction as soon as the commission of such offence comes to his knowledge.

**19. Killing or capturing in self-defence.-** (1) Notwithstanding anything contained in this Ordinance, it shall not be an offence—

- (a) for any person to kill or capture any wild animal by any means in the defence of his own life or the life of any other person;

- (b) for the owner of standing crops or his employee to kill or capture by any means within the bounds of those crops, any wild animal which is causing material damage to those crops;
- (c) for the owner of livestock or his employee to kill or capture, by any means within a reasonable distance from where the livestock is grazing or where it is enclosed for the night, any wild animal which is causing damage to the livestock:

Provided that clauses (b) and (c) shall not apply to any unlawful cultivation in a national park, wildlife sanctuary, or game reserve or any livestock illegally grazing or herded therein.

(2) The killing or capturing of any wild animal under sub-section (1) shall, as soon as may be, be reported to the authorised officer or the nearest police-station

(3) The trophy or meat of any wild animal killed under sub-section (1) shall be the property of the Federal Government and shall be disposed of in such manner as the authorised officer may direct.

**20. Wildlife sanctuary.-** (1) With a view to securing undisturbed breeding of wildlife, the Federal Government may, by notification\* in the official Gazette, declare any area to be a wildlife sanctuary.

(2) Subject to rules, the wildlife sanctuary shall be closed to public, and no exploitation of forest therein shall be allowed except for reducing fire hazards, epidemic or insect attacks or other natural calamities.

(3) No person shall enter or reside, cultivate any land, damage or destroy any vegetation, introduce any endemic or exotic species of any animal or

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\* [Notification No. 3(15)/76-CDA.III (3) dated 27th April, 1980. In exercise of the powers conferred by sub-section (1) of section 20 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to declare the following areas of the Islamabad Capital Territory to be the Wildlife sanctuaries namely:

(1) all public open spaces, developed or undeveloped within the municipal limits of Islamabad, excluding the areas declared to be a national park under the said Ordinance.

(2) Bannigallah hills bounded by Kurang river in the north, Mohra Noor in the west, Thal in the east and Belgh in the south; and

(3) C.D.A. Nursery at Chak Shahzad]

plant, introduce any domestic animal or allow it to stray, cause any fire, or pollute water, in a wildlife sanctuary, or hunt, kill or capture any wild animal or fire any gun or other fire-arm within one and a half kilometre of the boundaries thereof:

Provided that the authorised officer may, for specific purposes authorise the doing of any of the aforementioned acts.

**21. National Park.**- (1) With a view to protecting and preserving scenery, flora and fauna in natural state, the Federal Government may, by notification \*\* in the official Gazette, declare any area to be a national park.

(2) The national park shall be accessible to public for recreation, education and research, subject to such restrictions as the Federal Government may impose.

(3) Provision for access roads to, and construction of rest houses, hotels and other buildings in the national park alongwith amenities for public may be so made, the forest therein shall be so managed and forest produce so obtained as not impair the object for which it is declared a national park.

(4) Except as otherwise provided by this Ordinance and the rules, the following acts shall be prohibited in a national park, namely:-

- (i) hunting, shooting, trapping, killing, or capturing of any wild animal within a radius of two kilometers of its boundaries;
- (ii) firing any fire-arm or doing of any other act which may disturb any wild animal or interfere with its breeding place;

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\*\* [No. S.R.O. 443 (I) /80 dated 28th April 1980. In exercise of the powers conferred by sub-section (1) of section 21 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to declare the following areas to be the Margallah Hills National Park, namely:

(1) Margallah Reserve Forest comprising compartments Nos. 2 to 5, 7 to 23, 28, 30 to 38 (i) and 41 (ii).

(2) Military Grass Farm comprising compartments 1 to 25.

(3) Lands falling in villages Mangial, Malach Dakhli, Phulgran, Mandla, Jhang Bagial, Malpur (Bijran), Rumli, Narias, Padoh Dakhli, Noorpur Shahan, Ratta Hottar, Saidpur, Dhoke Jiwan, Gandiar, Kalinjar and Santari.

(4) Area bounded by Shahrah-i-Kashmir in the north, Shahrah-i-Islamabad in the west and Murree Road in the south and east upto its junction with Shahrah-i-Kashmir; and

(5) Rawal lake and area within a distance of 2 Kilometres from the highest water mark of Rawal Lake.

- (iii) felling, tapping, burning, damaging or destroying of, or taking, collecting or removing therefrom, any plant or tree;
- (iv) clearing or breaking up of any land for cultivation, mining or for any other purposes; and
- (v) polluting water flowing in or through it:

Provided that the authorised officer may, for specific purposes, authorise the doing of any of the aforementioned acts.

### COMMENTS

#### Synopsis

1. Termination of lease for quarrying of lime stone.
2. Acquisition of land.

**1. Termination of lease for quarrying of lime stone.** Petitioner challenged termination of lease in High Court in its Constitutional jurisdiction. High Court on basis of material on record found that termination of lease was justified on the ground that Authorities having demarcated area which was declared to be 'Margalla Hills as National Park' under Section 21, Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979, breaking up of earth or digging or removal of stone etc. was prohibited from area in question, therefore, proceedings in the case had been taken in accordance with the provision of law as well as terms and conditions of lease granting letter; that objection that area leased out to petitioner did not fall within National Park Area being question of fact had been determined twice and had been found to have fallen within territorial limits of National Park Area; and that question of fact could not be subject-matter of Constitutional petition. Validity. Order of termination of lease having been passed under clause (15), Pakistan Mining Concession Rules, 1960, which empowers lessor to determine lease as provided therein, High Court had rightly found that in terms of clause (15), Pakistan Mining Concession Rules, 1960, where it was found that area or any part thereof, was not free and was granted to lessee by inadvertence, lessee would release the same unconditionally as and when required to do so. Leave to appeal was refused in circumstances [1996 SCMR 1421].

**2. Acquisition of land.** Land of petitioner was acquired on the basis of its being shown in the master plan as an area for the National Park. No scheme of National park had been prepared and defined anywhere and acquisition was made on the basis of mere earmarking of that area through a notification under Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979. Validity. Land in question was a private land, unless a proper scheme of National Park was prepared by the Central Government or the Capital Development Authority under Sections 11, 12, 13 & 14 of the Ordinance, partial acquisition of land in the name of National Park could not be justified [1999 YLR 247].



**22. Game reserve.-** (1) With a view to providing facilities for hunting, the Federal Government may, by notification\* in the official Gazette, declare any area to be a game reserve, but no person shall hunt, shoot or capture any wild animal in a game reserve, except in the case of game animals specified in the First Schedule, under a hunting permit.

(2) A hunting permit may be issued by an authorised officer in such manner, on such terms and conditions and on payment of such fees as may be prescribed.

(3) The holder of a hunting permit may hunt such number of game animals specified in the First Schedule and during such period as may be specified by the authorised officer.

**23. Private game reserve.-** (1) Where the Federal Government is satisfied that private land has been dedicated by its owner for the purposes similar to that of a game reserve, it may on the application of the owner of that land, by notification declare such land to be a private game reserve.

(2) Hunting of wild animals by any person other than the owner of the land shall not be allowed in a private game reserve except with the permission of the owner thereof.

(3) The Federal Government may, by notification in the official Gazette, at any time declare that any private game reserve shall cease to be a private game reserve.

**24. Alteration of boundaries of wildlife sanctuary, national park, game reserve and private game reserve.-** The Federal Government may, by notification in the official Gazette, declare any alteration in the boundaries of a wildlife sanctuary, national park, game reserve or private game reserve.

**25. Interference in duty.-** Any interference in the discharge of the duties of any person appointed for the purposes of this Ordinance or the rules shall be unlawful.

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\* [No. S.R.O. 444 (I) / 80. In exercise of the powers conferred by subsection (1) of section 22 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to declare the whole of the Islamabad Capital Territory, except the areas declared as wildlife sanctuary and national park, to be the game reserve.

[No. F. 3(15) / 76—CDA III (5) 27th April, 1980]

**26. Penalties.** (1) Whoever kills or abets in the killing of a protected animal otherwise than in accordance with the provisions of this Ordinance or the rules shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) Subject to sub-section (1), whoever contravenes, attempts to contravene, or abets in the contravention of, any provision of –

- (i) section 6, 9, 10, 11, 12 or 14 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;
- (ii) section 7 or 8 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both; and
- (iii) this Ordinance or any rules for the contravention of which no specific penalty is provided shall be punishable with fine which may extend to one thousand rupees.

(3) The licence, hunting permit, dealer's permit or certificate of lawful possession, as the case may be, of a person who is convicted under sub-section (1) shall be liable to cancellation and such person shall not be eligible to the grant of such licence, permit or certificate for such period as may be determined by the authorised officer.

**27. Prosecution for offence under any other law.-** Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Ordinance or from being liable under any other law to any higher punishment or penalty than that provided by this Ordinance.

**28. Procedure when offender not known or cannot be found.-** Where the authorised officer finds, or it is brought to his notice, that an offence under this Ordinance has been committed, and the offender is not known, or cannot be found within a reasonable time, he may confiscate any article used in the commission of the offence.

**29. Power to arrest.-** (1) An authorised officer may, without warrant, arrest any person against whom reasonable suspicion exists of his having been concerned in any offence under this Ordinance.

(2) The officer making arrest under sub-section (1) shall, without unnecessary delay and subject to the other provisions of this Ordinance, take or send the person arrested to the officer-in-charge of the nearest police station.

**30. Power to release arrested persons on bond.-** An authorised officer of grade 17 or above may release a person arrested under section 29 on his executing a bond to appear, if and when so required, before the officer-in-charge of the nearest police station.

**31. Power to prevent commission of offence.-** Every authorised officer and any other person authorised by the Federal Government in this behalf shall be competent to take all lawful means to prevent the commission of any offence under this Ordinance.

**32. Appointment of Magistrates, etc.-** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Federal Government may appoint\* any person to be a Magistrate of the first class within the meaning of the said Code for the trial of offences under this Ordinance or authorise any Magistrate of the first class to try such offences.

(2) No Court other than a Magistrate appointed or authorised under sub-section (1) shall try any offence under this Ordinance.

(3) A Magistrate of the first class competent to try offences under this Ordinance may, if he thinks fit, try in a summary way all or any of the offences.

(4) Any person convicted under section 28 may, within thirty days from the date of his conviction, appeal to the Court of Session, whose decision thereon shall be final.

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\* (No. S.R.O. 445 (I) /80.— In exercise of the powers conferred by subsection (1) of section 32 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to authorise the magistrate of the first class posted in Islamabad to try offences under the said Ordinance.)

(No. 3 (15) /76—CDA III (6) dated 27th April, 1980)

**33. Power to compound offence.-** (1) The Federal Government may, by notification in the official Gazette, empower an officer not inferior in rank to an officer in grade 17 of the National Pay Scales:-

- (a) to accept from any person against whom reasonable suspicion exists that he has committed any offence under this Ordinance, a sum of money by way of compensation for such offence.
- (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof, as estimated by such officer.

(2) On the payment of compensation, such sum of money, or such value of property under subsection (1) of both, as the case may be, the suspected person, if in custody, shall be discharged and the property, if any, seized shall be released and no further proceedings shall be taken against such person or property.

(3) The sum of money accepted as compensation under clause (a) of sub-section (1), shall in no case, exceed the sum of five hundred rupees.

(4) No officer shall have power to compound a second or subsequent offence under this Ordinance.

**34. Investment of certain powers.-** The Federal Government may, by order\* in writing invest any officer of grade 17 or above with all or any of the following powers, namely:-

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\* (No. F. 6/21/80 — C.D.A.III Islamabad, the 26th April, 1981)

**ORDER**

*In exercise of the powers conferred by section 34 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to invest the following officers of the Horticulture Directorate of Capital Development Authority, Islamabad, with all the powers specified in the said section namely:-*

1. Director
2. Additional Director
3. Deputy Directors
4. Assistant Directors)

- (a) power of a civil court to compel the attendance of witnesses and the production of documents and material objects;
- (b) power to hold inquiry into offences under this Ordinance, and, in the course of such inquiry, to receive and record evidence; and
- (c) power to prosecute a case before a Magistrate.

**35. Persons appointed under this Ordinance to be public servants.-**

All persons appointed under this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

**36. Indemnity and bar of jurisdiction.-** (1) No suit, prosecution or other legal proceeding shall lie against the Federal Government or any other person for anything done or intended to be done in good faith under this Ordinance or the rules.

(2) No court shall call in question, or permit to be called in question, anything done or any action taken under this Ordinance.

**37. Duty of Police Officers.-** All police officers shall, upon request made by any person performing duties under this Ordinance or the rules, assist him in the discharge of such duties.

**38. Delegation of powers.-** The Federal Government may, by notification in the official Gazette, direct that all or any of its powers under this Ordinance shall be exercised by such officer and subject to such conditions as may be specified.

**39. Power to grant exemption.-** Notwithstanding anything contained in this Ordinance, the Federal Government may, for public or scientific purposes, by notification in the official Gazette, allow the killing and capturing of any wild animal by such person, at such place, and by such means as may be specified in the notification.

**40. Power to amend Schedules.-** The Federal Government may, by notification in the official Gazette, make such amendment in the Schedules as it thinks fit.

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

(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:—

- (i) power and functions of the Board;
- (ii) recruitment and terms and conditions of appointment of the officers and staff under this Ordinance;
- (iii) the form and manner in which, the terms and conditions on which and the duration for which, a licence, hunting permit, special hunting permit, certificate of lawful possession and dealer's permit shall be issued;
- (iv) fees to be charged for a licence, hunting permit, special hunting permit, certificate of lawful possession and dealer's permit;
- (v) in the case of any species of wild animals, the number and the sex of, and the local area in which, such species may be hunted by an authorised person;
- (vi) giving of rewards to persons who render assistance in the detection of offences under this Ordinance;
- (vii) the management of wildlife sanctuaries, national parks and game reserves;
- (viii) tenure of office, resignation and terms and conditions of members of the Board; and
- (ix) demarcation of the area of a wildlife, sanctuary, a national park or a game reserve.

FIRST SCHEDULE

WILD ANIMALS

Game Animals which can be hunted or captured under a Game Shooting licence or Game Capture licence.

Name of animal	Bag limit or Number allowed	Time and season when hunting permitted
1	2	3
<b>ANATIDAE, DUCKS, WATERFOWL</b>		
Dendrocygna javancia – Lesser Teal, Silahji	Not more than 5 ducks of all species combined per day	1 <sup>st</sup> October to 1 <sup>st</sup> March
Tadorna tadorna – common Shelduck, Safro Chekwa safed Surkhah	Do	Do
Ana sacuta – Pintail, Sanh, Sikhpar, Digosh	Do	Do
Anas crecca – Common Teal, Kerraputari, Suchuruka Huraro	Do	Do
Anas formosa – Baikal Teal, Keraputari, Suchuruka, Barkani	Do	Do
Anas platyrhynchos – Mallard, Chaka Nilsir Nilrugi	Do	Do
Anas strepera – Gedwall, Milla, Bhur, Beykur	Do	Do
Anas falcata – Falcated, Teal, Chotiya, Wano Hurwa	Do	Do
Anas Penelope – Wigeon, Peasan, Partarui, Lal Sir	Do	Do
Anas querquedula – Garganey, Chai Putari	Do	Do
Anas clypeata – Shoveler, Tidari, Punana, Tarakwala Ghira	Do	Do

Netta Rufina – Red crested pochard, Lalsir	Not more than 2 ducks of all species combined per day	Do
Aythya forina common Pochard, Burarna, Thurandao	Not more than 5 ducks of all species combined per day	Do
Aythya nyrocrd – whiteeyed Pochard, Karachiya, Mada lalbigri, Budha	Do	Do
Aythya bears – Bear’s Pochard	Not more than 5 ducks of all species combined per day	Do
Aythya fuligula – Tufted duck, Dubara, Ablak Bohwara	Do	Do
Aythya amarila – Scaup	Do	Do
Clangula hyemalis – Old squaw, longtail Duck	Do	Do
Bucephalus calngula – Goldeneye Duck, Kumbaro	Do	Do
Mergus albellus – Smew, Dayali, Jhalli	Do	Do
Mergus merganser – Goosander	Do	Do
Morgus serrator Red Breasted Merganser	Do	Do

**PAHSIANIDAE, PHEASANTS, PARTRIDGES, QUAILS**

**SPURFOWLS, PEA FOWLS AND JUNGLE FOWLS**

Ammoperdix griseogularis – Sease Partridge, Kucki Chauklau, Siai	Not more than 2 per day	1 <sup>st</sup> November to 1 <sup>st</sup> March, Wednesday and Friday
Alect–oris graeca – Chukor Chukora Khonk, Charu, Zarkar	Not more than 3 per day	Wednesday & Friday and Gazetted Holiday from 1 <sup>st</sup> November to 1 <sup>st</sup> March



Francolinus francolinus asiae – Black Partridge, Kala Titer, Tetra, Karo Titra, Kais Titar	Not more than 3 per day	Wednesday & Friday and Gazetted Holiday from 1 <sup>st</sup> November to 1 <sup>st</sup> March
Francolinus pondicerianus – Grey Partridge, Titar Kyan, Khyr, Kaijan, Bhura Titar	Not more than 4 per day	Do
Francolinus gularis – Swamp Partridge, Gultitar, Bheel Titar	Do	Do
Coturnix coturnix – Common Quai, Bater Kurrak, Bhatri	Not more than 10 per day	1 <sup>st</sup> November to 1 <sup>st</sup> March
Conturnix coromandelica Rain Ouail, Baster	Not more than 5 per day	Do
Arborohiaphila atrogularis – White Checked Hill Partridge Peura, San, Batai.	Not more than 2 per day	Wednesday, Friday and Gazetted Holiday from 1 <sup>st</sup> November to 1 <sup>st</sup> March
Chalmydotis undulate–Houbara Bustard Tiloor, Khemor Karwanak	Not more than 3 per day	Wednesday, Friday and Gazetted Holiday from 1 <sup>st</sup> November to 1 <sup>st</sup> March
<b>CHARADRIIDAE: PLOVERS, SANDPIPERS, SNIPES AND OTHER WADERS</b>		
Vanellus leucurus – White tailed lapwing	Two only per day	1 <sup>st</sup> November to 1 <sup>st</sup> March
Vanellus vanellus – Lapwing, Rodhur, Sabaz Titi	Do	Do
Vanellus indicus – Radwattled Lapwing, Tita, Titari, Tetechar	Do	Do
Vanellus spinosus – Superwinged Lapwing	Do	Do
Vanellus malabaricus – Yellow wattled Lapwing, Zirdi, Jithiri	Do	Do
Pluvialis apricaria – Golden Plover, Chota Battan	Do	Do
Numenius Phaeopus – Whimbrel, Chota, Goungh, Chota Golinda	Do	Do
Numenius arquata – Curlew, Goar, Goungh, Choppa, Sada, Kastachura	Do	Do

Capella momoricola – Wood Snipe Chaha, Sunkikri Julkikri	Do	Do
Capella gallinago – Fantail Snipe, Pakhi, Jalakari	5 only per day	Do
Capella Stenura – Pintail Spine, Pakhi Jalakri, Kadakhocha	Do	Do
Capella minima – Jack Snipe, Chota Chah, Asraf Pak	Do	Do
Rostratula benghalensis – Painted Snipe, Rajchaha, Baggargi	Do	Do
Burhinidae; Stone Curlew or Stone Plovers	Do	Do
Burhinus Oedicnemus – Shore Curlew Lambi, Kerakwanak, Basirl	Do	Do
Esacus magnirostris – Great Stone Plover	Do	Do
Ptericlididae, Sandgrouse Syrrhaptes tibetaus – Tiebtan Sandgrouse, Nok, Kaling, Kung	Do	Do
Sandgrouse, Nok, Kaling Kung	Do	Do
Pterocles exustus – Indian Sandgrouse, Bhattitar	Do	Do
Pterocles senegllus – Spotted sand grouse	Do	Do
Pterocles orientails – Imperial Sand grouse, Bhattitar Gero Bakht, Bakh	Do	Do
Pterocles coronatus – Coronetted Sandgrouse, Bhatta Bal	Do	Do
Pterocles indicus – close – Barred or painted Sandgrouse, Harisia Sina, Dukru	Do	Do
<b>COLUMBIDAE, PIGEONS: GREEN PIGEONS AND DOVES</b>		
All species of Pigeons, Green Pigeons and Doves other than members of the genus Ducula (Imperial Pigeons) which are protected.	4 only per day	1 <sup>st</sup> November to 1 <sup>st</sup> March
<b>RALLIDAE, COOTS AND MOORHENS</b>		
Amauronis phoenicurus – White breasted Moorhen Dawk, Pampaira, Kuraki	5 only per day	Do

Gallinula chloropus – Moorhen, Jal Murghi	Do	Do
Porphyrio porphyrio – Purple Moorhen, Kaim, Kulang, Cairo	2 only per day	Do
Fulica atra – Coot Khushkal, Dasari Kanramdab	4 only per day	Do
<b>LEPUS: HARES</b>		
Lepus Capensis – Cape Hare, Khargosh	4 only per day	Do
Lepus nigricollis – Indian hare, Khargosh	Do	Do
Lepus arabicus – Arabian Hare, Khargosh	Do	All year round

### SECOND SCHEDULE

Animals, Trophies, Skins, Horns or Meat for the Possession, Transfer or Export of which a Certificate of lawful possession is required.

1. All live game animals or protected animals.
2. Trophies, Skins and meat derived from protected animals.
3. Horns of goral, ibex, Sind wild goat markhor and urial.
4. Skins of beech or stone marten, jungle cat, desert Cat, Leopard and Snow leopard.
5. Trophy, Skin or horns or any other derivating of any animal protected by any other province of Pakistan including A.K. & W.A.

### THIRD SCHEDULE

Protected Animals: i.e. Animals which shall not be hunted, killed or captured.

1. All game animals when immature or not fully grown.
2. All female game animals when:–
  - (a) Pregnant;
  - (b) In a condition that indicates they are suckling or feeding young;

(c) Accompanied by their immature offspring.

3. All males and females of the following species:

Nemorahaedus goral, Goarl or Piji, Ban-Bakri, Gurrur, Gudh, Sar Pijur, Rai Rom.

Capra faleconeri (all races) Markhor or Rawachi.

Capra ibex. Ibex or Trangol, Khail, Dadma, Danmo.

Ovis orientalis (all races). Urial or Shapu, Hurian, Shah Kohi, Koch, Gad, Garand.

4. All individuals of the following species, genera, families or groups of birds.

All members of the family ARDEIDAE, i.e. all herons, Night Hersons, Paddy Birds, Egrets or Bittorns.

All members of the family PELECANIDAE; i.e. all pelicans.

All members of the family CICONIDAE; i.e. all Storks.

All members of the family THRESKIORNIDAE; i.e. all ibis's and Spoonbills.

All members of the family PHOENICOPTERIDAE; i.e. all Flamingos.

All members of the genera Anser and Branta; i.e. All geese, including the Ber-headed goose.

All members of the genus Cyguns; i.e. all Swans.

The following species of Ducks:—

Anas angustirostris, Marbled Teal or Choi, Lanjho, Dudjalri.

Anas poecilorhyncha Spot-bill Duck, or Garmpai, Gugral, Hampur,

Hangro Nettapus coromandolicus. Cotton Teal or Giri, Girria.

Oxyura leucocephala, White headed Duck or Stiff-tailed Duck UD Balau.

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*Cairine scutulata*. White-winged Wood Duck.

*Sarki diornis melanotus*. Comb Duck or Nukhta.

*Rhodonossa caryphyllacea*. Pink headed Duck.

All members of the family Acciptridae; i.e. all Hawks, Vultures, Kites.

Buzzards, Hawks-Eagles, Harriers and Ospreys.

All members of the family FALCONIDAE; i.e. all Falcons, Kestrels, Hobbies.

All members of the family PHASIANIDEA; i.e. all pheasants Partridges,

Quails Spurfowls Jungle Fowls, and Peafowls other than those species specified in the First Schedule.

All members of the family GRUIDAE; i.e. all Granes.

All members of the genus *Heliopais*; i.e. all Finfoots.

All members of the family OTIDIDAE; i.e. all Bustards other than the one species specified in the First Schedule.

*Scolopax rusticola*. Woodcock or simkukri, Jalakari, Julkari, Wilaiti, Chaha, Bumpal, Dhabba.

*Pterocles alohata*. Large Pin-tailed Sandgrouse.

All members of the genus *Ducula*; i.e. all Imperial Pigeons.

5. All individuals of the following races, species, genera or groups of mammals:—

*Macaca mulatta villosa*. Himalayan Rhesus Monkey (i.e. all Rhesus Monkeys found in West Pakistan) bandar, Punj, Markat.

*Presbytis entellus*. Common Langur or Hanuman Dendoa.

*Mains crassicaudata*, Pangolin or Bajra Kit, Bayra, Kapta, Suraj Mukhi, Silu Kishaur, Sibi, Mirun, Kat Pohu *Vulpes cana*, Blanford's Fox.

*Selenarctos thibetanus gedrosianus*-Baluchistan Black Bear (i.e. all black bears found in south and west of the Kabul River) Kala Rinch, Bhalu, Haput, man.

*Ursus arctos*, Brown Bear or Red Bear, Barf Ka Rindh, Safed Bhalu, Siala Reech, Drengmo, Drin Mon.

*Vormela peregusna* Marbled Polecat.

*Mellivora Capensis*. Ratel or Honey Badger, Beju, Corpat, Ghurna, Lutra Lutra, Common Otter or Ludher, Ud-bilaw, pani Kutta, Sagi Ab.

*Martes foina*, Beech or Stone Marten.

*Lutra perspicillata*. Smooth Indian Otter, or Ludher, Ludra, Udni.

*Viverra zibetha*. Large Indian Civet, Ketts, Mach Bhondar, Badges, Pudu, Gaula.

*Viverricula indica*, Small Indian Civet or Naundero, Gandogaula, Kasturi.

*Paguma larvata*, Himalayan; Civet of Masked Palm Civet.

*Felis caracal*, Carracal or Siya-gush, Echl.

*Felis Chaus*.

*Felis Lynx*. Lynex or Patsalan, Phiauku.

*Felis margarita*. Sand Cat.

*Felis Bengalensis*. Leopard Cat or Chite Billi, Ban Bilar.

*Felis viverrina*. Fishing Cat or Mash Billi, Mach Bagral.

*Felis marmorata*. Marbled Cat.

*Panthera uncia*, Snow Leopard or Ounce, Barhel He, Lkar.

*Panthera pardus*, Leopard or Panther, Tendwa, Chita, Chita Bagh Suh.

*Equus hemionus*. Wild Ass or Ghor Khar, Ghuran, Kiang.

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*Muntiacus muntjak*. Barking Deer or Muntjac, Kakar, Maya.

*Axix porcinus*. Hog Deer or Para.

*Cervus elaphus* Kashmir Stag or Barasingha, Hangal, Honglu, Martes boina-Stone Marten

*Gazella gazella*, Indian Gazella or Chinkara, Kal-punch, Gora Hiran.

*Gazella subgutterosa*, Goitred or Parsian Gazella, Pharal Ghazal.

*Boselaphus tragocamelus*. Bluebull or Nilgai, Gond Bain, Ranjab Roz, Rojra.

*Capra falconeri* Jerdeni, and *C.f. chialtanensis*. Straight Horned Races of Markhor (i.e. all Markhor found to the south and west of the North Waziristan Agency) Sarah, pachin, Bazkuhi.

*Pseudois nayaur*. Blue Sheep or Bharal, Na, Sna, Maitu, Ghard Warr.

*Ovis Orientalis Punjabensis*. Punjab Urial.

*Platnista gangetica*. Riven Dolphin or sus, Susu, Sishuk, Bhulan, Sunsar.

6. All individuals of the following species, genera or families of reptiles:-

*Crocodilus palustris*. Marsh Crocodile or Muggar, Magar Mach.

*Gavialis gangeticus*, Gharial, or Soondy Muggar, Sansar.

All snakes of the genus *python*, i.e. all pythons, Azdha or Arar.

All Lizards of the genus *Voranus*, i.e. all Monitor Lizards, Goah Bari Chapkali Ram Gaddi, Suna Gaddi or Kala Gaddi.

## \*THE ISLAMABAD (UPKEEP OF CLEANLINESS) REGULATIONS, 1979

[13th June, 1979]

**No. CDA/DMA-15(86)A/79.-** In exercise of the powers conferred by section 51 of Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Authority makes the following Regulations as being expedient and necessary:—

**1. Short title, extent and commencement.-** (1) These Regulations may be called the Islamabad (Upkeep of Cleanliness) Regulations, 1979.

(2) These Regulations extend to the Municipal limits of Islamabad.

(3) These Regulations will come into force at once.

**2. Definitions.-** In these Regulations, unless there is anything repugnant in the subject or context,—

(1) “Authority” means the Capital Development Authority as defined in the Capital Development Authority Ordinance, 1960 (XXIII of 1960).

(2) “Clipping” means branches, leaves and other cuttings of trees and plants resulting from trimming and pruning of trees and plants, etc.

(3) “Debris” means sand, earth, pebble, stones, gravel, slush, iron/wooden scrap, rubbish, manure, building material, dismantled building material, goods or material of any kind.

(4) “Director” means a Director appointed in the Capital Development Authority or any such officer deputed by the Director to act on his behalf.

(5) “Parking Place” means a place earmarked or reserved for parking of auto vehicles.

(6) “Public Place” includes roads, highways, vehicular roads including their right of way bazars, streets, footpaths, pavements, lanes,

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\* Published in the Gazette of Pakistan, Part VI, Karachi, dated 4th July, 1979, at pages 117-118.



verandahs of shops, circulation verandahs of markets, parks, unoccupied lands and other places which the Authority may, by public notice, so specify.

**3. Deposit of clippings and debris, etc.-** (1) Whoever deposits or causes or permits to be deposited clippings or debris at any public place shall be punishable under these Regulations.

(2) Whoever parks a vehicle at a place other than the parking place shall be punishable under these Regulations.

**4. Removal of clippings, debris and vehicles.-** (1) The Director may, by notice in writing, require the person liable to be proceeded against under these Regulations to remove such clippings, debris or vehicle within such period as may be specified in the notice.

(2) On receipt of such notice, the person concerned shall remove the clippings, debris and/or vehicles within the specified period not exceeding seven days failing which the Authority may at the cost of such person remove the same and expenditure incurred on such removal shall be recovered as part of conservancy charges from the said person.

**5. Penalty.-** Whoever contravenes the provisions of paragraph 3 or without lawful excuse fails or refuses to comply with any direction or order issued by the Director, in addition to any other action taken in this regard under these Regulations, be punishable under section 46 of the CDA Ordinance with imprisonment which may extend to six months or with fine up to Rs. 1,000 or with both.

**6. Authority to make complaint.-** The Director is authorised under section 47 of the CDA Ordinance to make complaints of the offences committed under these Regulations to the Court.

**7. Appeal.-** (1) Any person aggrieved by an Order passed by the Director under the provisions of these Regulations may appeal to the Authority within seven days of date of orders.

(2) The appeal shall be addressed to the Secretary, Capital Development Authority stating briefly the facts giving rise to the appeal.

(3) The Authority may pass such order thereon as it may deem fit.

(4) Order of the Authority passed on any such appeal shall be final.

**SH. MOHAMMAD KHALID**  
Secretary, C.D.A., Islamabad.

## \*THE ISLAMABAD CAPITAL TERRITORY (ADMINISTRATION) ORDER, 1980

PRESIDENT'S ORDER No. 18 OF 1980

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

**1. Short title and commencement.**- (1) This Order may be called the Islamabad Capital Territory (Administration) Order, 1980.

(2) It shall come into force on the first day of January, 1981.

**2. Exercise of executive authority of the Federation.**- The executive authority of the Federation in respect of the Islamabad Capital Territory shall be exercised by the President, either directly or, to such extent as he thinks fit, through <sup>1</sup>[a Chief Commissioner] to be appointed by him <sup>2</sup>[:]

<sup>3</sup>[Provided that the President may, at any time, by order in writing,—

- (a) direct that the executive authority of the Federation in respect of Islamabad Capital Territory in so far as it relates to any matter specified in the order shall, subject to such conditions and limitations as may be specified therein, be exercised by such authority established by or under any law as may be so specified; and

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 31st December, 1980, at page 560.

<sup>1</sup> Substituted for "an Administrator" by President's Order No. 2 of 1990

<sup>2</sup> Subs. for full-stop by President's Order No. 2 of 1987.

<sup>3</sup> Proviso added by President's Order No. 2 of 1987.

- (b) transfer the services of any person or class of persons employed in the Islamabad Capital Territory in connection with the matters aforesaid to the authority specified in the order under paragraph (a)].

### COMMENTS

#### Synopsis

1. Executive authority of President.
2. Jurisdiction of Chief Commissioner/Administrator of Islamabad.
3. Land Acquisition.

**1. Executive authority of President.** Section 2 of the Islamabad Capital Territory (Administration) Order, 1980 provides that the executive authority of the Federation in respect of Islamabad Capital Territory shall be exercised by the President, so by virtue of this Article Islamabad is to be considered as territory of Federal Government and therefore, entitled to the same concession as prevailing in KPK. In fact by virtue of the above said Order of 1980, it can be said that the Islamabad Capital Territory is an entity which is not part of Province of Punjab and the only difference is that the executive authority exists in the President, but no such inference can be drawn that Islamabad Capital Territory is the only Territory belonging to the Federal Government [2012 YLR 1529].

**2. Jurisdiction of Chief Commissioner/Administrator of Islamabad.** Accused was a political leader and was arrested under sections 124-A, 131, 468, 469, 471, 500, 500-A, and 109, P.P.C. On the appearance of the accused in the Trial Court, law and order situation had been created by unruly supporters of the accused. Chief Commissioner/Administrator of Islamabad directed trial of the accused in jail and the order of the authorities was supplemented by Trial Court. Plea raised by the accused was that Chief Commissioner could not direct trial of the accused in jail as the jurisdiction under section 9(2), Cr.P.C. could only be exercised by Provincial Government. Validity. Chief Commissioner/Administrator of Islamabad was empowered under Article 2 of Islamabad Capital Territory (Administration) Order, 1980, to exercise all the powers and duties conferred or imposed on Provincial Government under any law for the time being in force in Islamabad Capital Territory. Chief Commissioner/Administrator of Islamabad was a Provincial Government and under section 9(2), Cr.P.C. was empowered to direct holding of trial of a case in jail premises. District Magistrate, Home Department or Home Secretary for reasons of security or law and order situation or for any other valid reasons, might conduct the inquiry and place the matter before Trial Court which alone was competent to determine as to whether the trial should be held in open Court or in jail premises and the Provincial Government in suitable cases could pass an order for trial of a case at a particular place if the reasons were bona fide. Order of Chief Commissioner/Administrator of Islamabad directing jail trial was supplemented by the order of Trial Court itself. Trial Court disapproved the situation and was of the opinion that normal trial in Court-room would not be conducive to open trial and could not be held in a peaceful atmosphere. Petition was dismissed in circumstances [2004 PCrLJ 1089].

**3. Land Acquisition.** Resumption of acquired land from company in event of its non-utilization for restoring the same to previous owners. Initiation of such proceedings under Rule 15 of Punjab

Land Acquisition Rules, 1983 in respect of land within Islamabad Capital Territory. Scope. Notification No. 1/4/LXO/82, dated 19.1.1982 issued under Article 2 of Islamabad Capital Territory (Administration) Order, 1980 does not make applicable Punjab Land Acquisition Act, 1886 in its entirety in Islamabad Capital Territory. Punjab Land Acquisition Act, 1886, and Punjab Land Acquisition Rules, 1983 are not applicable to Islamabad Capital Territory, which is given distinct Constitutional status and is a separate area from the Province of the Punjab. Land Acquisition Act, 1894 is not a law applicable for purpose of acquisition within Islamabad Capital Territory. Compulsory acquisition of land within Islamabad Capital Territory is effected under Capital Development Authority Ordinance, 1960 and Land Acquisition Regulation 1961. General Standing Order No. 28 issued under Land Acquisition Act, 1894 is not applicable in Islamabad Capital Territory premise for initiating proceeding under Punjab Land Acquisition Rules, 1983 by Chief Commissioner, Islamabad was not legally available [2004 CLC 145].

**3. Certain persons to continue to serve in Islamabad Capital Territory.-** Such persons serving under the Government of the Punjab in, or in connection with the affairs of, the Islamabad Capital Territory immediately before the commencement of this Order as may be determined by the Federal Government shall, notwithstanding anything contained in any law or in the terms of their appointment or their conditions of service, continue to serve in, or in connection with the affairs of, the said Territory, until further orders.

## **\*THE CAPITAL DEVELOPMENT AUTHORITY (IMPOSITION OF TAXES) RULES, 1981**

[28<sup>th</sup> January, 1982]

**S.R.O. 95(I)/82.-** In exercise of the powers conferred by section 50 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), read with section 15A thereof, the Federal Government is pleased to make the following rules, namely:—

**1. Short title and commencement.-** (1) These rules may be called the Capital Development Authority (Imposition of Taxes) Rules, 1981.

(2) They shall come into force at once.

**2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context,—

<sup>1</sup>[(a) “Authority” means the Capital Development Authority established under the Ordinance;

(b) “Ordinance” means the Capital Development Authority Ordinance, 1960 (XXIII of 1960);

(c) “Proposal” means a proposal made by the Authority for the imposition, abolition or suspension of tax, or increase or reduction in the rates of tax;

(d) “Secretary” means the Secretary of the Authority; and

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 1<sup>st</sup> February, 1982, at pages 136-138.

<sup>1</sup> Substituted by S.R.O. 2 (KE)/2001 dated 12<sup>th</sup> October, 2000, and published in the Gazette of Pakistan, Extraordinary, Part II, Karachi, dated 15th January, 2001, at page 1.

- (e) "Tax" includes any toll, rate, fee or other impost leviable under the Ordinance.]

**3. Publication of preliminary proposal.-** (1) Every proposal shall be issued through public notice by the Secretary.

(2) Every notice under sub-rule (1) shall specify therein—

- (a) the main features of the proposal;
- (b) the class of persons or description of property or both, likely to be affected thereby;
- (c) the amount or rate of tax to be imposed increased or reduced;
- (d) any exemptions proposed to be made; and
- (e) any other particulars considered necessary for the information of the public.

(3) The Secretary shall, along with the proposal under sub-rule (1), publish a taxation programme specifying therein —

- (a) the date, not being less than thirty days from the publication of the notice, by which objections or suggestions in respect of the proposal may be made;
- (b) the date or dates fixed for the hearing of objections and suggestions received under clause (a);
- (c) the date by which the sub-committee appointed under sub-rule (2) of rule 4 shall submit its report to the Authority,
- (d) the date of the special meeting of the Authority in which the report of the sub-committee shall be considered; and
- (e) the date by which the final proposal shall be sent to the Federal Government for sanction.

**4. Hearing of objections and suggestions in respect of the proposals.-** (1) The objections and suggestions received in respect of any proposal shall be entered in a register to be maintained for the purpose.

***The Capital Development Authority (Imposition of Taxes) Rules, 1981 291***

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(2) The Authority shall appoint a sub-committee consisting of the Secretary and such other members as it may deem necessary to examine the objections and suggestions.

(3) On the date or dates fixed for the hearing of objections and suggestions, the sub-committee shall hear the same in public and shall afford all possible facilities to the persons wishing to present their cases.

(4) The sub-committee shall, on the close of the hearing of objections and suggestions, draw up and submit to the Authority, by the date specified for the purpose in the taxation programme, a detailed report which shall disclose –

- (a) the salient features of the preliminary proposals;
- (b) the date of issue of the public notice issued under sub-rule (1) of rule 3;
- (c) the last date for the receipt of objections and suggestions;
- (d) the number and nature of objections and suggestions received within the specified period;
- (e) the manner in which the objections and suggestions were heard;
- (f) the findings of the sub-committee in respect of each objection and suggestion heard by it;
- (g) the recommendations of the sub-committee with regard to the proposal (and whether such recommendations are in accordance with the model Tax Schedule); and
- (h) the financial implications involved in such recommendations.

**5. Finalisation of the proposals.-** (1) The Authority shall consider the report of the sub-committee and, for reasons to be recorded therein, shall –

- (a) approve the proposal with or without modifications; or
- (b) drop the proposal.

**3. Presentation of bills for taxes.** (1) When an amount of tax has become due, the Director, with the least practicable delay, shall cause to be presented to the person liable to payment thereof a bill for the sum claimed as due.

(2) Every such bill shall specify therein--

- (a) the period for which and the property, occupation or thing in respect of which the sum is claimed;
- (b) the liability to be incurred in the event of default; and
- (c) the time within which and the authority to whom an appeal may be preferred against such claim.

**4. Notice of demand.**- (1) If the sum for which any bill has been presented under rule 3 is not paid within fifteen days from the presentation thereof, the Director may cause to be served upon the defaulter a notice of demand.

(2) For every notice of demand a charge of one rupee shall be levied to cover the cost of the notice and its service and such charge shall be included in the tax to be recovered from the defaulter.

**5. Arrears to be recovered as arrears of land revenue.**- (1) If the defaulter does not pay within fifteen days of the service of the notice of demand the amount specified therein, it shall be recoverable as arrears of land revenue.

(2) The warrant issued for recovery under sub-rule (1) shall be signed by the competent authority.

(3) For every warrant issued under this rule, a sum of five rupees shall be charged and this amount shall be included in the cost of recovery.

**6. Appeal.**- (1) Any person aggrieved by an order passed by the Director under rule 5 may appeal, on the prescribed form obtainable from Habib Bank, CDA Branch, Islamabad, on payment of Five rupee to the Chairman within thirty days of the receipt of such order.

(2) The Chairman may reject the appeal or pass such order as he may deem fit.

(3) The orders of the Chairman passed on any appeal shall be final.



**FORM I**

**Notice of Demand**

To,

\_\_\_\_\_  
\_\_\_\_\_

Whereas, a sum of Rs. \_\_\_\_\_ is due from you on account of the charges specified in the Schedule thereunder:

And, whereas, a bill for the said amount was served on you, vide bill No. \_\_\_\_\_ dated \_\_\_\_\_

And, whereas, the amount has not been paid within the period specified in the bill referred to above;

Now, therefore, please take notice that if the aforesaid amount is not paid at the Directorate of Municipal Administration, Capital Development Authority within fifteen days of the service of this notice, or sufficient cause for non-payment is not shown within this period to the satisfaction of the Director, the amount due shall be recovered under warrant by distress and sale of your movable property or by attachment and sale of the immovable property belonging to you.

Director Municipal Administration.

Dated the \_\_\_\_\_

**SCHEDULE**

Here give the details about the amount due.

**FORM II**

**Warrant for the Recovery of Tax**

To,

\_\_\_\_\_  
\_\_\_\_\_

Here insert the name, and designation of the Officer charged with execution of the warrant.

Whereas, a sum of Rs. \_\_\_\_\_ details whereof are given in the Schedule, hereunder, is due from \_\_\_\_\_

And, whereas, the said amount has not been paid on the presentation of the bill, and the service of the notice of demand under the Capital Development Authority (Recovery of Taxes) Rules, 1981.

Now, therefore, I \_\_\_\_\_ Director Municipal Administration, Capital Development Authority, in exercise of the powers conferred on me by rule 5 of the Capital Development Authority (Recovery of Taxes) Rules, 1981, hereby direct you

- (i) to distrain the movable property of \_\_\_\_\_ to the amount of \_\_\_\_\_
- (ii) to attach the immovable property of \_\_\_\_\_ to satisfy the demand of \_\_\_\_\_

In accordance with the provisions of the Capital Development Authority (Recovery of Taxes) Rules, 1981.

Director Municipal Administration

### SCHEDULE

Here give the details of the amounts due.

### FORM III

To,

\_\_\_\_\_  
\_\_\_\_\_

Here insert the name and address of the person from whose possession goods and other movable property have been seized.

Whereas in pursuance of the warrant, dated \_\_\_\_\_ issued by the Director Municipal Administration, Capital Development Authority \_\_\_\_\_ I \_\_\_\_\_ was directed to distrain the movable property of \_\_\_\_\_ to satisfy the demand of the Capital Development Authority \_\_\_\_\_ for an amount of \_\_\_\_\_.

Now, therefore, please take notice that I have seized the movable property specified in the inventory hereunder, and that unless within \_\_\_\_\_ days / hours from the date/time of this notice you pay at the Directorate Municipal Administration Capital Development Authority an amount of \_\_\_\_\_ the said movable property will be sold in accordance with the provisions of the Capital Development Authority (Recovery of Taxes) Rules, 1981.

***The Capital Development Authority (Recovery of Taxes) Rules, 1981 297***

(Here insert the name and designation of the officer charged with the execution of the warrant).

Date and time

**INVENTORY**

Here give the details about the goods seized,  
alongwith the names of two witnesses.

**FORM IV**

To,

\_\_\_\_\_  
\_\_\_\_\_

Here insert the name of the defaulter.

Whereas you have failed to satisfy the demand of the Authority amounting to Rs. \_\_\_\_\_ and

Whereas, I \_\_\_\_\_ Director Municipal Administration Capital Development Authority have issued a warrant under the Capital Development Authority (Recovery of Taxes) Rules, 1981 for the attachment of your immovable property for the satisfaction of the aforesaid demand.

Now, therefore, in pursuance of the provision of rule, 8(3) of the Capital Development Authority (Recovery of Taxes) Rules, 1981 it is hereby ordered that you the said \_\_\_\_\_ be and you are hereby prohibited and restrained until further orders, from transferring or charging the property specified in the Schedule hereto annexed, by sale, gift, exchange, mortgage or otherwise, and that all persons be, and they are hereby prohibited from receiving the same by purchase, gift, exchange, mortgage, or otherwise.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_.

Director Municipal Administration.

**Schedule of Property****FORM V****Certificate of the Sale of Immovable Property**

This is to certify that \_\_\_\_\_ has been declared the purchaser of the property mentioned below at a sale of public auction held on \_\_\_\_\_ and accounted by \_\_\_\_\_ for the realization of Rs. \_\_\_\_\_ on account of \_\_\_\_\_ that the said sale has become absolute under the provisions of the Capital Development Authority (Recovery of Taxes) Rules, 1981.

Given under my hand this day \_\_\_\_\_ of \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

Director Municipal Administration

## **\*THE ISLAMABAD CAPITAL TERRITORY EDUCATION CESS RULES, 1981**

No.4/4/81-AFT, dated the 28th February, 1981. In exercise of the powers conferred by Section 6 of the Workers' Children (Education) Ordinance, 1972 (Ordinance No. XI of 1972), in its application to the Islamabad Capital Territory, the Administrator Islamabad Capital Territory is pleased to make the following rules, namely:—

1. (1) These rules may be called the Islamabad Capital Territory Education Cess Rules, 1981.

<sup>1</sup>[\* \* \* \* \*]

(3) They shall extend to the whole of the Islamabad Capital Territory

2. (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

- (a) "Cess" means the cess payable under sub-section (1) of section 3 of the Ordinance;
- (b) "Director, Excise and Taxation" means the Director, Excise and Taxation of Islamabad Capital Territory;
- (c) "District Excise and Taxation Officer" means the Excise and Taxation Officer of Islamabad Capital Territory;
- (d) "Form" means a form appended to these rules, and includes a statement or communication on plain paper containing

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\* Published in the Gazette of Pakistan, Extraordinary, Part III, dated 1st March, 1981, at pages 84-94.

<sup>1</sup> Sub-rule (2) of rule 1, deleted by S.R.O. 225 (I)/83, dated 28<sup>th</sup> Feb., 1983.

roughly the same particulars as are specified in the corresponding form;

- (e) "Ordinance" means the Workers' Children (Education) Ordinance, 1972 (Ordinance No. XI of 1972);
- (f) "return" means a return to be prepared and delivered under sub-section (2) of section 3 of the Ordinance;
- (g) "Treasury" means a Treasury or a branch of a bank in Islamabad Capital Territory authorised to receive payment on behalf of the Government; and
- (h) "year" means the year commencing from 1st day of July and ending of the next following 30th day of June.

(2) All expressions used but not defined in these rules shall bear the meanings as they shall bear in the Workers' Children (Education) Ordinance, 1972.

3. (1) The return shall be submitted in form EC-I <sup>1</sup>[to the District Excise and Taxation Officer] by the every employer of an establishment if the number of workers employed by him at any time during the quarter to which the return relates, is 20 or more:

Provided that if any establishment is under the control of such an employer as controls any such other establishment in Islamabad Capital Territory, the number of workers for the purpose of this rule shall be the aggregate number of all the establishments under his control in Islamabad Capital Territory and the same shall be included in the return.

(2) The return shall be submitted within <sup>2</sup>[three months] of the close of each quarter of the year and shall be accompanied by a treasury receipt of a cheque drawn on a scheduled bank representing payment of the cess worked out at the rate of Rs. 25 per quarter per worker shown in the return.

*Explanation.*— The number of workers for the purpose of section 3 of the Ordinance, or for the assessment of the cess shall be the highest number of those workers employed in the ordinary course for the purposes of an establishment by the employer concerned on any day during the quarter for which the return is

<sup>1</sup> Added by S.R.O. 225 (I)/83, dated 28th Feb., 1983.

<sup>2</sup> Subs. for "one month" by S.R.O. 225 (I)/83, dated 28<sup>th</sup> Feb., 1983.

submitted or for which the cess is assessed. For determining such number, the District Excise and Taxation Officer may take into account the number or particulars reported, adopted or acted upon for the purposes of any other labour laws.

4. If any employer fails or neglects to submit the return within the time prescribed under rule (3), the District Excise and Taxation Officer shall serve on him a notice in form EC-II requiring him to submit a return within such period as may be specified.

5. (1) If, in the opinion of the District Excise and Taxation Officer, the return submitted by an employer is not correct, or is not complete, or no such return has been furnished by the employer, he shall, after giving such an employer an opportunity of being heard proceed to determine the requisite particulars for the assessment of cess payable. The District Excise and Taxation Officer may at his discretion make such assessment jointly for one or more quarterly period or for a full year.

(2) In case the District Excise and Taxation Officer determines the amount of cess at a figure different from that mentioned to the employer in the return submitted by him or the amount of cess is based on the particulars determined under sub-rule (1), he shall briefly state in the order of assessment the reasons therefor.

(3) If at any time within two years following the assessment of the cess, it is found that the number of workers under the control of an employer had been larger than that on which the cess was hitherto based, the District Excise and Taxation Officer may revise and enhance the amount of cess payable by such employer and determine the additional cess payable; provided that no such enhancement shall be made without affording the employer an opportunity of being heard.

6. (1) Cess for the year may be assessed, demanded or recovered either in a lump sum for a year, or on quarterly or six-monthly basis as may be considered reasonable by the District Excise and Taxation Officer.

(2) Every employer liable to pay the cess shall, unless he has already paid the amount due, on receipt of a notice in form EC-II from the District Excise and Taxation Officer or on demand by an Officer authorised in that behalf, pay it in such manner and within such time as may be specified in such notice provided that no person shall be required to pay the cess within a period of less than 15 days from the date of service of the notice or the making of the demand.

(3) The demand notice under sub-rule (2) shall be accompanied by a treasury challan for payment.

7. (1) If any sum due on account of cess is not paid within the period allowed for such payment, it will be recovered as arrears of land revenue.

(2) For the purpose of recovery under sub-rule (1), the District Excise and Taxation Officer shall have the powers of an Assistant Collector Grade I and the Director Excise and Taxation those of the Collector under the West Pakistan Land Revenue Act, 1967.

<sup>1</sup>[ ]

<sup>2</sup>8. (1) The District Excise & Taxation Officer shall cause to be drawn up a register of persons likely to be liable to pay the cess and shall have the power to call upon the concerned officer of the Labour or the Industries Department or of any other public authority to furnish him the lists and particulars of any establishment in his jurisdiction.

(2) The District Excise & Taxation Officer may at his discretion arrange for such other inquiries or survey as he consider necessary to complete the register prescribed under sub-rule (1).

(3) The Officer or public authority referred to in sub-rule (1) shall be bound to comply with such requisition as far as practicable.]

9. (1) Where an employer liable to pay the cess controls within the Islamabad Capital Territory more than one establishment (hereinafter referred to in this rule as branches), he shall nominate one such branch as the head office for the purposes of these rules.

(2) The employer shall intimate the nomination under sub-rule (1) to the District Excise and Taxation Officer within the first two months of the first quarter during which the Unit functions.

(3) In case the employer fails to nominate one of the branches to be the head office, the ETO may nominate one of such branches to be the head office.

(4) The return shall be submitted in respect of all the branches jointly by the head office to the District Excise and Taxation Officer:

<sup>1</sup> Sub-rule(3) omitted by S.R.O. 1049(I)/83, dated 15.11.1983.

<sup>2</sup> Added *ibid*.



Provided that where default is made in furnishing the return the District Excise and Taxation Officer may require each branch as well as the head office to submit its returns.

(5) The number of workers for the purpose of the cess shall be the aggregate workers of all the branches.

(6) The person incharge of each branch shall, on demand by the District Excise and Taxation Officer, furnish the name and address of the head office and intimate whether or not the return in respect of the branch has been despatched to such head office.

10. (1) Any officer of the Excise and Taxation Department (not below the rank of Inspector) having reasons to believe that an employer is likely to be liable to pay the cess may require him to produce books of accounts or other documents necessary for determining the number of workers employed by him or to furnish any other information connected therewith.

(2) The officer mentioned under sub-rule (1) may enter the premises of an employer during working hours and may seize documents, accounts books and other necessary material relevant to the inquiry.

11. Subject to the provisions of the Ordinance and these rules. The District Excise and Taxation Officer shall have the powers:—

- (a) to determine whether or not an employer is liable to pay the cess;
- (b) to assess or determine the total number of workers employed by the employer for the purpose of the Ordinance;
- (c) to assess and demand the cess;
- (d) to determine all the questions whether the cess is recoverable, the person from whom it is recoverable and the amount so recoverable; or
- (e) to take any other measure incidental to the assessment or collection of the cess.

12. (1) Any person aggrieved by an order of the District Excise and Taxation Officer made under these rules, may refer an appeal against it to the Director Excise and Taxation within 30 days of the communication of the order to him.

(2) An appeal under sub-rule (1) shall be preferred by means of a memo which shall be stamped as laid down under Article 11(a) of Schedule II to the Court Fees Act, 1870 (Act VII of 1870) and shall be accompanied by a certified copy of the order appealed against.

(3) No order shall be made or decision taken under sub-rule (1) unless the person concerned has been given an opportunity of being heard.

13. The authority making an order may, by review, correct a clerical or arithmetical error or any erroneous insertion or misdescription apparent on the face of record.

14. The Director Excise and Taxation may, on an application made to him in this behalf by an aggrieved person, by an order in writing stating reasons therefor, direct the refund or adjustment of any tax wrongly collected.

15. Director-General Excise and Taxation or any other Officer appointed by the Administrator, Islamabad Capital Territory in this behalf, *suo-motu* or on application made within a period of one year from the date of taking of any proceedings or passing of any order by a District Excise and Taxation Officer or Director Excise and Taxation call for and examine the record of proceedings or the order for the purposes of satisfying himself as to the legality or propriety of the same and may make such order as he may consider fit.

*By order of the Administrator, Islamabad Capital Territory.*

**FORM EC-I**

*(See Rule 3)*

1. Name and description of the employer.
2. Postal address of the employer
3. Category of the establishment.
4. Quarter to which the return relates.
5. The number of workers in each establishment, during the aforesaid quarter if there are more than one establishment.
6. Total number of workers employed during the quarter.
7. Amount of cess payable and reference of payment.
8. I hereby solemnly declare:
  - (i) that the number of workers employed during the preceding quarter under reference has been correctly stated;

- (ii) that no information required for the assessment of cess payable by me under the Workers Children (Education) Ordinance, 1972, has been wilfully suppressed; and
- (iii) that all the particulars given above are correct to the best of my knowledge and belief.

Signature of the employer

Dated \_\_\_\_\_

To,

The District Excise and Taxation Officer \_\_\_\_\_ District.

**FORM EC-II**

*(See Rule 4)*

**OFFICE OF THE EXCISE AND TAXATION OFFICER \_\_\_\_\_ DISTRICT**

No. \_\_\_\_\_

Dated \_\_\_\_\_

**NOTICE**

To

\_\_\_\_\_  
\_\_\_\_\_

WHEREAS from information received there are reasons to believe that you are an employer liable to pay the cess under section 3 of the Worker's Children (Education) Ordinance, 1972.

AND WHEREAS you have not voluntarily submitted the return in form EC-I

NOW, THEREFORE, you are hereby called upon to submit the return covering the following period within 15 days of the receipt of this notice ("A" blank copy of the said return is enclosed for your convenience).

2. Please note that in case you fail to submit the return as required, I shall proceed to determine the amount of cess payable by you.

Excise and Taxation Officer

**THE ISLAMABAD CAPITAL  
TERRITORY WORKERS CHILDREN  
EDUCATION CESS (UTILIZATION)  
RULES, 1981**

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**\*THE ISLAMABAD CAPITAL TERRITORY  
WORKERS CHILDREN EDUCATION CESS  
(UTILIZATION) RULES, 1981**

**No. 4(4)-Admn/81-AFT, dated the 4th March, 1981.-** In exercise of the powers conferred by section 6 of the Workers Children (Education) Ordinance, 1972 (XI of 1972) the Administrator, Islamabad Capital Territory is pleased to make the following Rules:—

**1. Short title and commencement.-** (1) These Rules may be called the Islamabad Capital Territory Workers Children Education Cess (Utilization) Rules, 1981.

(2) These shall come into force at once.

(3) These shall apply to the whole of Islamabad Capital Territory.

**2. Definitions.-** (1) In these Rules unless there is anything repugnant in the subject or context—

(a) “Administrator” means the Administrator, Islamabad Capital Territory;

(b) “Chairman” means the Chairman of the District Committee of Management;

(c) “Committee” means the District Committee of Management constituted under these Rules;

(d) “Education” means and includes all types of education, whether general, vocational, technical or professional in a recognized school, college, university or other institution, provided by awarding a scholarship or stipend or other facilities such as text books, stationery, fees and funds payable to the institution or hostel and combination of more than one of these facilities and any other facility which the Islamabad Capital Territory may deem necessary for the purpose;

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\* Published in the Gazette of Pakistan, Extraordinary, Part III, dated 5th March, 1981, at pages 102-107.

- (e) "Member" means a Member of the Committee;
- (f) "Non-official member" means a Member other than an official Member;
- (g) "Official Member" means a Member who is in service of Government;
- (h) "Ordinance" means Workers' Children (Education) Ordinance, 1972;
- (i) "Scholarship" means and includes any financial aid to be given on monthly basis to a student-child of the worker for such period as the Committee may deem fit;
- (j) "Stipend" includes any assistance and facility in the shape of cash or text books, stationery etc. to be given to a student-child of the worker or payment of fees and dues payable by him to the institution or hostel in which he is studying or putting up.

(2) All expressions used but not defined in these rules shall have the meanings respectively assigned to them by Workers Children (Education) Ordinance, 1972.

**3. The Committee shall comprise.—**

- (a) A Chairman, who shall be the Assistant Commissioner of Islamabad Capital Territory District;
- (b) Members, who shall be—
  - (i) A representative of the Ministry of Education;
  - (ii) Excise and Taxation Officer of the District;
  - (iii) Assistant Director/Deputy Director, Labour Welfare (Education), as Member Secretary to be nominated by the Regional Director of Labour Welfare;
  - (iv) Not more than three representatives from workers; and

**The ICT Workers Children Education Cess (Utilization) Rules, 1981 309**

- (v) Not more than three representatives from employers:

Provided that the representative from the workers and employers shall be nominated by the Administrator.

**4. Tenure of Office of Members.-** (1) A non-official member shall hold office for a period of one year from the date of Notification appointing him a member and shall be eligible for re-nomination:

Provided that an outgoing member may continue in office until the appointment of his successor is notified:

Provided further that no act or proceedings of the Committee shall be invalid by reason only of existence of vacancy or defect in the constitution of the Committee.

(2) A person appointed as Member to fill a casual vacancy shall hold office for the unexpired period of his predecessor

(3) A member may by writing in his own hand addressed to the concerned Chairman, resign his office or he may be removed by the Government if he is convicted of any offence which in the opinion of the Government involves moral turpitude or if he has been absent for three consecutive meetings without leave of absence obtained from the concerned Chairman.

**5. Meetings.-** (1) The meeting of the Committee as the case may be shall be held at least once in every three months.

(2) The meeting may be convened by the Chairman concerned whenever considered necessary.

(3) The quorum for the meeting of the Committee, shall be its Chairman and three members of the Committee; provided that at least one member from workers is present.

(4) Decisions by the Committee shall be taken by the majority votes of the Committee. In case of a tie the Chairman shall have a second or a casting vote.

(5) The minutes of the meeting shall be recorded in a Minute Book to be kept by the Committee and shall be signed by the Chairman and shall be circulated amongst the members present in Pakistan.

**6. Disposal of Business.-** (1) Every question which the Committee is required to take into consideration shall be considered at a meeting.

(2) A resolution relating to a matter not on the agenda may be moved by any member with the permission of the Chairman concerned; and if the resolution is seconded, it shall be discussed in the meeting of the Committee.

(3) The Committee may refer any particular matter to a Sub-Committee for consideration and report and may also appoint a technical expert/adviser to assist the sub-committee. The quorum for the meeting of the Sub-Committee shall be half of the member of such sub-committee.

(4) The Chairman shall place the findings of the sub-committee and the opinion expressed by the adviser before the Committee for decision.

**7. Allowance for attending the meeting.-** A non-official member, an adviser or any other person specially invited by the Committee or the sub-Committee shall be entitled to the following allowances:—

(a) **Travelling Allowance.-** A non-official member will be allowed the actual fare by rail or road, in a public transport paid by him for the journeys to and from his place of residence;

(b) **Daily Allowance.-** (i) Daily allowance at the rate of Rs. 35 will be paid for actual day of the meeting provided that no daily allowance shall be admissible to the non-official member, adviser or other invitees, residing at the place of the meeting. Such a member would, however, be entitled to actual taxi charges from his residence to the place of the meeting and back or a conveyance allowance at Rs. 1.30 per mile in case he uses his own car for the journey;

(ii) The travelling and daily allowance shall be sanctioned by the Chairman and will be met out of the funds of Workers Children Education Cess.

**8. Utilization of Funds.-** (1) The annual collection of Education Cess shall be utilized for providing educational facilities to workers' children and improvement of schools located in or attached to the industrial undertakings and on administration of the District Committees. The total amount of the Cess



***The ICT Workers Children Education Cess (Utilization) Rules, 1981 311***

excluding the expenditure on the administration of the District Committees may be utilised in the following manner:—

- (i) 25 per cent of the amount on the improvement of schools by providing teaching aids, equipment, furniture and other things ancillary thereto, to the schools, located in the industrial areas or attached to the industrial undertakings;
- (ii) 25 per cent of the amount for providing educational facilities to the workers children up to Matriculation; and
- (iii) the remaining 50 per cent of the amount shall be utilized for financial help to the workers' children for postmatriculation studies preferably in the field of technical and professional education.

(2) The Committee shall obtain on quarterly basis information from each industry or establishment paying Education Cess in respect of the number of workers covered cess collected and the number of Workers' Children to be benefitted and shall maintain such record up-to-date. It shall ensure that industry or establishment the workers of which are being benefitted, paying the Education Cess.

(3) Application for nomination of one child to receive education under these rules shall be received by the Committee through the employer twice a year, *i.e.* in the month of April and the September, in Form E-1, appended to these Rules, from every workers employed in the Establishment, liable to pay Cess and located within the District.

(4) The Committee shall decide as to facilities and financial assistance in connection with education be given to the workers' child.

(5) The decision of the Committee under sub-rule (4) shall be communicated forthwith to the worker concerned, his employer, and the institution where the child concerned is getting education.

(6) The amount of Scholarship or stipend or other facilities shall be provided to the child concerned through the head of his educational institution who will submit such quarterly reports as may be desired by the Committee.

(7) The Committee may decide to withdraw a facility and financial assistance or stop payment of stipend or scholarship on expiry of an academic

year or on completion of a course, or in case the worker concerned is dismissed, terminated or retrenched, or the student concerned fails in a class in two successive attempts.

(8) A worker aggrieved by the decision of the Committee may prefer a review petition to the Committee within 30 days of the communication thereof and the committee shall decide the matter afresh.

**9. Maintenance of Account.-** The Committee shall maintain proper accounts of the funds at their disposal, and the funds will be audited in the same manner as the accounts of a Government office are audited.

**10. Withdrawals.-** (1) The Administrator, Islamabad Capital Territory will be the Drawing and Disbursing Officer for the funds of the Cess; provided that he may nominate any other officer as Drawing and Disbursing Officer on his behalf.

(2) The Committee shall place its demands for the next financial year with the Administrator by the 1st of March every year. In addition to other items of expenditure, the budget estimates statement must contain information regarding the amount of estimated expenditure on various items mentioned in Rule 8 (1).

(3) The Administrator will scrutinize and revise, if need be, the said demands and shall allocate funds to the Committee for utilization.

(4) The funds allocated by the Administrator to the Committee shall be placed in the Personal Ledger Account in the name of the Chairman of the Committee.

(5) The Chairman of the Committee will be the Disbursing Officer of the funds placed at his disposal by the Administrator; provided that he may delegate his powers of withdrawal to a member of the Committee, who shall exercise such powers of withdrawal in such manner and subject to such conditions as are prescribed by the Chairman of the Committee.

(6) The Committee shall be, the 10th of each month, submit to the Administrator a monthly return relating to the preceding month showing the amount of allocation in hand at the beginning of the month, the amount of further allocation, if any, received and the disbursement made during the month.

**11. Miscellaneous.-** (1) The Administrator shall have powers to call for any information from or to give directions to the Committee.

**The ICT Workers Children Education Cess (Utilization) Rules, 1981 313**

(2) The Committee shall furnish to the Administrator quarterly as well as annual reports giving the following information:—

- (i) Number of workers' children provided with educational facilities during the period under report;
- (ii) Types of facilities provided; and
- (iii) The amount spend on each of such facilities during the period under report.

**12. Accounting Procedure.-** The Excise and Taxation Department which collects Workers' Children Education Cess, shall:—

- (i) Credit 2% of the Cess to Head <sup>1</sup>[1390—Collection fee on account of Education Cess]
- (ii) Credit the remaining 98% of the proceeds under the Head <sup>2</sup>[3836- Workers Children Fund].

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<sup>1</sup> Subs. for "0293—Education Cess" by Notfn. No. 4/4/Admn/81—A FT. dated 1.4.1981.

<sup>2</sup> Subs. by S.R.O. 1048(I)/83, dated 13.11.1983.

**FORM E-I***[see Rule 8 (3)]*

I, Mr. \_\_\_\_\_ resident of \_\_\_\_\_ employed as \_\_\_\_\_ in \_\_\_\_\_ hereby nominate Mr./Miss \_\_\_\_\_ who is my son/daughter as my nominee for the grant of facilities of Free Education under the Workers Children (Education) Ordinance, 1972, and the Rules made thereunder.

1. Name of the Nominee \_\_\_\_\_
2. Date of birth of the Nominee \_\_\_\_\_
3. Class in which the Nominee is studying \_\_\_\_\_
4. Name of the School/Institution in which the nominee is studying \_\_\_\_\_

I certify that the above particulars are true to the best of my knowledge and belief. I further certify that I have not nominated any other son/daughter previously. Four attested photographs of the nominee are attached herewith.

*Signature of the Applicant*

Dated \_\_\_\_\_

**VERIFICATION BY THE HEAD OF INSTITUTION**

Verified that \_\_\_\_\_ son of \_\_\_\_\_ is a bona fide student of class \_\_\_\_\_ of this School/ College / University / Institution.

*Signature of the Head of the Institution*

Dated \_\_\_\_\_

Seal

**VERIFICATION BY THE EMPLOYER**

It is verified that the applicant is employed in this establishment for the last \_\_\_\_\_ months / years. It is also certified that the Worker is not already enjoying the facility under Workers' Children (Education) Ordinance, 1972 and that this establishment has not previously verified any nomination paper of this worker.

*Signature of Proprietor / Manager  
of the establishment**By Order of the Administrator, Islamabad Capital Territory*

**\*THE ISLAMABAD CAPITAL  
TERRITORY PROHIBITION  
(ENFORCEMENT OF HADD) RULES, 1981**

[29<sup>th</sup> January, 1981]

**No. 4/4/81-AFT.-** In exercise of the powers conferred by Articles 21 and 31 of the Prohibition (Enforcement of Hadd) Order, 1979 (President's Order No. 4 of 1979), read with Article 2 of Islamabad Capital Territory (Administration) Order, 1980 (P.O. No. 18 of 1980), the Administrator, Islamabad Capital Territory is pleased to make the following rules, namely:—

1. (a) These rules may be called the Islamabad Capital Territory Prohibition (Enforcement of Hadd) Rules, 1981.

(b) They shall come into force with effect from 1st day of January 1981.

2. In these rules, unless the context otherwise requires:—

(a) "Order" means the Prohibition (Enforcement of Hadd) Order, 1979 (President's Order No. 4 of 1979);

(b) "Government" means Administrator of Islamabad Capital Territory;

(c) "authorised medical Officer" means any person registered as a medical practitioner under the law for the time being in force and in the employment of Federal or Provincial Government or public Authority or any other corporation set up by the Government;

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\* Published in the Gazette of Pakistan, Extraordinary, Part III, dated 29th January, 1981, at pages 60-65.

- (d) "licence" includes a pass or permit granted under these rules or under the Punjab Excise Act (Act I of 1914) or under any rules, notifications or orders made thereunder;
- (e) "export" (except in the phrase 'export out of Pakistan') means to take out of the Islamabad Capital Territory otherwise than across a customs frontier;
- (f) "import" (except in the phrase 'import into Pakistan') means to bring into the Islamabad Capital Territory otherwise than across a customs frontier;
- (g) "Excise and Taxation Officer" means an officer appointed as such by the Government;
- (h) "Director Excise and Taxation" means an officer appointed as such by the Government;
- (i) "Excise Commissioner" means Director-General, Excise and Taxation or any other officer appointed by the Government as such; and
- (j) "Resident Excise and Taxation Inspector" means an Inspector posted for the time being at a hotel licensed under the Order.

3. (1) The Director Excise and Taxation shall exercise and perform all or any of the powers or functions of Collector under the Order within his jurisdiction.

(2) The Excise and Taxation Officer shall exercise within the Islamabad Capital Territory the powers of Prohibition Officer under the Order.

<sup>1</sup>[(3) All officers not below the rank of Field Investigating Officers of the Pakistan Narcotics Control Board shall exercise within the area of their jurisdiction, the powers of a Prohibition Officer.]

4. (1) Subject to control of the Collector and the District Excise and Taxation Officer, all Assistant Excise and Taxation Officers and Excise and Taxation Inspectors shall exercise the powers of a Prohibition Officer within their respective jurisdictions, except the power under Article 22 of the Order.

<sup>1</sup> Added by Notifn. No. 1(76)-Law/86, (Vol. I), dated 27.8.1986.

(2) All Excise and Taxation Constables shall be deemed to be officers appointed under Article 21 of the Order to assist the Collector or the Prohibition Officer under whom they be serving for the time being for the purposes of the Order.

(3) The powers of Officers referred to in sub-rule (1) and (2) for arrest, detention, seizure or other functions under the Order shall stand *mutatis mutandis* classified or restricted according to their respective powers as Excise Officers within the meaning of rule 3 of the rules notified under the Punjab Government Notification No. 5708-E&S dated the 27th October, 1932 and known as the Punjab Excise Powers and Appeal Orders.

(4) A Prohibition Officer shall exercise the powers of a Police Officer under Chapter XIV of the Criminal Procedure Code while conducting investigations in a cognizable offence under the Order.

5. The Medical Practitioner for the purposes of Article 12 of the Order shall be the nearest authorized Medical Officer easily accessible according to the circumstances of the case. He may examine the person referred to him under Article 12 (1) of the Order with respect to the presence of an intoxicant in his breath or blood stream or stomach. If the authorized medical officer can presume the taking or influence of the intoxicant from any other symptom such as hangover effects, nausea, headache, gastritis, thirst, generalised residual malaise, physical or mental incompetence or over-drowsiness, Euphoria, Dysphoria or other after effects of taking an intoxicant he may dispense with the aforesaid examination.

\* [ ]

7. No person, accused or suspected of having committed an offence under the Order, shall be detained for a period longer than is reasonable under the circumstances of the case and such period shall not in the absence of special order of a Magistrate, whether having jurisdiction to try a case or not, exceed 24 hours,

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\* Rule 6 deleted by S.R.O. 672(I)/81, with effect from 24.6.1981. Original Rule 6 was as under, namely:—

“6. When any person is arrested by any competent officer, if he is not a Prohibition Officer, he shall forward him to the Prohibition Officer of the area with a report containing the facts relating to his arrest and if the Prohibition Officer is satisfied on the basis of the material and facts placed before him that a *prima facie* case is made out against the accused and the accused is not released on bail he may be sent to the police station of the area where the offence has been committed for custody and formal registration of the case.”

exclusive of the time necessary for the journey of such person to the place where the office of the Prohibition Officer is situated and from there to the court having jurisdiction to try the case.

8. The Officer Incharge of a police station shall take charge of and keep in safe custody, pending the orders of a Magistrate or a Prohibition Officer, all articles seized under the Order which may be delivered to him and shall allow the Prohibition Officer to affix his seal to such articles and to take samples therefrom.

9. Subject to any order that may be passed under section 517 of the Criminal Procedure Code, every article, the confiscation of which has been ordered by the court under Articles 14 and 15 (1) of the Order, shall be made over to the Collector of the area in which such court is situated

10. (1) All articles made over to the Collector under the foregoing rules or confiscated by him under Article 15 (2) of the Order shall be disposed of as follows:—

- (a) An intoxicant shall be destroyed or disposed of under the orders of the Collector. In the case of its destruction, this shall be done in the presence of the Prohibition Officer.
- (b) All other articles made over to the Collector in accordance with the rules shall be sold in such manner as he may direct.

(2) Sale proceeds of all articles sold under the preceding sub-rule shall be credited to the Excise and Taxation Department under the head "0239 - 6 - other items (sale proceeds from confiscated or otherwise disposed of articles).

11. The authorities competent to hear appeals, the time and manner of presenting appeals and the procedure for dealing with them shall *mutatis mutandis* be the same as laid down under the Punjab Excise Act and the Punjab Excise (Powers and Appeals) Orders, notified under Punjab Government Notification No. 5708-E&S dated the 27<sup>th</sup> October, 1932, Provided that for the purpose of the said rule a Prohibition Officer and a Collector, as the case may be, under the Punjab Excise Act and the conditions mentioned therein. Appeals against the orders of the Collector shall lie with the Excise Commissioner.



**PART II**

12. The following liquor permits shall be granted, in the form by the authority and to the persons specified below and shall be treated as licence under Article 17 of the Order for the purpose specified as under and subject to the conditions as prescribed by the Excise Commissioner:—

Form of Permit	Authority Competent to		To whom granted	Purpose
	Grant	Renew		
PR.I	Prohibition Officer	Not renewable	Non-Muslim citizen of Pakistan not below the age of 21 years	For purchase, possession, transport or consumption of such quantity of intoxicating liquor at or about the ceremony prescribed by his religion not exceeding at a time that specified in the permit.
PR.II	Prohibition Officer provided that the resident Inspector posted to the institution may be treated a Prohibition Officer for the grant of such permit in favour of foreigners and tourists staying in that institution.	Not renewable	Non-Muslim foreigner holding a valid passport	For purchase, possession, transport of intoxicating liquor not exceeding at a time that specified in the permit for his personal Consumption at his residence or a hotel room in his occupation.

13. (1) The powers to grant or renew permits shall be exercised subject to the control of the Excise Commissioner.

(2) All or any of the powers of a Prohibition Officer specified above may be exercised by the Collector or Excise Commissioner.

14. An applicant for a permit under these rules may be required to supply all or any of the following particulars:

- (a) Address of the applicant;
- (b) Father's Name;
- (c) Age;
- (d) Particulars of identity card or the passport as the case may be;
- (e) Religion;
- (f) Profession or Trade;
- (g) Number of units required per mensem or for the specified occasion.

15. The permit shall be non-transferable.

16. The permit granting authority may refuse to grant a permit if in its opinion the permit applied for is liable to abuse.

17. A permit in form PR. II shall expire on 30th June of each year unless otherwise specified therein.

18. (1) The quantity of liquor authorised under the permit shall be stated in permit in units and one unit shall for the purposes of these rules be deemed to be equal to one quart bottle of any kind of spirit including liquor or three bottles of wine or medicated wine or <sup>1</sup>[20] bottles of beer.

(2) The Excise Commissioner may from time to time fix the maximum quantity of liquor to be allowed, to be possessed or consumed under each of the permits. He shall be competent to increase or decrease generally or specially the quantity of liquor to be allowed or direct what kind of liquor is to be supplied to the consumer or a class of consumers.

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<sup>1</sup> Substituted for "16" by Notification No. 1(4)/Law/86 (Vol-1) dated 19.4.1989

19. (1) [(i) The fee for grant of permit in Forms PR-I and PR-II shall be @ Rs. 50 per calendar month or part thereof.]

\*\*[(ii) The fee for grant of L-2 licence for retail sale of intoxicating liquor shall be charged @ Rs.50,000/- and renewal fee of the said licence @ Rs.25,000/- per financial year.]

(2) The permit fee under these rules may be paid in cash or as court fee stamps to the authority granting the permit. A receipt shall be given by the authority granting a permit for the fee recovered in cash and the amount shall be deposited into the Government treasury without delay.

20. The Excise Commissioner may declare from time to time which liquor is to be treated as intoxicating liquor and what preparation spirituous medicinal preparations, flavouring essences, extracts, colourings, perfumes, diluted preparations, containing alcohol are not to be treated as intoxicating liquors.

21. The authority granting a permit under these rules may cancel or suspend it for reasons to be recorded in writing.

22. No permit under these rules shall be used as a means to evade the provisions or the intent of the Prohibition Order.

23. No permit holder shall sell, gift or otherwise transfer liquor to a non-entitled person in any manner or serve any Muslim with intoxicating liquor.

24. A permit-holder under these rules shall produce his permit on demand by the Prohibition Officer.

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\* Substituted by Notification No.4(11)-Dev/04, dated 23-7-2005, reported in PLD 2006 Central Statutes page 61.

\*\* Ins. by Notfin. No. 8(7)B&A/95, dated 18.9.2000, see Gazette of Pakistan, Part III, dated 21.9.2000, page 601.

## PART III

25. The following licence may be granted or renewed by the authority stated against each:—

Form and Nature of Licence		Authority Competent to	
		Grant	Renew
L-1	Licence for import, export, transport or sale of intoxicating liquor to the trade only.	Excise Commissioner	Collector
L-2	Licence for retail sale of intoxicating liquor	Do	Do
L-3	Licence for manufacture of intoxicating liquor	Do	Do

26. The form, the conditions, the fees, the procedure for grant, suspension, cancellation of the licences, the accounts to be maintained and other particulars subject to the provisions of the Order, the rules made thereunder and special conditions hereinafter mentioned shall be *mutatis mutandis* the same as have been immediately before the coming into force of these rules for the L-1, L-2 and L-5 licences issued under the Punjab Excise Act. The following shall be the special conditions of the L-2 licence:—

- (a) The licence shall cover only the sale of intoxicating liquor for consumption by the entitled persons holding a valid permit.
- (b) Sale exceeding one month's quota of a permit holder shall not be made by the licensee at a time.
- (c) The Excise Commissioner may from time to time regulate the retail sale price of intoxicating liquor to be sold under the licence in Form L-2.

27. No licensee shall sell intoxicating liquor to any Muslim whether a citizen of Pakistan or not and to a non-Muslim citizen of Pakistan who is not holding a permit in Form PR-I.

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**PART IV**

28. Opium in tablets or in any other form may be supplied by the Government to a person in respect of any institution for medicinal purposes.

29. The Collector may grant a licence in Form "OL" for storage and sale of opium in favour of a person in respect of an institution. Such licence shall be issued only to meet requirements of such addicts against a 'Prescription Card' issued by an authorized Medical Officer who will testify that without opium he is likely to suffer from serious illness causing apprehension of death.

30. The licensee shall maintain such accounts and abide by such conditions and instructions as may be issued by the Excise Commissioner from time to time to ensure that the aims and objects of the Prohibition Order are not defeated.

31. The prescription card referred to in Rule 29 shall be in such form as may be notified by the Excise Commissioner.

32. The form 'OL' referred to in Rule 29 will contain the following particulars:—

1. Location and address.
2. Maximum quantity of opium to be possessed under the licence.

*By Order of the Administrator, Islamabad Capital Territory.*

# THE ISLAMABAD WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND MANAGEMENT) RULES, 1983

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**\*THE ISLAMABAD WILDLIFE  
(PROTECTION, PRESERVATION,  
CONSERVATION AND MANAGEMENT)  
RULES, 1983**

[14th May, 1983]

**No. 6/21/80-CDA. III/ICT-II.-** In exercise of the powers conferred by section 41 of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to make the following rules, namely:—

**1. Short title and commencement.-** (1) These rules may be called the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Rules, 1983.

(2) They shall come into force at once.

**2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context,—

(a) “Authority” means the Capital Development Authority, Islamabad;

<sup>1</sup>[(aa) “Board” means the Board of Wildlife Management constituted under section 4;]

(b) “Chairman” means the Chairman of the Board;

(c) “Form” means a form appended to these rules;

(d) “member” means a member of the Board;

\* Published in the Gazette of Pakistan, Part IV, dated 1st June, 1983, at pages 181-186.

<sup>1</sup> Inserted by S.R.O. 150(I)/04 dated 25.2.2004.

- (e) "Ordinance" means the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979);
- (f) "section" means a section of the Ordinance; and
- (g) "year" means a calendar year commencing on the 1st January and ending on the 31st December.

<sup>1</sup>[2A. (a) The board shall consist of not more than thirteen members including Minister-in-charge of the C.D.A., Chairman, C.D.A., Inspector General of Forests and Wildlife, Ministry of Environment and D.G (Environment) CDA who shall be ex-officio members and the remaining members, to be appointed by the Federal Government, shall be non-official members.

- (b) In connection with the discharge of their responsibilities as Members of Board, they shall be paid such facilities, allowances and honoraria as the Federal Government may fix.]

**3. Functions of the Board.-** The functions of the Board shall be to :-

- <sup>2</sup>[(i) take all policy decisions, draw plans, programmes and execute them with regard to protection, preservation, conservation and management of wildlife, including the zoos in the Islamabad Capital Territory.]
- (ii) scrutinize and approve all development schemes pertaining to the wildlife <sup>3</sup>[and zoos] and their management;
- (iii) supervise and watch the progress of the development activities in the field of wildlife protection, preservation, conservation and management;
- (iv) scrutinize the annual progress reports submitted to it by the functionaries serving under it;
- (v) undertake such other functions as the Federal Government may direct.

<sup>1</sup> Inserted *ibid.*

<sup>2</sup> Substituted by S.R.O. 150(I)/04 dated 25.2.2004.

<sup>3</sup> Inserted *ibid.*



**4. Powers of the Board.-** The Board shall have powers to:-

- (i) approve <sup>1</sup>[, raise funds] and control its annual budget;
- (ii) control and regulate the trade in wild animals, meat and trophies including their import and export within the Federal Capital Territory;
- (iii) give rewards to the outstanding workers and persons assisting in detection and control of offences in the field of wildlife conservation and management;
- (iv) call for any report from the officials and other functionaries working under it; <sup>2</sup>\*[.....] .
- (v) appoint honorary game wardens in the Federal Capital Territory <sup>3</sup>[; and]
- <sup>4</sup>[(vi) appoint such employees, consultants and experts, as it may consider necessary, for the performance of its functions on such terms and conditions as it may deem fit:

Provided that nothing in this rule, or the preceding rule 3, shall empower the Board to dispose of any land or change its use in disregard of the regulations of the Authority.]

**5. Meetings of the Board.-** (1) The meetings of the Board shall be held at such times and at such places as the Chairman may decide.

(2) The Chairman shall preside at all meetings of the Board and, in the absence, a member nominated by him shall preside at the meeting.

(3) The number of members whose presence shall be necessary to constitute a quorum of the meeting of the Board shall be one third of the total number of members.

(4) Notice of the meeting of the Board shall be issued by the Director,

<sup>1</sup> Inserted by S.R.O. 150(I)/04 dated 25.2.2004.

<sup>2</sup> Omitted *ibid.*

<sup>3</sup> Added *ibid.*

<sup>4</sup> Added by S.R.O. 150(I)/04 dated 25.2.2004.

Horticulture, at least fourteen days before the date fixed for the meeting.

(5) The meeting of the Board shall be held at least once in a year.

(6) Special meetings may be held as and when considered necessary by the Chairman.

**6. Funds of the Board.-** (1) The funds of the Board shall consist of:-

- (a) grants made by the Federal Government;
- (b) compensation and fees realized through issuance of licences, permits and certificates; and
- (c) any other source.

**7. Audit and accounts.-** (1) The accounts of the Board shall be maintained in such form and manner as the Auditor-General may determine.

(2) The accounts of the Board shall be audited every year by the Auditor-General of Pakistan or any other officer or agency authorised by him in this behalf.

(3) The audit reports of the accounts shall be submitted to the Federal Government along with the comments of the Board.

**8. Grant of licence to VIPs.-** The Chairman may grant licences and permits free of charge for hunting or shooting of the wild animals and birds to the heads of states, members of diplomatic corps and other VIPs.

**9. Restriction on hunting.-** No one shall go out for the purpose of hunting any wild animals unless he is in possession of the requisite licence or permit issued under these rules and,-

- (a) hunting party shall not consist of more than three licensees and more than ten beaters;
- (b) no female or young ones shall be hunted;
- (c) falcon for hunting of any variety of ducks shall not be used; and
- (d) use of artificial light will be allowed only for hunting of

wild boar.

**10. Terms and conditions for issue of permits, licences, etc.-** (1) A shooting permit or special permit shall be granted in Form 'A' to such persons who are entitled to carry guns and rifles under the Pakistan Arms Ordinance, 1965, or exempted from the operation of that Ordinance:

Provided that a retainer shall not be issued any shooting licence or permit.

(2) A special permit for big game shall be issued only to the holder of a valid rifle licence which would be of a calibre not smaller than 240.

(3) Every permit, licence or certificate shall, unless otherwise specified, be valid up to the 31<sup>st</sup> December of the year in which it is issued.

(4) Every permit, special licence or certificate issued under these rules shall have pasted thereon a recent passport-size photograph of the holder.

**11. Issue of licences, etc.-** (1) Subject to any other condition specified in the Ordinance or these rules, permits, special permits, licences and special licences specified in the table below shall respectively be issued in accordance with the provisions thereof.

(2) If a licence, permit or certificate is accidentally lost or destroyed, the authority issuing such licence, permit or certificate may, after satisfying itself, issue duplicate copy thereof to the applicant.

S. No.	Nature of the permit or licence	Provision of the Ordinance under which issued	Issuing authority	Duration and extent	Fees
1	2	3	4	5	6
1.	Permit for hunting of game animals as specified in Schedule 1 of the Ordinance.	Section 6	1. Director, Horticulture. 2. Additional Director, Horticulture. 3. All Deputy Directors, Horticulture, for the areas within their respective jurisdiction.	—	—
	(a) By Shooting.		Do.	upto the 31 <sup>st</sup> December of the year in which it is issued.	Rs. 150.
	(b) By other methods permissible under law.		Do.		Rs. 250.
2.	Special licence to use any prohibited method or to do any act prohibited under sections 20 and 21 of the Ordinance.	Section 6 Section 20 Section 21	Board.	as specified in special licence.	Rs. 2,000.
3.	(a) Special Licence for hunting with grey hounds or hawks.	Section 7	1. Director, Horticulture. 2. Additional Director, Horticulture.	upto the 31 <sup>st</sup> December of the year in which it is issued.	Rs. 1,000.
	(b) Licence for hunting with: (i) Baz/ Jurra. (ii) Basha. (iii) Shikra. (iv) Falcon. (v) Grey hound.				Rs. 500. Rs. 300. Rs. 200. Rs. 500. Rs. 50.

*The Islamabad Wildlife (PPC&M) Rules, 1983*

4.	Certificate of lawful possession of wild animals, alive or trophies	Section 9	1. Director, Horticulture. 2. Additional Directors, Horticulture. 3. All Deputy Directors, Horticulture, for their respective jurisdictions or areas.	Upto the 31 <sup>st</sup> December of the year in which it is issued.	Rs. 50 for any ordinary bird and Rs. 10 for its trophy. Rs. 100 for a pheasant and Rs. 200 for its trophy. Rs. 200 per small animal and Rs. 20 for its trophy. Rs. 500 for a big animal and Rs. 50 for its trophy Rs. 2,000 for an eagle or falcon and Rs. 100 for its trophy. Rs. 200 for a hawk and Rs. 20 for its trophy.
5.	Permit to import within Islamabad Capital Territory any wild animal of exotic or endemic species or a trophy or meat:- (a) For scientific and commercial purposes. (b) Pets.	Section 11	1. Director, Horticulture. 2. Additional Director, Horticulture. 3. Deputy Directors, Horticulture. Do. Do.	As may be decided by the Board. Do. Do.	As may be decided by the Board. Do. Do.
6.	Permit to export out of the Islamabad Capital Territory any wild animal of exotic or endemic species or a trophy or meat :- (a) For scientific and commercial purposes. (b) Pets.		Board Director, Horticulture.	Do. Do.	Do. Do.
7.	A dealer's licence to deal in wild animals, trophies or meat and to manufacture goods or articles from such trophies or meat.	Section 14	Board	Upto the 31 <sup>st</sup> December of the year in which it is issued.	(i) Rs. 1000 for trade in meat. (ii) Rs. 2,000 for dealing in live birds except hawks and falcons
8.	Special permit for shooting and hunting in a game reserve.	Section 22	Board	7 days from the date of issue.	Small game shooting Rs. 50 per gun per day.
9.	Special permit for shooting, hunting or capturing of big game from areas other than those declared as game reserve wildlife sanctuary or National Park.	Section 6	Board	Do.	Big game animals Rs 2,000 per gun per animal.

**12. Renewal of licences, permits, etc.-** (1) The renewal of each licence and permit shall be made in the month of January each year.

(2) Grace period for the renewal of every licence, permit or certificate shall be one month.

(3) If the holder of a licence, permit or certificate desires to get his licence, permit or certificate renewed after the expiry of the grace period, the authorised officer may, subject to the payment of renewal fee for such licence, permit or certificate together with an equal amount of fine, renew the licence, permit or certificate, as the case may be:

Provided that the payment of renewal fee and fine shall not absolve the holder of such licence, permit or certificate from any action which may be taken against him under any law or rules for the time being in force for the use of expired licence, permit or certificate, as the case may be.

(4) The fee for the renewal of any licence issued under these rules shall be that which is prescribed in these rules for the issue of the licence.

**13. Dealer's licence.-** (1) Every dealer's licence shall be issued in Form 'B'.

(2) Every holder of a dealer's licence shall maintain a register with full record of the purchase and sale of wild animals and birds.

(3) A holder of a dealer's licence shall buy wild animals, meat or trophy only from a person possessing a certificate of lawful possession of such animals, meat or trophy.

**14. Maintenance of record.-** The authority issuing or renewing licences, permits and certificates shall maintain a register in Form 'C' and all licences, permits and certificates issued or renewed by it shall be entered therein.

**15. Coursing with grey hounds.-** (1) For coursing competition organised by sports clubs registered by the Director, Horticulture, hares may be captured under a special permit to be obtained from the Director, Horticulture.

(2) The fee to register the sports clubs will be five hundred rupees.

(3) A special permit granted under sub-rule(1) shall be valid for a period of seven days from the date it is issued.

(4) The number of hares that may be captured under any permit shall not exceed fifty.

(5) While coursing with grey hounds, not more than two grey hounds shall be slipped from lash after a hare.

**16. Trapping of wild birds.-** The holder of netting licence for quails will not employ more than one gear and two persons to assist him in his job and,—

- (a) he shall not keep alive any injured quail; and
- (b) he shall not be allowed to keep more than thirty alive decoys.

**17. Trapping and capturing of wild birds and animals.-** (1) The person, local authority, statutory organization or Government department desiring a permit for the capture of wild birds or animals shall submit an application in writing to the Director, Horticulture, stating therein,—

- (a) the number and kinds of birds or animals to be captured;
- (b) the purpose for which they are needed;
- (c) the nature of capturing operations; and
- (d) the days when those operations will be carried out and the place where the capturing operations will be carried out with reasons for choice of that place.

(2) Applications received under sub-rule (1) will be sent to the Board with recommendation and the Director, Horticulture, may issue special permit in that behalf.

(3) Every such permit holder shall, as soon as possible, report to the Deputy Director, Additional Director or Director, Horticulture, simultaneously the number and kinds of birds or animals so captured.

**18. Persons who may lodge complaints, etc.-** The following persons are authorised to require the production of a certificate and to lodge complaints:—

- (a) all Magistrates.

(b) all authorised officers of the Horticulture Directorate of the Authority.

(c) all police officers not below the rank of Inspectors.

**19. Serving of wild animals, birds and meats in hotels, etc.-** No person shall possess, cook or serve in any public place, hotel, café, restaurant, hostel, boarding house or any other catering place any bird or animal specified in the first Schedule to the Ordinance during the period other than specified in respect of that bird or animal in column 3 of that Schedule and save when the bird or animal has been lawfully obtained.

**20. Officers competent to demand certificate.-** The Director, Additional Director, Deputy Director and Assistant Directors of the Horticulture Directorate of the Authority may demand a certificate of lawful possession for the purpose of section 9 of the Ordinance.

**21. Rewards.-** The Director, Horticulture Directorate of the Authority may, from the sum realized as compensation, give reward to a person rendering assistance in the detection of an offence under the Ordinance or under these rules, but in no case the reward shall exceed three-fourth of the amount so realized.

**22. Officers competent to make search without warrant.-** The Director, Additional Director and all Deputy Directors of the Horticulture Directorate of the Authority shall be the authorised officers for the purpose of section 15.



**CAPITAL DEVELOPMENT AUTHORITY**

**FORM - 'A'**

*(See rule 10)*

**LICENCE / HUNTING PERMIT / SPECIAL HUNTING PERMIT**

1. Mr. \_\_\_\_\_ S/o \_\_\_\_\_  
resident of \_\_\_\_\_ Tehsil \_\_\_\_\_  
District \_\_\_\_\_ whose photograph is pasted below is hereby permitted to

Description of game and the method of licence, \_\_\_\_\_ Area or locality for which

*permit or certificate is valid*

2. A sum of Rs. \_\_\_\_\_ has been received on account of prescribed fee.

3. This licence/ permit/ certificate is valid upto \_\_\_\_\_

**Note:** No other game shall be hunted, shot or captured.

Photograph



\_\_\_\_\_  
*Signature and seal of the issuing Authority*

**CAPITAL DEVELOPMENT AUTHORITY****FORM 'B'**

[See rule 13 (1)]

**DEALER'S LICENCE**

Serial No. \_\_\_\_\_

Date of issue \_\_\_\_\_

In consideration of the sum of Rs. \_\_\_\_\_ received from Mr. \_\_\_\_\_ whose photograph duly attested by the undersigned is pasted hereon, this licence, valid up to the 31<sup>st</sup> December, 19\_\_\_\_, is issued to him. The licence holder shall be entitled to buy, sell or otherwise deal with \_\_\_\_\_

\_\_\_\_\_  
Signature and designation of the  
issuing authority.

**CAPITAL DEVELOPMENT AUTHORITY****FORM 'C'**

(See rule 14)

Register of licences, hunting permits, special hunting permits,  
certificates for lawful possession and dealer's permit

Date of issue or renewal	Name of the applicant and his / her father/ husband's name	Addresses in full	No. and date of the licence issued under the Pakistan Arms Ordinance, 1965	No. and nature of licences, hunting permits, special hunting permits, certificates for lawful possession and dealer's permit.	Particulars of game permitted	Fee realized
1	2	3	4	5	6	7

\_\_\_\_\_  
Signature and seal of the  
issuing authority.

## **\*THE ISLAMABAD CAPITAL TERRITORY TRAFFIC OFFENCES (SPECIAL COURTS) RULES, 1983**

**S.R.O. 964(I)/83, dated 3rd October, 1983.**- In exercise of the powers conferred by section 7 of the Traffic Offences (Special Courts) Ordinance, 1981 (XXXIX of 1981) read with Article 2 of the Islamabad Capital Territory (Administration) Order, 1980, (P.O. No. 18 of 1980), the Administrator, Islamabad Capital Territory, is pleased to make the following rules, namely:-

**1. Short title commencement and application.**- (1) These rules may be called the Islamabad Capital Territory Traffic Offences (Special Courts) Rules, 1983.

(2) They shall come into force at once and shall apply to all Special Courts constituted for Islamabad Capital Territory.

**2. Definitions.**- In these rules, unless there is anything repugnant in the subject or context:

(a) "Administrator" means the Administrator, Islamabad Capital Territory; and

(b) "Ordinance" means the Traffic Offences (Special Courts) Ordinance, 1981 (Ord. XXXIX of 1981).

**3.** A Special Court shall hold its sitting at the District Headquarters and for at other places as it may deem appropriate within its jurisdiction.

**4. Appointment of public prosecutors.**- The Administrator may appoint pleader and prosecuting officer from the Police Department or other practicing lawyers to conduct prosecution(s) before a Special Court.

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 12th October, 1983, at pages 1738-1739.

5. **Maintenance of record.**- A Special Court shall maintain record of all cases decided summarily or otherwise and submit a monthly statement of disposal of cases to the District Magistrate in the form given in the \*\*Appendix to these rules.

6. **Staff.**- A Special Court shall be provided with such number of staff, including a Reader, Muharrir, Stenographer and N/Qasid by the District Magistrate as may be deemed necessary and Naib Court of the rank of Constable by the Superintendent of Police.

By Order of the Administrator Islamabad Capital Territory.

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\*\* No Appendix is given in the Gazette.

## **MARTIAL LAW REGULATION NO. 63**

[12th July, 1984]

1. - This Regulation shall have effect notwithstanding anything contained in any law, rule, regulation, bye-law, or any order or judgment of any court, tribunal or other authority or the terms and conditions of any lease or licence, contract or other instrument.

2. (1) This Regulation shall come into force at once.

(2) It extends to the Islamabad Capital Territory.

3. In this Regulation, unless there is anything repugnant in the subject or context :-

(a) "authority" means the CMLA or any person or body authorised by the CMLA to exercise his powers under this Regulation;

(b) "encroachment" means illegal occupation of land or procuring its allotment in any unauthorised manner or by illegal means and includes the use of any land otherwise than in accordance with the terms of its lease, licence or allotment; and

(c) "structure" includes any construction of any type whatsoever of any material irrespective of the purpose for which it has been or is being built or constructed.

4. The authority may, if it is of opinion that any structure has been or is being erected in violation or deviation of the approved Master Plan or the programme of the Federal Capital or that its existence or construction is prejudicial to the public interest or morality, it may by order in writing cancel the lease, licence or allotment, as the case may be, and direct that such structure be

demolished by the Capital Development Authority with the use of such force, including police force, as may be necessary:

Provided that no action under this paragraph shall be taken unless the owner of the structure has been given an opportunity of being heard;

Provided further that the authority may determine and pay such compensation to the owner as it may deem fit under the circumstances of each case.

5. The authority may, if satisfied that any structure has been erected on a piece of land which is subject to encroachment, it may get the same demolished without paying any compensation to the alleged owner or the person responsible for doing so.

6. If the authority is satisfied that any land given on lease to any person is not being used for the purpose within the meaning of the rules of the Capital Development Authority, it may cancel the lease and acquire the possession of such land without paying any compensation to the lessee.

7. No person shall throw or deposit at a place other than one reserved by the Capital Development Authority for the purpose any garbage or other thing which makes the locality dirty or unhygienic.

8. Contravention of this Regulation shall be punished with rigorous imprisonment for a term which may extend to five year, or with fine, or with both.

**THE ISLAMABAD REAL ESTATE  
AGENTS AND MOTOR VEHICLES  
DEALERS (REGULATION OF BUSINESS)  
ORDINANCE, 1984**

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**\*THE ISLAMABAD REAL ESTATE  
AGENTS AND MOTOR VEHICLES  
DEALERS (REGULATION OF BUSINESS)  
ORDINANCE, 1984**

ORDINANCE NO. XIII OF 1984

*An Ordinance to regulate the business of real estate agents and motor vehicles  
dealers in the Islamabad Capital Territory*

[9<sup>th</sup> April, 1984]

WHEREAS it is expedient to regulate the business of real estate agents and motor vehicles dealers in the Islamabad Capital Territory;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**— (1) This Ordinance may be called the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Ordinance, 1984.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 10th April, 1984, at pages 51 to 55.



**The Islamabad Real Estate Agents and Motor Vehicle Dealers Ord., 1984 343**

- (a) "motor vehicle" mean any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a tractor, a trailer and a chassis to which a body has not been attached;
- (b) "motor vehicles dealer" means a person who arranges or negotiates any transaction of sale, exchange, transfer or pledge of a motor vehicle in consideration of some commission or other remuneration in cash or otherwise or who deals in sale or purchase of motor vehicles;
- (c) "prescribed" means prescribed by rules;
- (d) "real estate" means immovable property;
- (e) "real estate agent" means a person who arranges or negotiates any transaction of sale, exchange, lease or tenancy of real estate in consideration of some commission or other remuneration in cash or otherwise ;
- (f) "registering authority" means the District Excise and Taxation Officer, Islamabad or any other officer authorised by the Federal Government to exercise the powers of registering authority under this Ordinance; and
- (g) "rules" means rules made under this Ordinance.

**3. Prohibition of business without registration.**— (1) No person shall engage in or carry on the business of a real estate agent or a motor vehicles dealer unless he is registered with the registering authority and holds a valid certificate of registration issued by such authority:

Provided that this sub-section shall not apply to any person who was carrying on the business of a real estate agent or a motor vehicles dealer immediately before the date of commencement of this Ordinance until the expiration of a period of thirty days from the date on which the rules come into force.

(2) A person referred to in the proviso to sub-section (1) who desires to carry on the business of a real estate agent or, as the case may be, motor vehicles dealer after the commencement of this Ordinance shall apply for a

certificate of registration within a period of thirty days from the date on which the rules come into force.

(3) If any person referred to in the proviso to sub-section (1) continues to carry on his business after the expiration of the period specified in sub-section (2) and fails to apply for a certificate of registration as required by that sub-section, the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for grant of a certificate of registration on payment by him of a penalty not exceeding five hundred rupees if the application is made within a period of three months from the date on which the rules come into force and a penalty not exceeding one thousand rupees if the application is made within a period exceeding three months but not exceeding six months from the said date.

**4. Certain persons not to be registered.**— No person shall be registered as a real estate agent or a motor vehicles dealer if he—

- (a) is a minor ; or
- (b) is found to be of unsound mind by a Court of competent jurisdiction; or
- (c) is a declared insolvent; or
- (d) has been, on conviction for an offence of criminal mis-appropriation or criminal breach of trust or cheating or any other offence involving moral turpitude, or an abetment of or attempt to commit any such offence, sentenced to imprisonment, unless a period of three years has elapsed since his release.

**5. Procedure for registration.**— (1) A person who wishes to obtain a certificate of registration to engage in or carry on the business of a real estate agent or a motor vehicles dealer shall make an application to the registering authority concerned in such form and manner and on payment of such fee, not exceeding two thousand rupees, and furnishing of such security as may be prescribed.

(2) The registering authority, on being satisfied that the applicant has fulfilled all the requirements and does not suffer from any of the disqualifications laid down in section 4, shall register him as a real estate agent or a motor vehicles dealer, as the case may be, and grant him a certificate in the prescribed form.

***The Islamabad Real Estate Agents and Motor Vehicle Dealers Ord., 1984 345***

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**6. Renewal of registration.**— (1) A certificate of registration issued under section 5 shall be valid for a period of one year and shall be renewable from year to year.

(2) A real estate agent or a motor vehicles dealer who wishes to get his certificate of registration renewed shall, not less than thirty days preceding the date, on which the validity of the certificate is due to expire, apply to the registering authority in such form and manner and on payment of such fee, not exceeding one thousand rupees, as may be prescribed.

(3) The registering authority, on being satisfied that the applicant has fulfilled all the requirements and does not suffer from any of the dis-qualifications laid down in section 4, shall grant a certificate of renewal of registration in the prescribed form.

(4) If a real estate agent or a motor vehicles dealer fails to apply for the renewal of his certificate of registration in accordance with sub-section (2) and continues to carry on his business after the date on which the validity of his certificate of registration expires, the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for renewal of the certificate on payment by him of a penalty not exceeding two hundred and fifty rupees if the application is made within one month of the date on which the validity of the certificate expires and a penalty not exceeding five hundred rupees if the application is made within a period exceeding one month but not exceeding three months from the said date.

**7. Fixation of commission.**— The Federal Government may prescribe the maximum rate of commission or remuneration which a real estate agent or a motor vehicles dealer may charge on any transaction arranged or negotiated by him.

**8. Maintenance of record and accounts, etc.**— (1) A real estate agent and a motor vehicles dealer shall maintain such accounts and other record of the transactions arranged, negotiated or made by him and in such manner as may be prescribed.

(2) A real estate agent and a motor vehicles dealer shall, as and when required to do so, produce the accounts and other record maintained by him under sub-section (1) before such officer or authority as may be prescribed and shall also supply such information and in such form and within such time as may be required by the said officer or authority.

**9. Power to enter and examine books, etc.**— (1) The registering authority or an officer, not below the rank of an Inspector, Excise and Taxation, authorised by him may enter any place of business or office of a real estate agent or motor vehicles dealer at any reasonable time in order to satisfy himself that the provisions of this Ordinance and the rules are being complied with, and may call for and inspect any books of accounts or documents kept in such place.

(2) If any person prevents the registering authority or an officer authorised under sub-section (1) from entering the place of business or office or from examining the books or documents, or obstructs him in the exercise of those powers, he shall be punishable with fine which may extend to two thousand rupees.

**10. Cancellation and suspension of registration.**— (1) If the registering authority is satisfied that a real estate agent or motor vehicles dealer has committed any breach of the conditions of the certificate of registration granted to him or—

- (a) maintained or produced before the prescribed officer or authority an incorrect account of any transaction negotiated or arranged by him;
- (b) negotiated or arranged a transaction in respect of a real estate or motor vehicle knowing that there was a defect in the title of the real estate or motor vehicle ; or
- (c) charged commission or remuneration in excess of the maximum rates prescribed,

the registering authority may, by order in writing cancel or suspend the certificate of registration for such period, not exceeding three months, as may be specified in the order:

Provided that, if such agent or dealer subsequently commits any breach of the conditions of the certificate of registration or does any act as aforesaid, the period for which the certificate is suspended may extend to six months:

Provided further that no such order shall be passed unless such agent or dealer has been given not less than seven days' notice to show cause against it.

***The Islamabad Real Estate Agents and Motor Vehicle Dealers Ord., 1984 347***

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(2) Any person aggrieved by an order passed under sub-section (1) may, within thirty days of the passing of the order, prefer an appeal to the Administrator, Islamabad Capital Territory, whose decision shall be final <sup>1</sup>[ : ]

<sup>2</sup>[Provided that no orders on such appeal shall be passed unless the appellant has been given an opportunity of being heard.]

**11. Penalties, etc.—** (1) Whoever contravenes any of the provisions of this Ordinance shall, without prejudice to any other action that may be taken against him under this Ordinance, be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this Ordinance except on a complaint in writing made by the registering authority.

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

(2) The rules may provide that any contravention of, or failure to comply with, any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

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<sup>1</sup> Subs. for full stop by the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) (Amendment) Act, 1989 (II of 1989), s. 2.

<sup>2</sup>Proviso added *ibid.*

**THE ISLAMABAD REAL ESTATE  
AGENTS AND MOTOR VEHICLES  
DEALERS (REGULATION OF BUSINESS)  
RULES, 1984**

**C O N T E N T S**

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**\*THE ISLAMABAD REAL ESTATE  
AGENTS AND MOTOR VEHICLES  
DEALERS (REGULATION OF BUSINESS)  
RULES, 1984**

**S. R. O. 644(I)/84, dated 18th July, 1984.-** In exercise of the powers conferred by section 12 of the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Ordinance, 1984 (XIII of 1984), the Federal Government is pleased to make the following rules, namely :-

**1. Short title and commencement.-** (1) These rules may be called the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Rules, 1984.

(2) They shall come into force at once.

**2. Definitions.-** (1) In these rules, unless there is anything repugnant in the subject or context,--

- (a) "certificate" means a certificate of registration issued under section 3 and includes a certificate of renewal of registration issued under section 6;
- (b) "Form" means a form appended to these rules;
- (c) "Ordinance" means the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Ordinance, 1984 (XIII of 1984);
- (d) "ordinary place of business" means a place where a real estate agent or a motor vehicles dealer ordinary carries on his business;

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 19th July, 1984, at pages 1293-1301.

- (e) "section" means a section of the Ordinance;
- (f) "transaction" means a transaction referred to in clause (b) or, as the case may be, clause (e) of section 2 ; and
- (g) "treasury" means a government treasury or sub-treasury or a branch of a bank authorised by Government to receive payment on its behalf.

(2) All other words and expressions used but not defined in these rules shall have the same meanings as in the Ordinance.

**3. Application for registration.**— (1) An application for registration as a real estate agent or a motor vehicles dealer shall be in Form-I which shall be duly signed and verified by the applicant and shall be accompanied by a receipt showing the deposit of the fee of two thousand rupees into the treasury and the proof of furnishing the security of ten thousand rupees in the manner specified in rule 5.

(2) Where the applicant is a firm, the application shall be signed and verified by all the partners of the firm and where the applicant is a company, the application shall be signed and verified by the person authorised under the Memorandum and Articles of Association of the company to sign and verify instruments on behalf of the company.

(3) The application shall be presented before the registering authority either in person by the applicant or his agent duly authorised by him for the purpose or sent by registered post (acknowledgement due).

**4. Application for renewal of certificate.**— (1) An application for renewal of the certificate shall be in Form II which shall be duly signed and verified by the applicant and presented or sent in the same manner as the application for registration under rule 3.

(2) An application for renewal of the certificate shall be made within thirty days preceding the date of expiry of the certificate and shall be accompanied by a receipt showing the deposit of the renewal fee of six hundred rupees into the treasury.

**5. Security deposit.**— (1) The security to be furnished by a real estate agent or a motor vehicles dealer shall be in the form of cash or bank guarantee or postal certificates or Defence Saving Certificates.



**The Islamabad Real Estate Agents and Motor Vehicle Dealers Rules, 1984 351**

(2) The cash security and other fees under these rules shall be deposited in the treasury under Head "0289 – other receipts–Real Estate Agents and Motor Vehicles Dealers Registration Fee".

(3) The cash security shall be refunded on the cancellation of a certificate of registration or on the expiry of the certificate if the real estate agent or the motor vehicles dealer does not intend to continue the business.

(4) The bank guarantee or the postal certificate or the Defence Saving Certificates, as the case may be, shall be released after the expiry of the duration of the licence and on application made by the licensee in writing in this behalf.

**6. Proof of particulars.**– (1) Before granting a certificate of registration, the registering authority may call upon the applicant to appear before it and satisfy that the particulars given in the application are correct and that the applicant does not suffer from any of the disqualifications specified in section 4.

(2) The registering authority may demand such other information or make such other inquiries as it may consider necessary to satisfy itself that the applicant is entitled to the grant of the certificate.

(3) The registering authority, for the purpose of renewing a certificate, shall not call upon the applicant to appear before it to satisfy itself that the particulars given in the application are correct or to make any inquiries unless it is in possession of some *prima-facie* evidence of the fact that the applicant has suffered from any of the disqualifications specified in section 4 or is otherwise unfit to hold a certificate.

(4) In case the registering authority decides not to grant a certificate or renew it, it shall record the reason, therefor and shall supply a copy of its order to the applicant.

**7. Certificate of registration and its renewal.**– (1) In case where the registering authority decides to grant a certificate to an applicant, it shall issue a certificate in Form-III.

(2) The renewal of a certificate shall be made in the form of an endorsement under the certificate duly signed by the registering authority.

(3) The certificate shall be non-transferable.

(4) Where there is an introduction of a new partner in a firm holding a certificate as real estate agent or a motor vehicles dealer, the firm shall make an

application to the registering authority indicating the name and other particulars of the new partner.

(5) The application regarding any change in the constitution of a firm shall be accompanied by a certificate issued by the Registrar under the Partnership Act, 1932 (IX of 1932).

(6) The registering authority, on being satisfied that the new partner is not disqualified or unfit to hold a certificate, shall make necessary entries in the certificate and the register of certificates maintained under rule 8.

(7) The certificate shall be exhibited at some prominent place in the ordinary place of business of the certificate holder.

**8. Register of certificates.**— (1) The registering authority shall maintain a register of certificates in Form IV containing particulars of the certificates issued by it and renewed from time to time.

(2) Where the certificate holder decides to change the ordinary place of his business within the Capital Territory, he may make an application to the registering authority accompanied by the original certificate and the registering authority may, on being satisfied about the correctness of the change of the ordinary place of business, revise the place of business entered in the certificate and may also make necessary changes in the register of certificates.

**9. Maintenance of records and accounts.**— (1) A certificate holder shall maintain the following record at his ordinary place of business, namely:—

(a) A register in Form V containing the particulars of transactions arranged or negotiated by him.

(b) A receipt book in Form VI with each page serially numbered and containing particulars of the payments received by the certificate holder in respect of transactions arranged or negotiated by him from time to time.

(2) Every transaction arranged or negotiated by the certificate holder shall be entered by him in the register forthwith.

(3) The certificate holder shall immediately issue a regular receipt for every payment received by him in respect of a transaction arranged or negotiated by him.

***The Islamabad Real Estate Agents and Motor Vehicle Dealers Rules, 1984 353***

(4) The register and the receipt book maintained under sub-rules (1) and (2) shall not be destroyed by the certificate holder without the previous permission in writing of the registering authority.

**10. Inspection and production of record.**— (1) The registering authority or any other officer of the Excise and Taxation Department, not below the rank of Inspector, may inspect the record maintained by the certificate holder under rule 9 and may make any note thereon or take any extract therefrom.

(2) The registering authority may at any time call upon the certificate holder to bring and produce before him the record maintained by him under rule 9.

**11. Annual return.**— (1) A certificate holder shall submit to the registering authority within one month of the close of every financial year a return in Form VII.

(2) The registering authority may require a certificate holder to supply him such additional information in respect of transactions arranged or negotiated by him or in respect of the record maintained by him and the certificate holder shall supply such information within such time as may be required by the registering authority.

**12. Rate of commission or remuneration.**— (1) The rate of commission other remuneration chargeable by a real estate agent on a transaction arranged or negotiated by him shall not exceed —

- (a) half a month's rent in the case of a transaction of lease or tenancy;
- (b) one per cent of the amount of consideration involved in transactions of mortgage; and
- (c) one per cent of the value of the property involved in transactions other than those mentioned in clauses (a) and (b).

(2) The rate of commission and other remuneration chargeable by a motor vehicles dealer shall not exceed one-half per cent of the value of the motor vehicles sold, exchanged or transferred or that of the amount against which the motor vehicles is pledged.

(3) The maximum rates chargeable under sub-rule (1) and (2) are the rates chargeable in respect of a transaction irrespective of whether the commission and other remuneration is payable by one of the parties only or by both the parties to the transaction severally or collectively.

**13. Appeal.**— (1) Any person aggrieved by an order of the registering authority passed by it under these rules may prefer an appeal to the Director, Excise and Taxation, within thirty days of the communication of the order to him.

(2) An appeal may be admitted by the Director, Excise and Taxation, after the period of thirty days mentioned in sub-rule (1) if the applicant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) The appeal under sub-rule (1) shall be preferred in the form of a memorandum bearing the court fee mentioned in column (3) of item 11 (aa) of Schedule II to the Court Fees Act, 1870 (VII of 1870), shall be duly signed by the appellant, shall be presented to the appellate authority or to such officer as it appoints in this behalf and shall be accompanied by a copy of the order appealed against unless the appellate authority dispenses with this requirement.

(4) The appellate authority shall not give its decision unless the person concerned has been given a reasonable opportunity of being heard.

(5) The decision of the appellate authority shall be final.

#### FORM - I

*[see rule 3 (1)]*

I / We hereby apply for certificate of registration to engage in or carry on the business of a REAL ESTATE AGENT / MOTOR VEHICLES DEALER (Strike out whichever is not applicable).

1. Name of the applicant \_\_\_\_\_
2. Permanent Address \_\_\_\_\_
3. Status (individual, firm or company) \_\_\_\_\_
4. If a firm or a company, the names, parentage and addresses of its partners/ Directors and Managers, if any \_\_\_\_\_
5. Ordinary place of business (with complete address) \_\_\_\_\_
6. Particulars of the receipt of deposit of fee \_\_\_\_\_

**The Islamabad Real Estate Agents and Motor Vehicle Dealers Rules, 1984 355**

7. Particulars of the security provided \_\_\_\_\_
8. Whether the applicant held such a certificate previously? If so, the particulars thereof. \_\_\_\_\_

**DECLARATION**

I / We hereby declare that:

- (a) I am not a minor;
- (b) I have not been found to be of unsound mind or declared insolvent by a court of competent jurisdiction;
- (c) I have not been found guilty of criminal misappropriation, criminal breach of trust or of cheating or of any offence involving moral turpitude or an abetment or attempt to commit any such offence, by a court of competent jurisdiction.

I further declare that the particulars and other facts mentioned above are true to the best of my knowledge and belief and that nothing has been concealed or mis-stated by me.

Names (in Block letters)

Signatures

\_\_\_\_\_  
\_\_\_\_\_

*Note 1:- If the applicant is a firm or company the declaration should be signed by all the partners / Directors of the firm or company, as the case may be, and also by the Manager, if any.*

2 :- If the applicant is a firm or company, the application should be accompanied by a copy of the deed of partnership or the Memorandum and Articles of Association, as the case may be.

**FORM II**

*[see rule 4 (1)]*

I / We hereby apply for renewal of certificate of registration to carry on the business of a REAL ESTATE AGENT/ MOTOR VEHICLES DEALER (Strike out whichever is not applicable).

1. Name of the applicant \_\_\_\_\_
2. Certificate No. and date \_\_\_\_\_
3. Date of expiry of the certificate \_\_\_\_\_
4. Particulars of the receipt of deposit of renewal fee \_\_\_\_\_

**DECLARATION**

I / We hereby declare that :-

- (a) the various particulars given by me/us in the original application for registration have not undergone any change except the following :-

(b) I / We have not suffered any of the disqualifications to hold the certificate.

I/We further declare that the particulars and other facts mentioned above are true to the best of my knowledge and belief and that nothing has been concealed or mis-stated by me/us.

Names (in Block letters)

Signatures

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*Note-1.* If the applicant is a firm, the declaration should be signed by all the partners of the firm.

2. If the applicant is a company, the declaration may be signed by the person authorised to sign on behalf of the company.

**FORM - III**

[see rule 7 (1)]

No. REA/MVD/ \_\_\_\_\_

**CERTIFICATE OF REGISTRATION**

(to be displayed at the ordinary place of business of the holder)

Subject to the provisions of the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Ordinance, 1984, (XIII of 1984), and the Rules framed thereunder, this certificate is granted to Mr. /Messrs \_\_\_\_\_

to engage in or carry on the business of REAL ESTATE AGENT/ MOTOR VEHICLES DEALER in the Islamabad Capital Territory.

2. This certificate, unless renewed, is valid for the year ending \_\_\_\_\_

Dated \_\_\_\_\_

Registering Authority

Renewed for the period

Signatures of the Registering Authority with date.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Islamabad Real Estate Agents and Motor Vehicle Dealers Rules, 1984 357**

**FORM - IV**

[See rule 8 (1)]

**REGISTER OF CERTIFICATE OF  
REAL ESTATE AGENTS / MOTOR VEHICLES DEALERS**

1	Certificate and date of issue
2	Name and other particulars of the holder (Indicate whether an individual, firm or company)
3	Name and other particulars of partners in case of firm and Directors and Managers in the case of a company
4	Ordinary place of business
5	Date of expiry of certificate
6	Particulars of the security furnished
7	Particulars of registration fee and renewal fee deposited
8	Renewed for the period ending
9	Remarks if any
10	Signature of the Registration authority

**FORM-V**

[See rule 9 (1)]

1.	Serial No. and date of finalization of the transaction
2.	Nature of transaction arranged or negotiated (whether sale, exchange, mortgage lease/tenancy transfer or pledge)
3.	Description of the subject matter of the transaction
4.	Amount of consideration and in case of a lease/ tenancy, the monthly rent
5.	Name and other particulars of the under mortgager or lesser as the case may be
6.	Name and other particulars of the vender mortgager or the lessee as the case may be.
7.	Particulars of the instruments executed if any, relating to the transaction
8.	Amount of commission and other remuneration charged
9.	Particulars receipt issued (i.e. receipt No. and date)
10.	Signature of the parties to the transaction
11.	Remarks
12.	Signature of certificate holder

**FORM-VI**

[See rule 9(1)(b)]

**FORM OF RECEIPT ISSUED BY THE  
REAL ESTATE AGENT/ MOTOR VEHICLES DEALER**

**COUNTERFOIL**

Received from \_\_\_\_\_

a sum of rupees \_\_\_\_\_

as commission/ remuneration for  
arranging/ negotiating transaction

No. \_\_\_\_\_ entered in the Register of  
Transactions maintained by me/us.

Signature of the certificate holder.

Dated: \_\_\_\_\_

**RECEIPT**

Received from \_\_\_\_\_

a sum of rupees \_\_\_\_\_

as commission/ remuneration for  
arranging/ negotiating transaction

No. \_\_\_\_\_ entered in the Register of  
Transactions maintained by me/us.

Signature of the certificate holder.

Dated: \_\_\_\_\_

**FORM-VII**

[See rule 11(1)]

**FORM OF RETURN TO BE SUBMITTED ANNUALLY  
BY THE REAL ESTATE AGENT/ MOTOR VEHICLES DEALER**

Name of the certificate holder \_\_\_\_\_

Ordinary Place of business \_\_\_\_\_

Period to which the return pertains \_\_\_\_\_

Total No. of transactions arranged or negotiated during the year in respect of					Total amount of commission received in cash	Nature and Particulars of remuneration received otherwise than in the form of cash	Remarks if any
Sale	Mortgage	Exchange	Lease or tenancy	Pledge			

Dated \_\_\_\_\_

Signature of the Certificate holder



# THE LITERACY ORDINANCE, 1985

ORDINANCE NO. XXVII OF 1985

[31st March, 1985]

*An Ordinance to encourage Literacy*

WHEREAS Islam assigns great importance to the acquisition of knowledge and makes its pursuit incumbent upon every Muslim;

AND WHEREAS the literacy ratio in Pakistan is very low which is a matter of great concern for the Government;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent, application and commencement.**- (1) This Ordinance may be called the Literacy Ordinance, 1985.

(2) It extends to the Islamabad Capital territory and also applies to the establishments and institutions under the control of the Federal Government throughout Pakistan.

(3) It shall come into force on the 1st day of January, 1987, or such other date as the Federal Government may, by notification in the official Gazette, appoint.

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

- (a) "literate person" means a person who is certified by an authority to be able to read a newspaper and write a simple letter in any language;
- (b) "passport" has the same meaning as in the Passports Act, 1974 (XX of 1974);
- (c) "driving licence" means a licence issued under the Motor Vehicles Ordinance, 1965, (W.P. Ordinance XIX of 1965) which authorizes the holder thereof to drive a motor vehicle;
- (d) "arms licence" means a licence issued under the Pakistan Arms Ordinance, 1965 (W.P. Ordinance XX of 1965);
- (e) "authority" means the Headmaster of the Middle or High School of the District in which the applicant is residing; or an officer of the Literacy and Mass Education Commission or the Federal Ministry of Education or Federal Directorate of Education; or a person authorised to issue a passport or a driving licence or an arms licence; or the appointing authorities in the establishments or establishments under the control of the Federal Government.

**3. Issue of passports, etc., to and employment of, literate persons only.**- Notwithstanding anything contained in any other law for the time being in force,—

- (a) a passport other than a Hajj passport a driving licence or an arms licence shall be issued only to a literate person; and
- (b) only a literate person shall be eligible for employment under a local body or an establishment or institution under the control of the Federal Government :

Provided that this section not be deemed to apply to the renewal of licences or passports issued, or to appointments made, before the date on which this Ordinance comes into force.

**4. Savings.**- The provisions of section 3, so far as may be, shall not apply to a person who is physically or mentally handicapped.

# **THE CAPITAL DEVELOPMENT AUTHORITY CONDUCT OF BUSINESS REGULATION, 1985**

## **C O N T E N T S**

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SCHEDULES 374-406

## **THE CAPITAL DEVELOPMENT AUTHORITY CONDUCT OF BUSINESS REGULATION, 1985**

In exercise of the powers conferred by Section 51 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Authority hereby makes the following Regulation, as being expedient :-

### **CHAPTER I - PRELIMINARY**

**1. Short title, extent and commencement.**- (1) This Regulation may be called the Capital Development Authority Conduct of Business Regulation, 1985.

(2) It shall come into force at once.

**2. Definitions.**- In this Regulation, unless the context requires otherwise -

- (a) "Authority" means the Capital Development Authority as defined in the Capital Development Authority Ordinance, 1960 (XXIII of 1960);
- (b) "Board" means the Board of the Capital Development Authority as constituted under Section 6 of the Capital Development Authority Ordinance, 1960;
- (c) "Case" means particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz. correspondence and notes and also any previous papers on the subject or subject covered by it or connected with it;
- (d) "Chairman" means the Chairman of the Capital Development Authority;

- (e) "Deputy Director General" means the Deputy Director General appointed by the Board and given charge of a Wing/Directorate (s);
- (f) "Director" means a Director appointed as such by the Board and given charge of a Directorate;
- (g) "Directorate" means an operational agency of Authority headed by a Director;
- (h) "Deputy Financial Adviser" means the Deputy Financial Adviser of the Capital Development Authority;
- (i) "Employee" means an employee on the pay roll of the Authority except staff paid out of contingent grant/fund;
- (j) "Government" means the Federal Government of Pakistan or the Provincial Government, as the case may be;
- (k) "Secretariat" means the Secretariat of the Chairman of the Authority;
- (l) "Secretary" means the Secretary of the Board of the Authority;
- (m) "Wing" means an operational agency of the Authority headed by a Deputy Director General;
- (n) "Member" means the Member of the Board of the Capital Development Authority;
- (o) "Ordinance" means the Capital Development Authority Ordinance, 1960 (XXIII of 1960).

## CHAPTER II – GENERAL

**3. Allocation of Business.**— (1) The Authority shall comprise the Chairman's Secretariat, Wings, Directorates and other Offices shown in Schedule I.

(2) The business of the Authority shall be distributed amongst the Secretariat, Wings, Directorates, etc. in the manner indicated in Schedule II or as modified from time to time by the Board.

**4. Organization of the Secretariat.**— (1) The Secretariat shall be headed by the Chairman who shall be assisted by such employees as the Chairman may determine.

(2) The Secretary shall be responsible for all the Secretariat work of the Board, for progressing implementation of decisions of the Board and general coordination of work of the Authority under the directions of the Board.

(3) The Secretary under directions of the Chairman, shall organize work of the Secretariat into working units to be known as Directorates, Branches, Cell, etc., and distribute the work amongst those units.

**5. Organization of Wings/Directorates.**— (1) Each Wing/Directorate shall consist of a Deputy Director General/Director of the Authority and of such employees subordinate to him as the Board may determine.

(2) The Deputy Director General/Director shall be the official head of a Wing/Directorate and shall be responsible for its efficient administration and discipline. He shall be responsible for the proper conduct of business assigned to the Wing/Directorate and for the due execution of sanctioned programme/work.

(3) The Deputy Director General/Director shall organize the Wing/Directorate into a number of working units and shall, by means of standing orders, distribute the work of the Wing/Directorate amongst those units.

**6. General procedure for the disposal of business.**— (1) The business of the Secretariat, Wings and Directorates shall ordinarily be disposed of by or under the authority of the Secretary, Deputy Director General and Directors concerned.

(2) Subject to the provision of this Regulation, the Secretary, Dy. Director Generals/Directors shall issue standing orders laying down the manner of disposal of cases/work in the Secretariat, Wings and Directorates including the distribution of work amongst its officers. Orders may specify the cases/work which may be disposed of by an officer subordinate to the Secretary, Deputy Director Generals and Directors.

(3) If any doubt or dispute arises as to the Wing/Directorate to which a particular case pertains, the matter shall be referred to the Secretary who shall obtain orders of the Chairman, if necessary.

(4) Detailed instructions for the Disposal of business in the Secretariat, Wings and Directorates of the Authority shall be issued by the Secretary.

**7. Individual and collective responsibility.**— The Board as a whole shall be responsible for the executive orders issued in the name of the Authority whether by an individual Member or as a result of decision by the Board. The Secretary, Deputy Director Generals and Directors shall assume primary responsibility for the disposal of business pertaining to the Secretariat, Wings and Directorates.

**8. Orders and instructions, agreements and contracts.**— (1) As provided for in the Ordinance all executive action of the Authority shall be expressed in the name of the Authority.

(2) The officers named in Schedule III to this regulation may authenticate by signature all orders and other instruments made and executed in the name of the Authority.

Provided that in certain cases an officer may be so authorised for a particular occasion by the order of the Board.

(3) The making of contracts on behalf of the Authority and the execution of such contracts and all assurances of property, shall be carried out in consultation with the Law Section.

### CHAPTER III – CONSULTATION AMONGST

#### WINGS/DIRECTORATES

**9. Inter Wing/Directorate procedure.**— (1) When the subject of a case concerns more than one Wing, Directorate no order shall issue nor shall the matter submitted to the Board until it has been considered by all the Wings/Directorates concerned and agreement reached. Such consultation shall take place as early as may be practicable.

Provided in cases of urgency, with the approval of the Chairman, this requirement may be dispensed with but the matter shall at the earliest opportunity, thereafter, be brought to the notice of the Wing/Directorate concerned.

(2) If the various Wings and Directorates concerned cannot reach an agreement, the case shall be submitted to the Board for their decision by the Wing/Directorate that sponsored the case.



(3) When a case is referred by one Wing/Directorate to another for consultation, all relevant facts and the points shall be clearly brought out.

(4) Even where consultation is not required a Wing/Directorate may for purposes of information, pass copies of communication received by it or show a case to such other Wing/Directorate as it considers would be interested in, or would profit by it.

**10. Consultation with Secretariat.**— (1) No Wing/Directorate shall without previous consultation with the Secretariat authorise any orders other than orders in pursuance of general or special delegation made by the Board which involves:-

- (i) reduction or extension in the scope of the functions of a Wing/Directorate or the transfer of such functions from one Wing/Directorate to other;
- (ii) re-organization or change in the status of offices in the Wing/Directorate;
- (iii) any change in the conditions of service of officers and other regular executive/technical employees of the Authority;
- (iv) adverse affect on the statutory rights and privileges of any employee of the Authority;
- (v) anything affecting the officers and staff on deputation to the Authority;
- (vi) interpretation of rules and orders relating to service matters.

**11. Consultation with Finance Branch.**— No Wing/Directorate and other Offices shall without previous consultation with the Finance Branch authorise any orders having financial implications other than orders in pursuance of general or special delegation made by the Board which will affect directly or indirectly the finances of the Authority.

**12. Consultation with Law Section.**— The Law Section shall be consulted —

- (i) on all legal questions arising out of any case;
- (ii) on the interpretation of any law, rule & regulation etc.;

- (iii) for the preparation and defence of cases in Courts in which the Authority is a party; and
- (iv) on all matters having legal implications, namely, execution of contracts, settlement of terms with the foreign consultants, acquisition of land, sale of plots, disciplinary proceedings.

#### CHAPTER IV – BOARD PROCEDURE

**13. Cases to be brought before the Board.**— The following cases shall be brought before the Board provided that in cases of urgency or any other exceptional circumstances the Chairman may give directions as to the manner of disposal of the case without prior reference to the Board, but such cases shall be reported to the Board at the earliest opportunity thereafter:-

- (i) Annual budget and annual programme;
- (ii) All architectural/structural designs and plans prepared by the Design Wing and Planning Wing;
- (iii) All schemes prepared for the development of specified areas;
- (iv) Cases involving important administrative decisions;
- (v) All proposals in respect of acquisition of land;
- (vi) Rehabilitation schemes;
- (vii) Policy regarding sale of plots;
- (viii) All proposals relating to industrial policy;
- (ix) Determination of agencies for the work of the Authority;
- (x) Cases relating to co-ordination with local bodies working in the specified areas;
- (xi) Cases relating to procurement policy;
- (xii) Legislative measures;
- (xiii) Appointment of Consultants;

(xiv) Creation of posts; and

(xv) Recruitment/Promotions of Officers in Basic Pay Scale 17 and above.

**14. Methods of disposal by Board.**— Cases referred to the Board shall be disposed of by —

- (a) circulation amongst the Members; or
- (b) by discussion in a meeting of the Board.

**15. Manner of submission of cases to the Board.**— (1) In respect of all cases to be submitted to the Board, the Deputy Director General/Director and others concerned shall prepare, keeping in view the requirements of the Authority's Ordinance, a concise and lucid memorandum of the case (hereinafter referred to as the "summary") giving the background and relevant facts, the point(s) for decision and the recommendations of the Deputy Director General, Director and others concerned and transmit it to the Secretary. The summary shall be self-contained as far as possible and shall include as appendices such relevant papers as may be necessary for the proper appreciation of the case. The number of sets of the summary to be supplied shall be specified by the Secretary.

(2) Where a case concerns more than one Wing/Directorate the summary shall in terms of the provision of para 9(1) of Regulation contain the joint recommendations of the Deputy Director General/Director, as the case may be, if agreement is reached amongst them, or shall state points of difference and the recommendations of each Deputy Director General/Director concerned, if no agreement is reached. In the latter case the summary shall, before submission to the Board, be shown by the sponsoring Wing/Directorate to the other Wing/Directorate concerned which shall see that its view point has been correctly and adequately represented.

(3) A case for inclusion in the agenda of a meeting of the Board must reach the Secretary at least four clear days in advance of the meeting.

Provided that a case received later may be included if it relates to an urgent issue and prior approval of the Chairman is obtained to its inclusion by the Deputy Director General/Director concerned.

(4) The Secretary shall satisfy himself that the papers submitted by the Deputy Director Generals/Directors are complete and in appropriate form. He

may hold up a case until the requirements of the Regulation have been complied with.

**16. Manner of submission of the cases to the Financial Adviser.—**

All cases sponsored by the Deputy Director Generals/Directors and other officers requiring approval of the Financial Adviser shall be submitted in the form of a self-contained "Summary" to the Financial Adviser through the Deputy Financial Adviser. The Deputy Financial Adviser shall examine and comment upon any aspect of the case to assist the Financial Adviser in the proper appreciation of the case.

**17. Mode of submission of cases for legal advise.—**

Cases requiring legal advise should be referred to Law Officer/Legal Adviser in a self-contained summary indicating precisely the points on which the advice is sought. The summary should contain statement of all relevant facts, rule position as understood by the sponsor of the case, past precedents, if any, and all relevant papers also made available on the case file. Cases involving technical issues such as establishment matter, interpretation of Financial Rules and Regulations should first be referred to the Personnel Directorate/Finance Branch or other Agency concerned and their views appropriately reflected in the statement of case intended for reference to the Law Officer/Legal Adviser. Cases prepared in the above manner will only be entertained by the Law Section.

**18. Procedure regarding circulation of Board cases.—**

(1) When a case is circulated for recording opinion the Secretary shall specify the time by which opinion be communicated to him. If a Member does not communicate his opinion by that time it shall be assumed that he accepts the recommendations contained in summary/case.

(2) If a difference of opinion amongst Members is observed in the course of circulation, the Secretary shall, unless the Chairman directs otherwise, obtain further observations of the Members concerned with a view to reaching conclusion. The Members concerned shall preferably have direct consultations before communicating their views again.

(3) After all opinions have been received and further observations of the Members concerned have been obtained, if necessary, or after the time specified has expired, the Secretary shall —

(a) in the event of full agreement to the recommendations in the summary treat it as a Board decision;

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- (b) in the event of a difference of opinion or major change in the original recommendations contained in summary being agreed to by one or more Members obtain the directions of the Chairman whether the case shall be discussed at a meeting of the Board or the recommendations of the majority of Members be accepted and communicated as a decision;
- (c) if the Chairman directs that the case shall be discussed at a meeting, the Secretary shall circulate the opinion recorded by the Members in the form of a supplementary summary.
- (4) Reports made to the Board of action taken on their decisions and other cases submitted only for information shall normally be disposed of by circulation.

**19. Procedure regarding Board meeting.**— (1) Regular meetings of the Board described as Executive meetings shall normally be held once a week at, 09.00 a.m. on Sunday in the Office of the Chairman to discuss and decide general policy matters. These meetings shall be attended by the Chairman, Members of the Board. Concerned Officers of the Authority shall be on call in their Offices. Simultaneously other meetings of the Board described as General Executive Meetings shall be held in the Conference Room of the Secretariat of the Authority on last Sunday of the month at the time to be notified. These meetings shall be attended by the Chairman, Members of the Board, Secretary, Deputy Director Generals and the Directors of the Authority. These meetings shall function as clearing house for the executive functions.

Provided that the Chairman may direct any variation in day and time and may call for special meetings of the Board, at any time or any day of the week to discuss urgent business.

(2) The Secretary shall ordinarily issue to the Members, two days in advance of a meeting, a circular showing the cases proposed to be placed on the agenda together with the summary/working paper relating to such cases. In the case of special meetings, the circular notice may be issued less than two days in advance.

(3) No case shall be discussed unless the summary relating to it has been circulated.

Provided that the Chairman may dispense with this requirement where on the representation of the Deputy Director General/Director concerned he is

satisfied that the circumstances were such that the summary could not be supplied.

(4) Deputy Director Generals/Directors or other subordinate officers shall not ordinarily be required to be in attendance at the Board Executive meetings except in the following cases :-

- (a) when information on points within their technical or specialized knowledge is required and/or
- (b) when the Board has given specific directions for attendance.

In such cases the Officer may be invited to the meeting by the Secretary. Such officer may be asked to join the meetings only for the relevant cases and after giving the information required shall withdraw from the meeting before discussion is taken up by the Board.

(5) When a case is taken up in a meeting of the Board, the Chairman may ask a Member or the officer concerned who may be in attendance in accordance with sub-paragraph 4 above to explain the point or points on which a decision is required.

(6) The Secretary shall attend all meetings and prepare minutes of the discussions and decisions and shall submit a draft thereof within 24 hours of the close of meeting to the Chairman for his approval.

(7) The Secretary shall circulate to the Members a copy of the decisions as approved by the Chairman, and shall send to the Deputy Director General/Director concerned an extract of the decisions.

(8) If a Member considers that there has been a mistake or omission in recording the minutes, he shall point it out to the Secretary within 24 hours of the issue of the minutes. The Secretary shall obtain orders of the Chairman and, if necessary, issue a corrigendum or correct the official record in the Secretariat and apprise the Member concerned.

**20. Custody of Board Papers.**— (1) All proceedings of the Board and record directly relating thereto shall be treated as confidential documents.

(2) The Deputy Director Generals/Directors shall retain the Board decisions conveyed to them in their custody and shall make them over to their successors at the time of handing over charge.

**21. Periodical reports of activities of the Wings/Directorates.**— (1) There shall be prepared for the information of the Board a monthly report of the activities of each Wing/Directorate. Such reports shall be placed on the agenda of the General Executive meetings by the Secretary.

(2) There shall be prepared for the information of the Board a half yearly report containing comprehensive review of the activities of each Wing/Directorate. Such reports shall be discussed at special meeting of the Board to be convened by the Secretary under the direction of the Chairman.

#### **CHAPTER V – MISCELLANEOUS PROVISIONS**

**22. Protection and communication of official information.**— (1) No information acquired directly or indirectly from official documents or relating to official matters shall be communicated by an employee of the Authority to the Press, to non-officials or even officials belonging to other offices of the Authority unless he has been generally or specially empowered to do so.

(2) All official news and information shall be conveyed to the Press and public through the Public Relations Directorate and the manner in which this may be done shall be prescribed by general or special orders to be issued by the Secretariat.

**23. Channel of communication.**— All correspondence with the Ministry, Division and other Offices of the Federal or the Provincial Governments, other than on purely routine matters, shall ordinarily be conducted through the Directorate of Coordination/Finance Branch, as the case may be.

**24. General.**— (1) The Deputy Director General/Director in respect of each Wing/Directorate in his charge shall be responsible for the careful observance of the provisions of this Regulation and where he considers that there has been any material departure from the provisions thereof he shall bring the matter to the notice of the Secretary.

(2) The Chairman may permit, where he considers it necessary, relaxation of the provisions to this Regulation in individual cases.

(3) If any doubt or dispute arises as to the interpretation of the provisions of the Regulation it shall be referred to the Secretary whose decision shall be final. The Secretary shall obtain orders of the Chairman, where necessary.

(4) Instructions ancillary to this Regulation shall whenever considered desirable, be issued by the Secretary.

Provided that the special or general orders required to be framed by the Wings/Directorates in terms of this Regulation may be issued by them, after consultation with the Secretary.

**25. Repeal.**— The Regulations for the Conduct of Business CDA, 1969 are hereby repealed;

Provided that all instructions and orders etc. issued under the provisions of these Regulations shall continue in force so far as applicable until altered, amended or repealed by the Board.

Secretary

Capital Development Authority

Islamabad February, 1986.

#### SCHEDULE - I

*[Vide para 3(1)]*

#### LIST OF CHAIRMAN'S SECRETARIAT,

#### WINGS/DIRECTORATES

##### Chairman's Secretariat

1. Coordination Directorate
2. Estate Management Directorate
3. Public Relations Directorate
4. Inspectorate of Works
5. Security, Intelligence and Anti-corruption Branch
6. Complaint Cells



**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF FINANCIAL ADVISER/MEMBER**

**Finance Wing**

1. Finance Branch
2. General Accounts Directorate
3. Commercial Accounts Directorate
4. Procurement Directorate
5. Liaison Office, Karachi

**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF MEMBER ENGINEERING**

**I. Works Wing**

1. Works Directorate
2. Buildings Directorate
3. Electrical and Mechanical Directorate
4. Roads Directorate
5. Quality Control Unit

**II. Services Wing**

1. Maintenance Directorate
2. Water Supply Directorate
3. Water and Sewerage (Development) Directorate
4. Geological Unit.

**III. Stores Directorate**

**IV. Machinery Pool Organization**

**V. Faisal Masjid Project**

**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF MEMBER PLANNING**

**I. Planning Wing**

1. Urban Planning Directorate

2. Survey and Research Directorate
3. Regional Planning Directorate (including Rural Development)
4. Landscaping Unit
5. Industrial Planning Section
6. Traffic Engineering Cell
7. Housing and Management Consultancy Cell

**II. Design Wing**

1. Architecture Directorate
2. Structure Directorate
3. Building Services Directorate

**III. Development Wing**

1. Rehabilitation Directorate
2. Lands Directorate
3. Environment Directorate
4. Liaison Office at Lahore.

**IV. Master Plan Cell**

**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF MEMBER ADMINISTRATION**

**I. General Administration Wing.**

- (i) Personnel Directorate.
- (ii) Law Section.
- (iii) General Administration Branch/Record Cell.
- (iv) Labour Relations Branch.
- (v) Hostels.

**II. Municipal Administration Wing**

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- (i) Municipal Administration Directorate
- (ii) Medical Services Directorate
- (iii) Health Services Directorate
- (iv) Enforcement Squad
- (v) Special Magistrate

**III. Administration Wing**

- (i) Training Wing (CDA Comprehensive Training Academy)
- (ii) Education Wing
- (iii) Computer Centre

**Organization Chart**

Annexed at Schedule IV.

**SCHEDULE – II**

*[Vide Para – 3(2)]*

**DISTRIBUTION OF BUSINESS  
CHAIRMAN'S SECRETARIAT  
COORDINATION DIRECTORATE**

**I. Functions to be performed under direct supervision of the Chairman.– (1)**  
Circulation of agendas for Executive Meetings, circulations/distribution of Board decisions, progressing and follow up action thereof.

- (2) Issue of all Board's Orders and Instructions.
- (3) Arrangements in connection with National Assembly/Senate Sessions.
- (4) All National Assembly/Senate Questions.
- (5) All cases pertaining to different Directorates coming in or going out of the Secretariat being processed on files.
- (6) All correspondence with Central or Provincial Governments on behalf of CDA.
- (7) All Directives of the President and Prime Minister and correspondence from CDA Secretariat with follow up action on such Directives/correspondence.
- (8) Compilation of progress reports to the Central Government.

(9) Matters relating to construction/maintenance of Masaajid, Sharines, Churches, Graveyards and Imambaras, etc.

(10) Policy regarding execution of development works in Islamabad (Scope of responsibilities).

(11) Matters relating to construction of Government Quarters.

(12) Receipt and disposal of Ombudsman's complaints.

(13) Framing/revision of CDA Regulations and Policies.

(14) Any other assignments which may specifically be entrusted by the Board.

**II. Functions to be performed through the Member (Administration).-** (1) Control of CDA Guest House, Islamabad.

(2) Control of CDA Secretariat Transport Cell and allocation of vehicles to various Directorates of CDA.

(3) Coordination and fixing of responsibilities for celebration of all National and International level festivals and Conferences.

(4) All types of inquiries.

#### **ESTATE MANAGEMENT DIRECTORATE**

(1) All matters connected with allotment, sale (by auction, etc.), recovery of cost, transfers, conveyance deeds, cancellation, etc. of plots of following classifications:-

(i) Residential

(ii) Commercial and Business

(iii) Other commercial

(iv) Community buildings and Facilities

(v) Administrative Buildings and Public Offices

(vi) Industrial

(vii) Diplomatic Enclave

(viii) Public Parks, Playing fields, Incidental open spaces and Graveyards

(ix) Agro-farming and Agro-Industry

(x) Agro-villages and Sub-Urban Centres

- (2) All other miscellaneous work connected with Estate Management.

**COMMENTS**

**Synopsis**

1. Cancellation of allotment of land by Director Estate Management, C.D.A. on default of highest bidder.
2. Verbal order of Chairman of the Authority cancelling allotment of plot.
3. Competence of cancellation of allotment of commercial plot.

**1. Cancellation of allotment of land by Director Estate Management, C.D.A. on default of highest bidder.** Bidder had deposited more than 50% amount. Possession of land had not been delivered to the bidder on ground of encroachment by different persons and pendency of litigation between previous lessee and C.D.A. File of land was in possession of F.I.A. in connection with F.I.R. registered against bidder and ex-Chairman of C.D.A. Such factors had resulted in delay in payment of balance amount by bidder. C.D.A. could not invoke condition regarding payment of instalments without first fulfilling condition with respect to delivery of actual physical possession of land to bidder. Bidder, after learning through newspaper about intention of C.D.A. to cancel allotment, deposited entire balance amount along with delayed charges, but same were returned to bidder. Such conduct of C.D.A. proved its mala fide to cancel such allotment in any event. Bidder, after one or two days of impugned cancellation, had deposited entire amount along with delayed charges even without getting possession of land, which showed his bona fide. Cancellation of allotment by Director Estate management was without jurisdiction and lawful authority. High Court set aside impugned cancellation order and directed C.D.A. to deliver actual possession of land clear from all encroachments immediately on deposit of amount claimed from bidder [2008 MLD 1571].

**2. Verbal order of Chairman of the Authority cancelling allotment of plot.** Only Chairman had powers to allot and cancel plots, who could not delegate such powers to other officer of the Authority. All orders passed and acts performed by State/public functionaries adversely affecting anyone must be in writing. Verbal order of Chairman would have no sanctity in law for its being alien to process of law and courts [2007 SCMR 1328].

**3. Competence of cancellation of allotment of commercial plot.** All matters connected with the allotment, sale etc. and cancellation etc. of plots including commercial plots fell within the list of functions performed by the Chairman of the Authority. Obligations assigned to the Member (Administration) of the Authority did not include matters relating to sale etc. and cancellation etc. of the plots. Chairman was not vested with any authority either under the Ordinance or under the Regulations to assign his functions either to the Members or to other officers in the Authority in derogation of the distribution of business commanded by the Regulations. Office Order of the Chairman allocating the business assigned to him to the Member (Administration) was an order without lawful authority. Member (Administration) of the Authority, therefore, was not legally competent to cancel the plot in question [PLD 2004 SC 99].

**PUBLIC RELATIONS DIRECTORATE**

- (1) Planning and implementation of publicity programme and projection through various media such as Press, Radio, Television, Films Posters, Stickers, Exhibitions, Display Boards, Slogans, etc.
- (2) Liaison with the Press, Information media agencies, Cultural and literary organizations.
- (3) Release of advertisements and payment of bills.
- (4) Clipping service, scanning of newspapers and forwarding complaints to respective CDA Offices and issuance of contradiction/clarifications.
- (5) Coordination in arrangements regarding visits of VIPs to Islamabad.
- (6) Conducting the visits of "Press-men", students and groups coming from various training institutes like NIPA, Staff College, etc.
- (7) Coordination and issuance of invitations for ceremonies such as foundation stone laying out of important buildings, inaugurations, etc.
- (8) Coordination and arrangement of meetings with various welfare organizations, citizens committees, organizations of trades, business and industry and attending to public grievances.
- (9) Chairman's inspections and reception of Diplomats/Ambassadors coming to CDA.
- (10) Establishment and Administration of the Directorate.
- (11) Drawing and Disbursing duties of the Directorate.
- (12) Procurement and maintenance of Public Relations stores.
- (13) Maintenance of Public Relations Library.
- (14) Sports activities.
- (15) Assistance to film companies for location shooting.
- (16) Assistance to writers and poets for writing on Islamabad.

**INSPECTORATE OF WORKS**

- (1) To watch that in case of any default of any clause of the contract agreement, proper action is taken by the official concerned;
- (2) To watch the progress of efforts for settlement of audit objections;

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- (3) Technical scrutiny and check of works during execution and on completion;
- (4) To indicate cases for investigation and action where inefficiency or malpractice is supported;
- (5) To check works on behalf of the Chairman for release of security deposits beyond Rs. 0.10 million;
- (6) To see that the water supplied to the consumers is free from all contamination and fit for human consumption;
- (7) To carry out preliminary inspection of projects and submit brief to the Chairman prior to his intended inspection to a specified project;
- (8) To check that the stores produced by the CDA are properly documented/accounted for the issued to the works in accordance with the laid down procedures. To check that the stores received are properly protected against rusting/weathering affects ;
- (9) To check that the stores purchased by the CDA are utilized by the indenting Directorates in time;
- (10) To see that the check measurements laid down in the accounts code/code of functions are being exercised and recorded properly by the official concerned; and
- (11) Any other functions assigned by the Chairman.

**SECURITY, INTELLIGENCE AND ANTI-CORRUPTION BRANCH**

- (1) Investigations
- (2) Verifications.
- (3) Conduction of inquiries
- (4) Collection of information on security and corruption
- (5) Submission of security reports to the Chairman.
- (6) Night patrolling once a week.
- (7) Reporting of mal-practices/irregularities, such as corruption, misuse of transport, misuse of manpower, checking of attendance registers, pilferage, etc.
- (8) Occasional checking of Inquiry Offices to ensure that corruption is not done by the staff of those Offices.
- (9) Liaison with Civil administration.
- (10) Implementation of Orders of the Board where required.
- (11) Collection and issue of Security passes as and when required.

**COMPLAINT CELLS****Chief Complaint Officer – I**

(1) To receive complaints from the residents of Islamabad regarding maintenance of houses, maintenance of roads, sewerage, water supply, municipal functions and horticultural operations relating to Diplomatic Enclave, Administrative Sector, Quaid-e-Azam University, Sectors G-6, G-7, F-6, F-7 & E-7.

(2) To carry out inspections of various Sectors of Islamabad daily and to submit reports to the Chairman and Members of the Board.

**Chief Complaint Officer – II**

All above functions relating to Sectors G-8, F-8, E-8, G-9, I-9 & G-10.

**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF FINANCIAL ADVISER/MEMBER**

**I. FINANCE BRANCH**

**1. Budget Section.**— (1) Preparation of Budget Estimates for submission to Government and allocation after approval of Government Grants in respect of :—

- (i) Maintenance Grant.
- (ii) Municipal & other functions including CDA Secretariat.
- (iii) Capital Grant.
- (iv) Self Financing Sectors.
- (v) Receipt (Capital).

(2) Allocation of Establishment charges in respect of the Secretariat, Directorates/Divisions of the CDA.

- (3) Release of Grants-in-Aid from Government.
- (4) Preparation of budget Estimates of foreign exchange and its allocation.
- (5) Monthly return in respect of public outstanding dues against CDA.
- (6) Quarterly reports regarding deposit of funds belonging to CDA.
- (7) Monthly return regarding expenditure/receipt, loan/aids.
- (8) Execution/Financing of Deposit Works.



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(9) Quarterly progress/return regarding Annual Works Programme and Receipts.

(10) Conveyance loans/advances and House Building advances CDA employees.

**2. Works Section.-** (1) Scrutiny of contracts for works and vetting of cases referred to Finance Branch for financial advice by Directorates/Divisions.

(2) Maintenance of Contracts register and safe custody of copies of the contracts received from Directorates/Divisions.

(3) Financial scrutiny and issue of expenditure sanctions pertaining to projects/works including Deposit Works/Office contingency in respect of Directorates/Divisions.

(4) Financial scrutiny and issue of expenditure sanction pertaining to self-financing development.

(5) Scrutiny of proposals for vehicles.

(6) Coordination with other Sections and General Administration of Finance Wing including postings, transfers and proposals for establishment of the Finance Branch.

(7) Delegation of Financial Powers.

**3. Programming and Evaluation Section.-** (1) Economic and Financial programming of the works to be executed during a fiscal year.

(2) Finalization/preparation of Annual Programme of works for the Authority.

(3) Preparation of Evaluation reports and PC-I's on the prescribed proformae.

(4) To examine expenditure sanctions issued on the works under the PC-I schemes.

(5) Preparation of Financial/Physical Plan.

(6) Examination, scrutiny and submission of following progress reports to the Government :-

(i) Monthly Progress Reports.

(ii) Quarterly Progress Reports.

(iii) Annual Progress Report.

(iv) Evaluation Report for the plan period.

(7) Preparation of Five Year Plan.

(8) Examination of schemes prepared in PC-I form by other Departments/Agencies in consultation with the CDA and further processing and co-ordination.

(9) Submission of cases to the Government for seeking anticipatory approval for the projects wherever necessary.

(10) Maintenance of statistical data on various projects/schemes and supply of information to other Agencies.

(11) Preparation of Public Sector Development Programme for a fiscal year for submission to the Ministry of Finance before the submission of Annual Budget demands.

(12) Preparation of monthly review summary for consideration by the CDA Board in the Executive meeting.

(13) Dealing with the cases of Aid worthy projects and preparation of project proposals for Aid/Grant etc.

**4. Cost Analyst Section.**— (1) Preparation of cash flow statements for projects appraisal and feasibility in respect of Self Financing Schemes.

(2) Conduction of costing exercise to determine sale rate, premium rate, annual ground rent, extension surcharge, transfer fee, compounding charges etc.

(3) Fixation/revision of—

(i) hire rates to plant and machinery of M. P. O.;

(ii) issue rates of materials and stores of Stores Directorate and fixation of storage/procurement charges from time to time;

(iii) water charges, sui gas charges in respect of private houses/buildings and Government quarters in Islamabad;

(iv) departmental charges; and

(v) reserve price of plots, CDA's property, machinery/plant/vehicles for auction purpose.

(4) To look after the management/accounts matters of Slaughter House, Sihala.

(5) To maintain the accounts of the Aam Sarai, Islamabad, on self financing basis.

(6) Determination/assessment of date of completion/construction of plots/buildings in Islamabad for working out the recoverable dues before issuance of completion certificate.

(7) Determination/assessment of monthly rent and licence fees etc. in respect of Government/CDA's own buildings and commercial property, managed by D. M. A. and other Directorates of the C. D. A.

(8) Preparation of Balance Sheet and other allied accounts of the C.D.A.

(9) Supervision of the work of switching over from single entry system of accounting to double entry system of accounting in C.D.A.

(10) Processing of the cases of condemnation of plant and machinery, office equipment, furniture and fixation of Reserve Price therefor for the purpose of auction.

## **II. GENERAL ACCOUNTS DIRECTORATE**

(1) Maintenance of accounts of the Authority.

(2) Banking Investments of the fund of the Authority.

(3) Preparation of audit and accounts procedures.

(4) Rendering of financial advice.

(5) Audit and payment of all claims of pay and allowances, works expenditure, stores, other charges etc.

(6) Maintenance of Provident Fund accounts and payments.

(7) Issue of Pension Payment Orders and payment of gratuity and monthly pensions.

(8) Internal audit inspections of cash, stores, contract agreements, financial statement, etc.

(9) Scrutiny of replies related to Appropriation Accounts, Advance Paras, Draft Paras, Report of the Auditor General and directives of Public Accounts Committee including correspondence with Government and Audit.

## **III. COMMERCIAL ACCOUNTS DIRECTORATE**

Charter of duties to be notified later *vide* BOI No. 17/83 dated 6th December, 1983.

## **IV. PROCUREMENT DIRECTORATE**

(1) To investigate and register suitable firms for participation in tenders to be invited by the Procurement Directorate.

(2) Drawing up and revision of the basic terms and conditions for submission of tenders and those of contracts in consultation with Law Officer/Legal Adviser and Financial Authorities and obtaining approval of the CDA Board.

(3) To receive indents from various Directorates/Offices of CDA and scrutinizing those for the purpose of procurement.

- (4) Technical scrutiny of specifications given in the indents and making those comprehensive as well as broad-based, so as to promote maximum competition.
- (5) Pre-qualifying of sources of supply for important items.
- (6) Inviting tenders in accordance with the procedure approved by the CDA Board.
- (7) Preparation and issue of tender documents.
- (8) Safe custody of all quotations received.
- (9) Preparation of comparative statement of quotations received.
- (10) Technical scrutiny of quotations received so as to find out lowest acceptable, in accordance with specifications laid down in the invitation to tender.
- (11) Technical scrutiny of any sample submitted with the tenders.
- (12) Formulation of purchase proposals for approval by the Competent Authority.
- (13) Issuing of purchase contracts.
- (14) Utilization of foreign exchange in-time in consultation with the concerned formation and Finance Branch.
- (15) Obtaining of permissions and/or Import Licences.
- (16) Opening of Letters of Credit.
- (17) Progressing of contracts upto satisfactory completion.
- (18) To undertake inspections of those items which are not susceptible to inspection at the consignees, end.
- (19) Entering into agreement with Pakistan Insurance Corporation for insurance of CDA consignments.
- (20) Lodging and pursuing CDA claims with Pakistan Insurance Corporation and suppliers etc.
- (21) Audit of all bills pertaining to purchase contracts and preparation of D.P. Sheets.
- (22) Maintenance of accounts relating to expenditure on purchase contracts.
- (23) Maintenance of Cash Book under supervision of Drawing and Disbursing Officer of the Directorate.
- (24) Administration of the Procurement Directorate.

**V. LIAISON OFFICE, KARACHI**

- (1) To supervise work of CDA's Clearing Agents at Karachi.
- (2) To check that correct custom duties and sales taxes are levied on CDA's imports.
- (3) To represent CDA in settling objections by custom's authorities.
- (4) To ensure that damages/shortages are correctly assessed by the Insurance Surveyor and claims are lodged by the Clearing Agent in time.
- (5) To assess CDA's claims in respect of un-identified/detached items of consignments.
- (6) To ensure that demurrage charges to the CDA's accounts are avoided or minimized.
- (7)
  - (a) To investigate reasons for delay in clearance and to recover demurrage where due.
  - (b) To intimate Directorate of Procurement to recover demurrage or any other expenditure incurred due to the fault of the Suppliers/Bankers.
  - (c) To obtain write off sanction for demurrage due from the Clearing Agent from the competent authority.
- (8) To liaise with Government/Semi-Government Organizations, such as, D.G.I.P. & S., Ministry of Defence Embarkation HQs., K.D.A., K.P.T., etc. and Foreign Trade Commissioners located at Karachi, as and when required.
- (9) To keep exploring new venues of supply at Karachi and recommend those to the Director Procurement, CDA.
- (10) To exercise vigilance about loaded wagons against pilferages and arrange escorts where necessary.
- (11) To verify correctness of payments made by the Clearing Agent to the Bankers.
- (12) To act as interim consignee where so provided in the Procurement Contracts, e.g., Alum.
- (13) To receive tender documents from the Procurement Directorate for sale to the intending bidders at Karachi.
- (14) To maintain accounts of cash and stores, etc. and arrange recouplements from the General Accounts Directorate.
- (15) To pursue important cases as may be referred to Liaison Officer by any Directorate of the CDA.
- (16) Administration of Liaison Office.

(17) To represent CDA in any Government/Semi-Government or private dispute of legal or non-legal nature.

(18) To exercise public relation on behalf of CDA in the commercial metropolis of Pakistan.

(19) To ensure that all schemes sponsored by C.D.A. concerning "housing", "commercial areas," etc. are given full publicity in Karachi making necessary literature available to the public.

(20) To perform efficiently any other duties entrusted by the Board of the CDA.

**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF MEMBER ENGINEERING  
WORKS WING**

**I. WORKS DIRECTORATE**

Construction of houses, mosques and office buildings for affiliated departments and all sundry civil works.

**II. BUILDINGS DIRECTORATE**

(1) Execution of all major building works.

(2) Execution of deposit works on behalf of other Government departments/agencies.

**III. ELECTRICAL AND MECHANICAL DIRECTORATE (DEVELOPMENT)**

Execution of electrical and mechanical works related to the works handled by the Works Directorate and Buildings Directorate.

**IV. ELECTRICAL AND MECHANICAL DIRECTORATE (MECHANICAL)**

Maintenance of electrical equipment and installation in the government constructed houses, offices and other buildings.

**V. ROADS DIRECTORATE**

(1) Construction of Highways, Principal Roads and Internal Roads.

(2) Construction of all Bridges and culverts on Highways and Roads.

**VI. QUALITY CONTROL UNIT**

(i) Soils

(ii) Materials

(iii) Drilling & Foundations

**FUNCTIONS**

**1. Soils**

- (1) Testing of all soils for foundations designs.
- (2) Testing of soils for pavement design.
- (3) Testing of soils used in pavement construction.
- (4) Testing of soils for embankment construction.
- (5) Testing of soils for all purposes not mentioned above.

**2. Materials**

- (1) Testing of materials.
- (2) Designing of concrete mixes.
- (3) Testing of concrete samples taken from sites.
- (4) Testing of concrete already placed.
- (5) Testing of all materials used at asphalt mixing plant.
- (6) Providing of mix and plant formula at asphalt mixing plant for providing asphalt concrete for carpeting of roads.
- (7) Designing of asphalt mixes.
- (8) Testing of all finished pavement and structures.

**3. Drilling and Foundations**

- (1) Drilling for all type of investigations work.
- (2) Preparation of long charts.
- (3) Testing of core material.
- (4) Drilling for trial bores.
- (5) Recommending safe boring capacity.

**SERVICES WING****I. MAINTENANCE DIRECTORATE**

Maintenance of all residential and non-residential buildings and Sewerage System through Islamabad.

**II. WATER & SEWERAGE (DEVELOPMENT) DIRECTORATE**

Original Works pertaining to water and sewerage, excluding maintenance works.

**III. WATER SUPPLY DIRECTORATE**

(1) Operation and maintenance of Water Supply distribution system and water resources.

(2) Provision and maintenance of water supply connections to the consumers and installation of water meters, for individual connections.

(3) Development of ground water resources.

(4) Operation and maintenance of water tanker services.

**IV. GEOLOGICAL UNIT**

(i) Geological

(ii) Hydrological

(iii) Monitoring

**FUNCTIONS****1. Geological**

(1) Preparation of geological maps of sectoral areas of Islamabad.

(2) Preparation of geological maps of urban areas of Islamabad.

(3) Rendering advice to Soil Section on foundation design.

(4) Rendering advice to Tubewell Division regarding tubewells designs.

(5) Advice of setting up of Crusher Plants.

(6) Advice for setting up of quarries of building and road making materials.

(7) Preparation of log charts of bore holes.



- (8) Advice on classification of soil.

**2. Monitoring**

- (1) Monitoring of all tubewells regularly.
- (2) Preparation of data regarding draw-down discharge and recharge and safe yield of each tubewell.
- (3) Monitoring and instrumentation of Simly Dam.
- (4) Keeping record of all seismic activities in Capital Area.
- (5) Setting of Metrological Stations in Capital Area and keeping record of rain fall, temperature, humidity etc.
- (6) Air quality monitoring.

**3. Hydrological**

- (1) Measuring discharge of all nullahs, streams and rivers in Islamabad.
- (2) Setting up Guaging Stations on different streams in Islamabad.

**STORES DIRECTORATE**

- (1) To receive copies of Purchase Contracts in which Deputy Director Stores has been designated as the Consignee.
- (2) To study the Purchase Contracts and make advance preparations for receipt and adequate storage of the anticipated consignments.
- (3) To progress receipts of related documents e.g., Despatch Reports from Suppliers, Invoices/Bills of Lading, Insurance Policies, Railway Receipts, Convey Notes, etc.
- (4) To invite tenders and issue contracts, with approval of the competent authority, for carriage of consignments of the Authority from Railway Station, etc.
- (5) To ensure prompt lifting of all consignments from the Railway Station by the Carriage Contractor.
- (6) To raise timely claim, if any, on Carrying Agencies e.g. Railways.
- (7) To receive Stores at the Stores Directorate or Site, as may be appropriate.
- (8) To inform the Deputy Director Inspection, Indentor and Insurance Surveyor of the receipts of stores, as required.

- (9) To check/weigh/measure/count all receipts physically and account for them accordingly.
- (10) To notify discrepancies to the Procurement Directorate for taking up with the Suppliers and/or PIC.
- (11) To receive Inspection Notes and endorse the receipt certificate thereon for purpose of payments.
- (12) To co-ordinate with users and place consolidated indents for Cement and Steel on Procurement Directorate/for purposes of stock reserves.
- (13) To review stock position and place supply orders against Running/Rate Contract, to maintain stock at the required levels.
- (14) To inform Indentors and pursue lifting/utilization of stores by the Indentors.
- (15) To receive Indents from various Directorates of CDA and make issues according to the approved procedure.
- (16) To issue Stores on pre-payment to private builders in Islamabad and other government/Semi-Government Departments, as may be authorised.
- (17) To account for all issues properly.
- (18) To arrange proper storage, care and maintenance of all stocks.
- (19) To conserve covered storage space as much as possible.
- (20) To maintain an adequate system of location of all stocks.
- (21) To undertake regular stocktaking according to approved procedure and adjust surplus/deficient items.
- (22) To adopt security measures against pilferages and fire hazards, etc.
- (23) To maintain quantitative as well as valuation accounts and render monthly account.
- (24) To determine surplus stores in consultation with the indentors.
- (25) To dispose surplus and un-serviceable stores, so declared by the competent authority.
- (26) To maintain Cash Account in respect of payment issues and disposal, etc.
- (27) To obtain sanction for Regular 'P' staff and those paid out of contingencies and their appointment/discharge under the normal rules.

- (28) Administration of Stores Directorate.

**MACHINERY POOL ORGANIZATION**

- (1) Provision of light and heavy construction machinery/equipment for various roads and building works in Islamabad.
- (2) Issue of machinery to the indentors on approved hire charges/conditions.
- (3) Provision of spares, POL for the machines and vehicles of other Directorates/Secretariat.
- (4) Maintenance of machinery held on the charge.
- (5) Repair to the machinery and T & P held on the charge including that of other Directorates of the Authority and Secretariat.
- (6) Operation of Asphalt Mixing Plants.
- (7) Recovery of hire charges of machinery and the cost of repairs on job.

**OFFICES UNDER THE ADMINISTRATIVE  
CONTROL OF MEMBER PLANNING  
PLANNING WING**

**I. URBAN PLANNING DIRECTORATE**

- (1) To undertake forward planning within the frame-work of the existing Master Plan of the Urban area.
- (2) To evaluate the requirements and determine the relationship between various land-uses.
- (3) To appraise the quantitative and qualitative aspects of proposals for land utilization in the sectoral area of Islamabad.
- (4) To monitor the development within the Urban area.
- (5) To respond to trends in the development.

**II. SURVEY AND RESEARCH DIRECTORATE**

- (1) To conduct planning surveys of research and development and a data bank for the entire planning jobs.
- (2) To undertake land surveying for whole of the Capital territory.
- (3) To undertake demarcation work of areas planned and their details.

- (4) To hand over the possession of all kinds of allotted plots.

### III. TRAFFIC ENGINEERING CELL

(1) To develop policies, standards and practices aimed at facilitating safe and smooth traffic flow within Islamabad adjoining areas.

- (2) To conduct research studies for transportation development programmes.

(3) To maintain close working relationship and cooperation with local traffic law enforcement departments.

(4) To establish public information campaigns for keeping the public informed on traffic regulations, control devices and other measures.

### IV. REGIONAL PLANNING DIRECTORATE (INCLUDING RURAL DEVELOPMENT)

(1) To undertake preparation of a Regional Plan for the specified Area incorporating a comprehensive development programme for the Region.

(2) To coordinate development in accordance with the Regional Plan in the Specified Area.

- (3) To prepare a physical development plan for the Islamabad Park Area.

(4) To undertake comprehensive rural planning within the Islamabad Capital Territory.

(5) To examine and process all planning applications for development within the Region.

### V. LANDSCAPING UNIT

(1) To prepare landscape plans of all the Parks, Playgrounds, Roads, Open Spaces, Nullahs, Shopping Centres, blue area, civic centres, Hills, etc.

- (2) To prepare working drawings of hard landscape.

(3) To prepare planting plans.

(4) Occasional supervision.

### VI. INDUSTRIAL PLANNING SECTION

(1) Advisory service to prospective investors.

(2) Formulation of different policies pertaining to industries.

- (3) Evaluation of all new applications for industries.
- (4) Processing of applications for Industrial allotment Committee Meetings.
- (5) Planning and maintenance of present industrial areas.
- (6) Planning and development of future industrial areas.
- (7) Planning and development of Small Scale Industrial Estate in Coordination with Small Scale Industries Corporation.
- (8) Planning, progressing and maintenance of a Joint Venture of CDA with local investors, foreign investors, in a bilateral or trilateral framework.
- (9) Progressing of all industrial ventures in the Capital Area.

**VII. HOUSING AND MANAGEMENT CONSULTANCY CELL.**

- (1) Enlistment of Cooperative Housing Societies.
- (2) Scrutiny of documents of members of the Societies.
- (3) Monitoring of various cooperative programmes for mass housing.
- (4) Allotment of plots/apartments/land to Cooperatives.
- (5) Monitoring of action of cooperatives and development.
- (6) Coordination with Senior Management for timely finalization of policy matters.
- (7) Drawing up programmes of mass housing and its processing.

**VIII. MASTER PLAN CELL**

Review of Islamabad Master Plan:

**DESIGN WING**

**I. ARCHITECTURE DIRECTORATE**

- (1) Architectural design of some of the buildings that are to be constructed by CDA such as Primary Schools, Secondary Schools, Shopping Centres, Health Centres, Mosques, Schools and Houses. etc.
- (2) Rendering advice to the Consulting Architects on the architectural features, style of buildings to be constructed at Islamabad.
- (3) Preparation of architectural designs and the working drawing of certain number of projects which are included in the Annual Development Programme every year.

(4) Drawing and contracts and coordination with Consulting Architects to obtain architectural design and the working drawings of the projects. The working drawings will be sent to the executing agency from this Directorate for the realisation of the project.

(5) The organization of all architectural competitions for any particular project in order to achieve best design, Names of the projects for which competitions are to be organized are, of course, to be decided by the Board.

(6) For processing of any other architectural works of CDA.

## II. STRUCTURE DIRECTORATE

- (1) Structural design of the culverts and bridges.
- (2) Design of all services including water supply, Sewerage and drainage.
- (3) Preparation of longitudinal cross and inter-section of roads.
- (4) Structural design of buildings and houses.

## III. BUILDING SERVICES DIRECTORATE

All matters relating to building services (internal) i.e. water supply, drainage system, sanitary system, gas supply and electricification.

### DEVELOPMENT WING

#### I. REHABILITATION DIRECTORATE

- (1) All matters relating to acquisition of land.
- (2) Payment of compensation to the outstees. Including also –
  - (i) preparation of directives;
  - (ii) obtaining record from Revenue Department;
  - (iii) working out the rates;
  - (iv) measurement of built up property;
  - (v) preparation of acquittance rolls;
  - (vi) payment of compensation.
- (3) All matters relating to rehabilitation of the outstees on agricultural land in Colony Districts. Including also –
  - (i) securing allocation of land from the Board of Revenue;

- (ii) issue of eligibility certificates;
- (iii) maintaining liaison with Board of Revenue and Deputy Commissioners in Colony Districts;
- (iv) assistance to the oustees in Colony Districts for obtaining land;
- (v) possession of allotted land;
- (vi) loans for purchase of machinery, tubewells and electric connections etc.

(4) All matters relating to problems of the residents of unacquired villages.  
Including also –

- (i) conducting detailed survey for collection of data regarding social services;
- (ii) preparation of plans for re-location of the oustees of urban area;
- (iii) review and revision of "Model" village concept;
- (iv) planning for rehabilitation of oustees;
- (v) liaison with Planning, Lands and Estate Management Directorates regarding rehabilitation plan;
- (vi) solution of the problems of the oustees.

(5) All matters relating to rehabilitation of oustees of the acquired area and their re-location within the green areas of the Capital site and Specified Area.

## **II. LANDS DIRECTORATE**

All functions as mentioned under Rehabilitation Directorate. Director Rural Rehabilitation to maintain supervisory control.

## **III. ENVIRONMENT DIRECTORATE**

- (1) Afforestation of Margalla Hills facing Islamabad.
- (2) Landscaping of the Administrative Sector, Sports Centre etc., and plantation in these areas.
- (3) Plantations along the Highways and Roads and setting up of Parks and Gardens in the Capital.
- (4) Promotion and Coordination activities in respect of fruit and vegetable farms.

**IV. LIAISON OFFICE AT LAHORE**

To maintain liaison with Board of Revenue/Deputy Commissioners of the Colony Districts for rehabilitation of the oustees of Islamabad in the Colony Districts.

**OFFICES UNDER ADMINISTRATIVE  
CONTROL OF MEMBER ADMINISTRATION  
GENERAL ADMINISTRATION WING**

**I. Personnel Directorate**

- (1) Framing and updating of Service Rules and Regulations.
- (2) Recruitment and Promotion Policy.
- (3) Constitution of Recruitment and Promotion Committees.
- (4) Organization and structure of the Chairman's Secretariat and Directorates.
- (5) Creation of posts.
- (6) Disciplinary cases.
- (7) Recruitment/Promotion of Officers/Staff and maintenance of their personal files/records.
- (8) Office procedures.
- (9) Foreign Experts – procurements of services etc.
- (10) Training of officers abroad in association with Directorate of Training and Evaluation.
- (11) Policy – Medical facilities.
- (12) Annual Confidential Reports – Officers/Staff.
- (13) Engagement of Counsel.
- (14) Terms and conditions of service – Officers/Staff.
- (15) Delegation of Administrative powers.
- (16) Maintenance of record/checking of monthly strength returns of all Dtes/offices of the Authority.
- (17) Visits abroad of Chairman/Members of the Board.



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- (18) Maintenance of CDA employees service/bio-data cards.
- (19) Recruitment of work-charged staff (on casual basis for 89 days), grant of extension in the period of their appointment.
- (20) Regularization of –
  - (a) Upper age limit of Regular 'P' employees.
  - (b) Overstay beyond the age of superannuation.
- (21) Payment of salary equal to 180 days to the heirs of the deceased employees.
- (22) Payment of burial charges to the heirs of the deceased employees.
- (23) Payment of TA/DA to the regular and Regular 'P' staff on retirement.
- (24) Payment of pension/gratuity. .
- (25) Processing of cases regarding payment of Group Insurance and Benevolent Funds to the deceased families.
- (26) Grant of honorarium to the staff.
- (27) Grant of advances for
  - (a) House Building.
  - (b) Purchase of Cars, Motorcycles and Cycles.
- (28) Movement of officers/staff outside Islamabad.
- (29) Maintenance of declaration of assets of officers and staff (raising of observations and follow up action).
- (30) Grant of advances out of CP/GP Funds.
- (31) Grant of leave (study leave abroad and Ex-Pakistan leave) in the cases of officers and staff.
- (32) Postings/transfers of officers and staff.

**II. GENERAL ADMINISTRATION BRANCH/RECORD CELL**

- (1) Receipt/despatch of dak.
- (2) Photographing/duplication work.

- (3) Issue of general orders/decisions regarding security measures, fire-fighting measures, cleanliness of offices, allotment of Government quarters etc.
- (4) Issue of liveries to entitled employees.
- (5) Drawing and Disbursing work in respect of Chairman's Secretariat.
- (6) Issue of CDA Identity Cards to CDA Employees.
- (7) Procurement and issue of stationery, stores, office equipment, etc., to Chairman's Secretariat.
- (8) Arrangement for Board meetings etc.
- (9) Provision of office and residential accommodation including hiring of private buildings.
- (10) Allocation and installation of telephone connections and payments of telephone bills in respect of CDA Secretariat.
- (11) Procurement of furniture/furnishing material for the Chairman's Secretariat.

### III. LABOUR RELATIONS BRANCH

- (1) To coordinate and arrange implementation of policies/demands etc. of the management and those of the Unions.
- (2) To pursue welfare cases of the employees of BPS 1 to 15 viz. Pension, Compensation, Benevolent Fund, etc.
- (3) To arrange Works Council meetings, etc. for the settlement of differences, disputes and redress of the grievances.
- (4) To associate with the inquiries and preliminary investigations against the office bearers of the Unions.
- (5) To make arrangements for holding of referendum and elections of the Unions.
- (6) To maintain liaison and coordination with the Institutions dealing with formation of Trade Unions and Federations e.g. NIRC, Labour Courts, etc.
- (7) To tender advise in cases of labour disputes, to engage the Counsels in consultation with the Litigation Officer and Law Officer in case filed in the NIRC and Labour Court.

### IV. HOSTELS

- (1) Management of the following hostels:—

- (i) Government Hostel
  - (ii) CDA Officers Hostel
  - (iii) CDA Guest House
  - (iv) Chummary type Hostel
- (2) Reservation/allotment, recovery of dues, catering facilities etc. concerning these hostels.

**V. LAW SECTION**

- (1) Drafting and vetting of all documents involving legal implication including legislative measures.
- (2) Preparation and defence of cases in Courts in which the Authority is a party.
- (3) Legal advice, where necessary, on day-to-day conduct of business of the Authority.
- (4) Recovery of CDA dues as arrears of land revenue.

**MUNICIPAL ADMINISTRATION WING**

**I. Municipal Administration Directorate**

- (1) All functions relating to sanitation and public welfare, safety and convenience and general cleanliness of the Capital.
- (2) The sale/lease and management of shops and other commercial property constructed by the CDA.
- (3) Regulating markets and civic centres.
- (4) Management of cemeteries.
- (5) Collection of Revenues on account of :-
  - (i) Water Supply and conservancy charges in respect of all quarters and private property in the Capital.
  - (ii) Sui Gas charges for bulk supply in respect of Government quarters allotted to Federal Government Servants and the staff of the CDA and Essential Services.
  - (iii) The recovery of rent of quarters allotted to the staff of the CDA and other Essential Services such as WAPDA, Police, Education, Post Offices and T & T Department etc.

- (6) Operating sale/lease agreements of shops, dukanchas, kiosks etc.
- (7) Issue of Hawker's Licences and to recover penalties, etc.
- (8) Grant of connections/dis-connections of sui gas in respect of Government quarters in cases of bulk supply.
- (9) Extinguishing fires and fire prevention measures.
- (10) Registering of births and deaths in the city.
- (11) Eradication of Rats and removal of refuse.
- (12) Shooting of stray dogs.
- (13) Management of weekly Bazars viz. Juma, Itwar and Mangal Bazars.
- (14) Matters relating to Islamabad Association of Trade and Industry.
- (15) Matters relating to defunct Hotel Shehrazad
- (16) Non-conforming use of residential accommodation for commercial purposes.
- (17) Decorative arrangements for the V.I.P.'s visiting Islamabad.

## **II. Medical Services Directorate**

- (1) Provision of outdoor treatment to patients reporting to the Medical Centre of CDA Hospital.
- (2) Provision of indoor treatment to the patients admitted into CDA Hospital.
- (3) Proper control of CDA Hospital including Maternity Child Health Centre and outdoor patients Block.
- (4) Purchase within specified limits and storage of all medicines of common use (including patent medicines) for treatment of CDA employees and their families.

## **III. Health Services Directorate**

- (1) Making adequate arrangements for medical attendance and treatment of all CDA employees and their families living in Rawalpindi and Islamabad and for medical attendance and treatment of employees of all other autonomous bodies and members of general public residing in Islamabad as may be authorised.
- (2) Purchase within specified limits and storage of all medicines of common use (including patent medicines) in various dispensaries/medical centres for the treatment of CDA employees, their families, employees of all other autonomous bodies and members of general public in Islamabad.

**The Capital Development Authority Conduct of Business Regulation, 1985 403**

(3) Making arrangements for indoor treatment of CDA employees and their families in CDA Hospital, where needed.

(4) Performing all functions relating to public health in Islamabad including measures required to be taken for the prevention of epidemics.

**VI. Enforcement Squad**

(1) Ejection of occupants and demolition of villages as and when required by the Authority for clearance of area for the development.

(2) Demolition of illegal constructions throughout the Capital area.

(3) Removal of encroachments, wherever reported by the concerned Directorates.

(4) Vacation of unauthorised occupied Government accommodation and handing over to concerned Enquiry Offices/allottees.

(5) Checking of illegal rented out Government accommodation and also subletting cases on reporting by the interested informers.

(6) Possession/clearance of Fruit and Vegetable Farms.

(7) Provision of Enforcement/Security staff to Directorate of Municipal Administration, Environment Directorate and others whenever planned raids are organized by these Directorates.

(8) Liaison with Civil Administration.

(9) Implementation of Board orders where required.

**V. Special Magistrate**

(1) Trial of cases under the CDA Ordinance, 1960 (XXIII of 1960), Municipal By-laws and Regulations relating to CDA.

(2) To carry out surprise checks/raids concerning encroachments/violations, etc.

(3) To carry out special assignments entrusted by the Board.

**ADMINISTRATION WING**

**I. Training Wing (CDA Comprehensive Training Academy)**

(1) In-service training to Officers and subordinates of the Authority.

(2) Pre-service training to personnel who join the Authority.

(3) Pre-qualification training for certain examinations.

- (4) Short training courses for Officers of the Authority in the first phase.
- (5) Technical courses.
- (6) Organize Seminars and Workshops.
- (7) Carry out O & M studies as and when required.
- (8) Conduction of all departmental examinations in the field of Administration, Accounts and Technical cadres.
- (9) Publication of CDA News letter and brochures.

## **II. Education Wing**

Establishment of a Model School for providing a platform of Education excellence to the children of CDA employees and outsiders.

## **III. Computer Cell**

(1) Computerisation of some of the functions of the Authority concerning Estate Management, re-settlement of affected persons, personnel and Revenue for generation of timely and meaningful Management information report.

(2) To reduce the manual work load and to improve the efficiency and optimise the manpower resources.

### **SCHEDULE – III**

*[Vide para 8(2)]*

#### **MEMBERS/OFFICERS OF THE CAPITAL DEVELOPMENT AUTHORITY AUTHORISED TO AUTHENTICATE AND EXECUTE ORDERS ON BEHALF OF THE AUTHORITY.**

- (1) Chairman
- (2) F.A./Member
- (3) Member Engineering
- (4) Member Planning
- (5) Member Administration
- (6) Secretary
- (7) Deputy Director General (Development)

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- (8) Deputy Director General (Planning)
- (9) Deputy Director General (Design)
- (10) Deputy Director General (Services)
- (11) Deputy Director General (Works)
- (12) Deputy Financial Adviser
- (13) Directors
- (14) Law Officer
- (15) Deputy Director Industrial Planning
- (16) Assistant Financial Advisers

**CHAIRMAN  
CHAIRMAN SECTT  
SECRETARY TO THE BOARD  
DIRECTOR PUBLIC RELATION  
PRINCIPAL STAFF OFFICER**

FA/ MEMBER	MEMBER ADMIN		MEMBER PLANNING	MEMBER DESIGN	MEMBER ENGINEERING	DG SERVICES	DG ENVIRONME NT	EXECUTIVE DIRECTOR (CONSULTANT/ CARDIOLOGIST)
	D.D.G. ADMIN		DY. DIR GENERAL		DDG (WORKS)			
1. Dy. Financial Advisor	1. Dir Estate Manag-I	1. Director Personnel	1. Dir. UP	1. Dir ARCH.	1. Dir Roads-I	1. Dir Maint	1. Dir Envir (U)	Capital Hospital
2. Director Audit & Accounts	2. Director Estate Mang-II	2. Dir Admin	2. Add. Dir. RP	2. Director Structure	2. Director Roads-II	2. Dir E&M (Maint)	2. Dir Envir(P)	
3. Director Revenue	3. Director Enforcement	3. Director Health Services	3. Add. Dir Master Plan	3. DD (BCS-I)	3. Director Works	3. Director Aiwan-e- Sadr	3. Chief Lands Scape Arch.	
4. Dir Computer Centre	4. Dir Law	4. Dy. Dir Labour Relations	4. Industrial Planning Cell	4. DD (BCS-II)	4. Director Special Project	4. Dir Water Supply	4. Dir (DMA)	
	5. Add. Dir Security		5. Traffic Engg. Cell		5. Dir E&M (Dev)	5. Dir (Coord) Parliament Building	5. Director Sanitation	
	6. Dir Lands & Rehabilitation		6. Land Survey Division		6. Dir (MPO)	6. Director Parliament Lodges & Hostels		
	7. D.C. CDA		7. Katchi Abadi Cell		7. Dir C.E.Labs.			
	8. Sr. Special Magistrate				8. Dir W&S (Dev)			
					9. Dir Khan Pur Dam Project			
					10. Dir P&E			



## **THE ISLAMABAD CAPITAL TERRITORY INDUSTRIAL REGULATION, 1985**

WHEREAS the Capital Development Authority has been established under the Capital Development Authority Ordinance, 1960 (XXIII of 1960) for making all arrangements for the planning and development of Islamabad within the framework of a regional development plan;

AND WHEREAS the Capital Development Authority can allow industries to be established in Islamabad Capital Territory in conformity with the national policy;

AND WHEREAS in exercise of the powers conferred upon him under section 3 of the West Pakistan Industries (Control on Establishment and Enlargement) Act, 1963, the Administrator, Islamabad Capital Territory, has specified certain industries which cannot be allowed to be set up during Sixth Plan period (1983 – 88) and until further orders and has also allowed setting up of certain industries during the aforesaid period with his approval;

AND WHEREAS the industrial units falling in the categories other than those mentioned above would require prior consideration by the Capital Development Authority Industrial Allotment Committee and approval by the Board of the Authority;

AND WHEREAS no industrial unit whatsoever can be set-up in any area not conforming to the Master Plan and Master Programme and land use policy approved by the Capital Development Authority from time to time;

NOW, THEREFORE, in exercise of the powers conferred by Section 51 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Authority hereby makes the following Regulation, as being expedient:—

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**CHAPTER I****PRELIMINARY**

**1. Short title, extent and commencement.**— (1) This Regulation may be called the Islamabad Capital Territory Industrial Regulation, 1985.

(2) It shall come into force at once.

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

- (a) “Authority” means the Capital Development Authority as defined in the Capital Development Authority Ordinance, 1960 (XXIII of 1960);
- (b) “Board” means the Board constituted under Section 6 of the CDA Ordinance, 1960 (XXIII of 1960);
- (c) “Feasibility Report” means a report giving description of product, its uses, capacity of production, description of manufacturing process, source of investment, cost of project, etc.;
- (d) “Industrial Allotment Committee” means a Committee constituted for the evaluation of projects and submission of recommendations for allotment of land;
- (e) “Industrial Investment Schedule” means the schedule prepared by the Government of Pakistan from time to time;
- (f) “National policy” means the industrial policy as formulated by the Government of Pakistan from time to time;

**CHAPTER II****CLASSIFICATION OF INDUSTRIES**

**3.** In keeping with the national policy the Authority shall broadly classify the establishment of industries in the following categories:—

- (i) *Specified industries.*— Details of specified industries are at Schedule I. These shall not be allowed to be set-up during Sixth Plan period (1983 – 88) and until further orders;
- (ii) *Industries which can be set-up with the prior approval of Administrator, Islamabad Capital Territory.*— The details of such industries are at Schedule II. No new units concerning such industries shall be allowed to be set-up during the Sixth Plan period without approval of the Administrator, Islamabad Capital Territory. Applications for the purpose shall be submitted to the Director of Industries, Islamabad Capital Territory.
- (iii) *Industrial units requiring prior approval of the Central Investment Promotion Committee and the Federal Government.*— The following industrial units fall in this category:—
  - (a) Projects involving foreign private investment;
  - (b) Large projects costing Rs. 300 million and above;
  - (c) Projects requiring cash foreign exchange of more than Rs. 50 million for plant and machinery;
  - (d) Projects involving import of second hand machinery, except under NRI; and
  - (e) Projects in which more than 60 per cent of the raw material is importable provided the value of such import exceeds 20 per cent of the total investment in fixed assets.

Applications for the above units shall be submitted to the Directorate of Industries of Islamabad Capital Territory for scrutiny and onward transmission to the Administrator.

- (iv) *Industrial units which shall be set-up with the approval of the Capital Development Authority.*— The new industrial units falling in the categories other than those listed at (i) to (iii) shall be set-up with the prior approval of the Authority. Applications for these units shall be submitted to the Planning Wing (Deputy Director Industrial Planning) of the Authority for scrutiny.

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**CHAPTER III****LAND ALLOTMENT**

**4. Mode of applications for land allotment.**— Applications for new industrial units addressed to the Director of Industries, Islamabad Capital Territory or the Planning Wing of the Authority, as the case may be, shall accompany the following documents :—

- (a) *Feasibility Report.*— This report shall give the description of product, its uses, capacity of production, description of manufacturing process, source of investment, cost of project, i.e. fixed cost and working capital, cost of operation, list of machinery and personnel, market survey, income, profitability and sketch of buildings and open areas.
- (b) *Sanctions.*— Sanction or permission from Investment Promotion Bureau (I.P.B.) or Pakistan Industrial Credit and Investment Corporation (PICIC) or Industrial Development Bank of Pakistan (IDBP) in case of foreign exchange component or restricted industry.
- (c) *Loans.*— In case of loan, a sanction or intent from the loan giving agency.
- (d) *Credit Worthiness.*— Certificate from a commercial bank regarding credit worthiness of the investor up to the value of investment mentioned.
- (e) *Income Tax.*— Proof of Income Tax payment.
- (f) *Shifting.*— Permission of Provincial Government in case of shifting from some Province.
- (g) *Status of Firm.*— Memorandum and Articles of Association in case of Companies or Partnership Deed in case of Firms and the certificate of incorporation of Registrar Joint Stock Companies or the Registrar of Firms as the case may be.

**5. Evaluation of project.**— The project will be evaluated on the following lines :—

- (i) The project should conform to the national policy of Industrial Investment;
- (ii) Industries generating environmental pollution will not be allowed till suitable measures to remove pollution were guaranteed by the sponsors;
- (iii) Waste products will be suitably treated to remove health and safety hazards;
- (iv) The project should be able to generate allied industries or services in other fields; and
- (v) Maintain healthy competition and avoid over production leading to financial loss and eventual closure. Only suitable capacity of the same product will be allowed.

**6. Disposal of applications.**— All applications after evaluation shall be placed before Industrial Allotment Committee for consideration and submission of recommendations to the Board for orders. The applicant will later on be informed of the decision.

#### CHAPTER IV

##### INDUSTRIAL ALLOTMENT COMMITTEE

**7.** The selection of projects for allotment of land will be done by a committee comprising the following:—

- (i) Member Planning, C.D.A. *Chairman*
- (ii) Representative of Ministry of Industries *Member*
- (iii) Representative of Islamabad Administrator *Member*
- (iv) Director Estate Management, C.D.A *Member*
- (v) Representative of Rawalpindi  
Chamber of Commerce and Industry *Member*
- (vi) Deputy Director Industrial Planning C.D.A. *Member & Secretary*

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**CHAPTER V****PROGRAMMING**

8. To maintain a reasonably fast pace of development the following schedule shall be maintained by all applicants:—

- (i) Physical possession of land within ONE month of allotment;
- (ii) To submit for approval the plans and designs of industrial buildings within THREE months of allotment;
- (iii) To start construction within SIX months of allotment;
- (iv) To complete construction, installation of machinery, proof testing and start regular production within THREE years of allotment;
- (v) To submit monthly progress reports by the fifth of each month until the unit goes into regular production; and
- (vi) To submit yearly reports afterwards. A copy of report proforma will be supplied by the Authority after the start of regular production.

**CHAPTER VI****MEMBERSHIP OF CHAMBER  
OF COMMERCE AND INDUSTRY**

9. It shall be obligatory for the industrial units to be a member of Chamber of Commerce and Industry. The Chamber will be represented on different Committees of the Authority pertaining to industry and commerce.

**CHAPTER VII****FUTURITY**

10. Due to Government incentives and investment climate, the industry in the capital area shall be expected to grow at a fast pace. The salient features of the industrial planning undertaken by the Authority shall be—

- (a) To plan and develop more areas for industry.
- (b) To classify one or more present areas as Industrial Estate.
- (c) To create Small Scale Industrial Estate in co-ordination with Small Scale Industries Corporation.
- (d) To enter into joint collaboration with private sector on bilateral and trilateral basis.
- (e) To undertake feasibility study of an Export Promotion Zone in Islamabad area.

**Lt. Col. (Retd.) Sheikh Abdul Majid,**  
Member Administration,  
Capital Development Authority.

**SCHEDULE I**  
**SPECIFIED INDUSTRIES**

**I. National security and defence:**

Arms and Ammunition;  
Security Printing, Currency and Mint;  
High Explosives;  
Defence Oriented Electronics;  
Radio-active Substances.

**II. Religious and socio-economic considerations:**

Alcoholic and Foreign Brand/Concentrate Based Synthetic Beverages.

**III. Projects of national importance:**

Basic Steel;  
Manufacture of Basic Metals and Alloys;  
Heavy Mechanical and Heavy Electrical Plants;  
Basic Chemicals;  
Petro-chemicals;  
Public Utilities;  
Ships, Aircrafts and Railway Locomotives.

**IV. Indigenization:**

TV, Radio, Tape-Recorders, VCR Cassettes and Tapes ;  
Manufacture of Air-conditioners, Refrigerators and Deepfreezers;  
Motor cycles and Scooters (two and three wheelers);  
Manufacture of Automobiles, Tractors and Farm Machinery.

**V. Price Regulation**

Fertilizer;  
Cement;



Drugs and Pharmaceuticals;

Vegetable Ghee.

**VI. Capacity**

Sugar;

Cotton Spinning.

**SCHEDULE II**

**INDUSTRIES WHICH CAN BE SET UP WITH THE PRIOR APPROVAL  
OF ADMINISTRATOR, ISLAMABAD CAPITAL TERRITORY**

**I. Food, tobacco and beverage industries:**

- (a) Wheat and Grain Milling (Roller Flour Mills);
- (b) Refined Edible Oil/Sugar Industries;
- (c) Tobacco Curing, Production of Chewing Tobacco, Cigar and Cheroots;
- (d) Cigarettes.

**II. Textile:**

- (a) Cotton Ginning;
- (b) Specialized Textiles.

**III. Chemical, Pharmaceutical and fertilizers:**

- (a) Guar Gum, Guar Meal and Guar split;
- (b) Synthetic and Man Made Fibres – Acetate;
- (c) Synthetic and Man Made Fibres - Nylon;
- (d) Misc. Chemicals – Perfumes, Cosmetics and other Toilets Preparations.

**IV. Electrical machinery appliances and fittings:**

Dry Battery Cells.

**V. Electronic components and materials:**

Electronic components and materials industry, manufacture of polyester and Electrolytic Capacitors, Diodes, Potentiometers, Resistors integrated circuits, turners, fly back.

# THE ISLAMABAD CAPITAL TERRITORY (ZONING) REGULATION, 1992

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# **\*THE ISLAMABAD CAPITAL TERRITORY (ZONING) REGULATION, 1992**

**No.CDA-719/BF-Coord/92.-** In exercise of the powers conferred by section 51 of the CDA Ordinance, 1960 (XXIII of 1960), read with Section 11 thereof, the Capital Development Authority has been pleased to make the following Regulation as being expedient:—

## **CHAPTER-I**

### **PRELIMINARY**

**1. Short Title, Extent & Commencement.-** (1) This Regulation may be called the Islamabad Capital Territory (Zoning) Regulation, 1992.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Definitions.-** In this Regulation, unless there is anything repugnant in the subject or context:

(1) “Agro-Industries” means processing of agriculture produce;

(2) “Agro-oriented uses” means uses related to the production of agricultural products through cultivation/plantation;

(3) “Agro/Model Village” means an existing village meant to be upgraded or a new village established by the Authority to become a model for other villages;

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\* Published in the Gazette of Pakistan, Part VI, Karachi, dated 23rd December, 1992, at pages 323-327.

(4) "Authority" means the Capital Development Authority constituted under Section 4 of the CDA Ordinance, 1960 (XXIII of 1960);

(5) "Community Farming" means an agro-oriented scheme organized on cooperative or community basis;

(6) "Scrutiny Fee"/ "Service Charges" means a fee to be determined and levied by the Authority for services rendered;

(7) "Conservation/Preservation" means protection of an area from any alterations which may destroy or change its character;

(8) "Completion Certificate" means a certificate of completion of a house, group of houses, housing scheme, farming scheme developed in accordance with the prescribed rules and regulation, issued by the Authority;

(9) "Existing House" means a cluster of one or more habitable rooms fit for living and in existence before the coming into force of this Regulation;

(10) "Existing Village" means a village as enumerated/listed in the 1981-Census Report of Islamabad District;

(11) "Farming Scheme" means a planned scheme for orchard or a vegetable farm and does not include poultry and livestock farming except for a limited number of animals as necessary for personal use or tillage;

(12) "Forest" means and includes all protected, reserved and designated forest, grass-land and range land;

(13) "I.C.T." means the Islamabad Capital Territory as defined under the Capital Territory Local Government Ordinance 1979;

(14) "Illegal Construction" means construction carried out without the permission of the Authority and in contravention of rules and regulations or any laws for the time being in force in the ICT;

(15) "Individual Farm" means an agro-oriented Farm of a minimum area of 2.5 acres;

(16) "Layout Plan" means a detailed land use plan;

(17) "Live-Stock" means breeding and rearing of cattle, sheep, goat, horses, buffaloes, etc;

(18) "Main Body of Village" means the main cluster of houses in a village as defined by the revenue record or as declared by the Authority;

(19) "Master Plan" means the Master Plan of Islamabad Capital Territory;

(20) "Native Resident" means an original inhabitant of a village who has an ancestral house there and is a registered voter of the same village;

(21) "NOC" means no objection certificate issued by the Authority;

(22) "PCATP" means Pakistan Council of Architects and Town Planners;

(23) "Sectoral Area" means the urban body of the ICT comprising residential, institutional, industrial and other such sectors;

(24) "Structure" includes temporary or permanent structure used for any purpose;

(25) "Sub-Urban Centre" means a large sized central village meant to be upgraded as a focal point of services and facilities catering to social, cultural, business and trade requirements of the surrounding villages;

(26) "Union Council" means a union council constituted under the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979);

(27) "Zone" means an area as specified in paragraph 3 of the Regulation.

## CHAPTER II

### ZONATION OF ICT

**3. Delineation of Zones.-** For the purpose of this Regulation the entire Islamabad Capital Territory shall be divided into the following five zones as delineated in the annexed Master Plan as specified below:-

(1) *Zone-1.* This zone constitutes sectors upto the existing alignment of the G.T. road from the point of intersection of G.T. road with Shahrah-e-Kashmir to the point of the Nicolson Monument inclusive of sector H-14, H-15, H-16, H-17, I-14, I-15, I-16, I-17.

(2) *Zone-2.* The zone consists of an area bounded by G.T. road in the north & north east, north of Shahrah-e-Kashmir and Capital limits in the west, comprising residential sectors G-15 (part), G-16, G-17, F-15 (part), F-16, F-17, E-15 (part), E-16, E-17, D-16, D-17, C-17 and B-17.

(3) *Zone-3.* Margallah Hills National Park as notified under section 21 of the Islamabad Wild Life (Protection, Preservation, Conservation & Management) Ordinance, 1979, other protected ranges, forest areas and unacquired land falling between the Margallah Hills & north of Murree Road shall constitute this zone.

(4) *Zone-4.* This zone comprises Islamabad Park and rural periphery wedged between Murree road towards north and Lehtrar road towards south and extending beyond Simly road upto the ICT limits in the north-east. This zone excludes the part of Margallah Hills National Park and Rawal Lake.

(5) *Zone-5.* This zone comprises areas falling south of Islamabad Park and extending upto outer limits of ICT towards south, south west and south east.

### CHAPTER III

#### DEVELOPMENT CONTROL OF ZONES

4. **Development Strategies of Zones.-** The development of land in the Zones shall be subject to the following conditions:—

(1) *Zone-1.*

A. **Unacquired Sectoral Areas.** In these areas of Zone-1,

- (i) land shall be acquired under a phased programme and developed by the Authority in accordance with the land use pattern spelled out in the Master Plan;
- (ii) no sale/ purchase of land which entails change in land use shall be allowed;
- (iii) no construction of houses or buildings shall be allowed. However, repair of old houses and expansion of existing houses may be allowed by the Authority to the native residents subject to the conditions that the site is located within the main body of the village. The covered area of such construction shall not exceed 1000 Square feet

including expansion and such permission shall not in any way impede the right of the Authority to acquire the property whenever needed; and

- (iv) no private scheme of any kind whatsoever shall be allowed, except in Sector E-11, Schemes in E-11 will be regulated according to the provisions applicable to schemes in Zone 2.

**B. Unacquired Portion of Right-of-Way of Khiyaban-i-Sir Syed.**  
In this area of zone-1,

- (i) change of land use will be allowed only for commercial/residential purposes provided it is undertaken in the form of a planned scheme after approval of the Authority for a sizeable area of not less than 1.25 acres.
- (ii) Permission for such Schemes shall be granted subject to the following conditions:
  - (a) the scheme shall be prepared by a qualified Town Planner registered with PCATP;
  - (b) no access will be made to or from Khiyaban-i-Sir Syed without the permission of the Authority;
  - (c) a clear strip of 20 ft. width will be left green along the Khiyaban-i-Sir Syed to enable the Authority to merge it with the cross section of the Khiyaban-i-Sir Syed for plantation;
  - (d) development of the scheme shall be in accordance with the layout plan and services plan approved by the Authority;
  - (e) sponsors of such schemes shall arrange at their own cost the entire development of the scheme without any obligation on the part of the Authority;
  - (f) all land reservations made for roads and other services in such schemes shall belong to the Authority after completion;

- (g) the sponsor shall deposit with the Authority as security hundred percent (100%) estimated total cost of development of the scheme or shall mortgage thirty percent (30%) of the saleable area in lieu thereof till a completion certificate is obtained by the sponsors from the Authority in respect of the scheme;
- (h) no possession of individual plots in the scheme shall be handed over by the sponsor till the entire scheme is fully developed and completion certificate in this respect is obtained from the Authority;
- (i) all buildings to be constructed in the area will be subject to the Islamabad Building Regulation, 1963, and the Islamabad Residential Sectors Zoning Regulation, 1985, and their plans got approved from the Authority prior to the start of construction;
- (j) the scheme shall be maintained after completion and allotment by the sponsors or by an association to be formed by the allottees till such time it is taken over by the Authority;
- (k) all such permissions shall be subject to payment of Scrutiny Fee/Service charges as determined and levied by the Authority from time to time and without prejudice to the right of the Authority to acquire land in public interest.

<sup>1</sup>[(iii) Where sizeable area of 1.5 acres for a scheme is not available permission for residential/commercial scheme for a smaller area may also be granted, subject to the conditions prescribed under sub-clause (ii).]

(2) *Zone-2.* In this zone,

- (a) private sector will be allowed to purchase/acquire land and develop residential schemes in accordance with the pattern of residential sectors planned in zone-1;

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<sup>1</sup> Added by S.R.O. 101(I)/2005, dated 14.1.2005.



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- (b) permission for such schemes shall be granted by the Authority subject to the following conditions, namely;
- (i) the minimum size of such residential scheme shall not be less than <sup>1</sup>[100] acres;
  - (ii) the scheme shall be prepared by a qualified Town Planner registered with PCATP;
  - (iii) the boundaries of the schemes shall conform to the configuration of a standard Sector inclusive of right-of-way of principal inter-sector roads as per provision of Master Plan of Islamabad;
  - (iv) development of the scheme shall be in accordance with the layout plan, services plan and building plan as approved by the Authority;
  - (v) sponsors of such schemes shall arrange, at their own cost, the entire development of the scheme without any obligation on the part of the Authority;
  - (vi) all land reservations made for roads and other services in such schemes shall belong to the Authority;
  - (vii) the sponsor shall deposit with the Authority as security hundred percent (100%) estimated total cost of development of the scheme or shall mortgage thirty percent (30%) of the saleable area in lieu thereof till a completion certificate is obtained by the sponsors from the Authority in respect of the scheme;
  - (viii) the scheme shall have independent water supply and primary sewerage treatment system which will be arranged by the sponsors at their own cost;
  - (ix) possession of individual plots in the scheme shall not be handed over by the sponsor till the entire

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<sup>1</sup> Subs. by S.R.O. 101(I)/2005, dated 14.1.2005, for "200".

scheme is fully developed and completion certificate in this behalf has been obtained from the Authority;

- (x) after completion and allotment, the scheme shall be maintained by the sponsors or by an association of the allottees, as the case may be, till such time it is taken over by the Authority;
- (xi) all such permissions shall be subject to payment of Scrutiny Fee/Service charges as determined and levied by the Authority from time to time, and without prejudice to the right of the Authority to acquire the land in public interest;
- (xii) the Islamabad Building Regulations, 1963, and the Islamabad Residential Sectors Zoning Regulations, 1985, will apply in respect of such residential schemes.

(3) *Zone-3. In this zone,*

- (a) no private residential, farming, orchard, poultry and dairy farming scheme shall be allowed;
- (b) no change in land-use will be permissible except for such projects as may be related to conservation, preservation, afforestation and recreation and area covered by Margallah Hills National Park Management Plan;
- (c) no sale/purchase of land which entails change in land use, shall be allowed;
- (d) some of the existing rural settlements, being central and important villages, shall be allowed to stay under controlled programme to cater for the basic necessities of the local population, selection of such settlements shall be in accordance with the provisions of Margallah Hills National Park Management Plan. These rural settlements would not be allowed to expand;
- (e) no residential scheme can be floated in this zone, nor construction of houses shall be allowed.

(4) *Zone-4.*

**A. Acquired Area**

- (a) The strategy in this Area regarding development pattern would be to maintain the over all planned character of the area as a park;
- (b) This Area shall be reserved for uses such as large public institutional projects of national importance, sports and recreation, green belt project, orchards and farming scheme, nurseries and on modest scale, schemes for rehabilitation of affectees;
- (c) No industrial activity shall be permitted in this Area. The automatic brick kilns and precast industry already functioning in a small pocket near National Institute of Health shall also be phased out after expiry of their present lease period.

**B. Unacquired Area:**

- (a) Use of land subservient to agriculture shall be permitted so as to retain the present agriculture character of the Area.
- (b) No agro industry, live-stock, poultry farming scheme shall be allowed in this zone.
- <sup>1</sup>[(c) Subject to grant of NOC by the Authority schemes for orchards/ vegetable farms by private developers would be permissible provided the size of such orchard/ vegetable farm is not less than 20 Kanals (2.5 Acres). In such schemes, a farm house having a total covered area not exceeding the covered area allowed on agro-farming plots in CDA schemes. The schemes of cluster housing and community farming under which houses and farms cluster under one unified scheme would also be permitted provided the criteria of one house per farm land of about 20 Kanals (2.5 acres) is maintained. The covered area of each house would not exceed the covered area allowed on agro-farming plots in CDA schemes. The area of such a Scheme

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<sup>1</sup> Subs. by S.R.O. 101(I)/2005, dated 14.1.2005.

shall not be less than 50 acres and its layout and development specifications shall be subject to approval of the Authority and a completion certificate in respect thereof shall have to be obtained from the Authority.]

- (d) It shall be mandatory that the farm house or any other construction within the farm is located at a minimum distance of 100 feet from the edge of right-of-way of the road/ street.

<sup>1</sup>[(dd) Subject to grant of NOC by the Authority private educational institutions of minimum two and a half acres size may be allowed in the Zone-4, on the following conditions:

- (i) That no such project shall be located in "environmentally sensitive areas" as listed below:
- (a) The water shed area upstream of Kurang river including 2000 Feet reservation of Kurang River (1000 feet on either side from the center of the river), starting from the southern edge of Muree Road up to the southern boundary of Banni Gala Reserve Forest/Hills and of Maira Reserve Forest up to the ICT limits in the east.
  - (b) The negative area falling in this zone as prescribed by the Ministry of Defence.
  - (c) 2000 feet reservation (1000 feet on either side) of river Gumrah Kas.
  - (d) 1000 feet on either side from the center of River Soan and its tributary Khad Nullah.
- (ii) The minimum area for the private non-residential school shall be two and a half acres.

<sup>1</sup> Ins. by S.R.O. 101(I)/2005, dated 14.1.2005.

- (iii) A minimum floor area ratio of 1:0:40 and maximum of 2 storeys with 20% ground coverage will be permissible.
  - (iv) The projects shall have their independent access, water supply. A septic tank shall be developed by the sponsors at their own cost and expense.
  - (v) That sponsors shall furnish undertakings against change of land use, violations of approved building plan.]
  - (e) All the buildings to be constructed in the zone shall be subject to the Islamabad Building Regulation, 1963, and the Islamabad Residential Sectors Zoning Regulation, 1985.
  - (f) All such permissions shall be subject to payment of Scrutiny Fee/ service charges on account of appraisal of the proposals as determined and levied by the Authority from time to time, and without prejudice to the right of the Authority to acquire the land in public interest.
  - (g) No private housing scheme shall be permissible. However, repair of old houses and expansion of existing houses may be allowed by the Authority to the native residents subject to the conditions that the site is located within the main body of the village as defined in the revenue record. The covered area of such construction shall not exceed 1000 square feet including expansion and such permission shall not in any way impede the right of the Authority to acquire the property whenever needed. All such requests shall be routed through the concerned Union Council.
  - (h) No construction of houses and expansion of settlements shall be allowed in the areas adjoining all water bodies, lakes and reservoirs. The extent of such areas shall be determined after proper hydrological surveys and will be notified.
- (5) *Zone-5.*

- (a) In this Zone, the existing urban sprawl will be organized into a planned urban development and housing scheme will be encouraged.
- (b) A broad outline development plan shall be prepared by the Authority in whose context the schemes shall be considered for approval. The minimum area of such a scheme shall not be less than <sup>1</sup>[50] acres;
- (c) The detailed lay-out plan and development specifications of the scheme shall be subject to the approval of the Authority.
- (d) The schemes shall have their independent accesses and roads, water supply and primary sewerage treatment systems to be developed by the sponsors at their own cost and expense.
- (e) The possession of individual plots in the scheme shall not be handed over to allottees until the land is fully developed by the sponsors and completion certificate in this regard obtained from the Authority.
- (f) All land reservations made for roads and utilities in such schemes shall belong to the Authority.
- (g) The sponsors shall deposit with the Authority as security hundred percent (100%) estimated total cost of development of the scheme or shall mortgage thirty percent (30%) of the saleable area in lieu thereof till a completion certificate is obtained by the sponsors from the Authority in respect of the scheme.
- (h) All the buildings to be constructed in the zone shall be subject to the Islamabad Building Regulation, 1963, and the Islamabad Residential Sectors Zoning Regulation, 1985.
- (i) After completion and allotment, the scheme shall be maintained by the sponsors or by an association of the allottees, as the case may be, till such time the scheme is taken over by the Authority.

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<sup>1</sup> Subs. by S.R.O. 101(I)/2005, dated 14.1.2005, for "100".

- (j) All such permissions shall be subject to payment of Scrutiny Fee/ Service charges as determined and levied by the Authority from time to time, and without prejudice to the right of the Authority to acquire the land in public interest.
  
- (k) Individual construction not falling within the scheme approved by the Authority will not be permissible. However, repair of old houses and expansion of existing houses may be allowed once by the Authority to the native residents subject to the conditions that the site is located within the limits of the main body of the village. The covered area of such construction shall not exceed 1000 sq. feet including expansion and such permission shall not in any way impede the right of the Authority to acquire the property wherever needed in the public interest. Such requests shall be routed through the concerned Union Council.

#### COMMENTS

**Preparation of schemes.** Exception to clause (iv) of Regulation 4(1)A, Islamabad Capital Territory (Zoning) Regulations, 1992 providing for development of a private scheme falling in the Zone, which was to be developed by the Capital Development Authority, either itself or through an agency of the Federal or a Provincial Government or a local body, in terms of section 12 read with section 2(a) & (j) of the Capital Development Authority Ordinance, 1960 is inconsistent with the Ordinance, and hence inoperative. Such an arrangement was against the primary aim and object of the Ordinance as reflected in its Preamble, viz., "the Capital Development Authority was established for making all arrangements for the planning and development of Islamabad within the framework of a regional development plan", which was further reinforced by section 13 of the Ordinance, which provided that the Authority may, pursuant to the master programme, itself prepare schemes relating to matters enumerated in subsection (2) of section 12 of the Ordinance. Joint Venture Agreement by Capital Development Authority with a private organization for developing scheme was not sustainable [PLD 2011 SC 619].

Clause (iv) of Regln. 4(1)A of Islamabad Capital Territory (Zoning) Regulations, 1992 was inconsistent with sections 12 and 13 read with section 2(a) & (j) of the Capital Development Authority Ordinance, 1960 and consequently Joint Venture Agreement entered by Capital Development Authority with a private Housing Society under the said provisions was inoperative and ineffective qua the Capital Development Authority. Board of Capital Development Authority was directed by Supreme Court to take over the project in question and complete the same in accordance with the provisions of the Ordinance; Chairman Capital Development Authority shall ensure implementation of the above direction and submit compliance report within a period of one month from the date of present judgment. Private Housing Society will, however, be at liberty to pursue the remedy for recovery of any amount spent on the project in accordance with law [PLD 2011 SC 619].

**CHAPTER IV****PENALTIES FOR VIOLATIONS**

5. Any person, group of persons, organization, etc., if found violating any provision of this Regulation shall be liable to be proceeded against as under:-

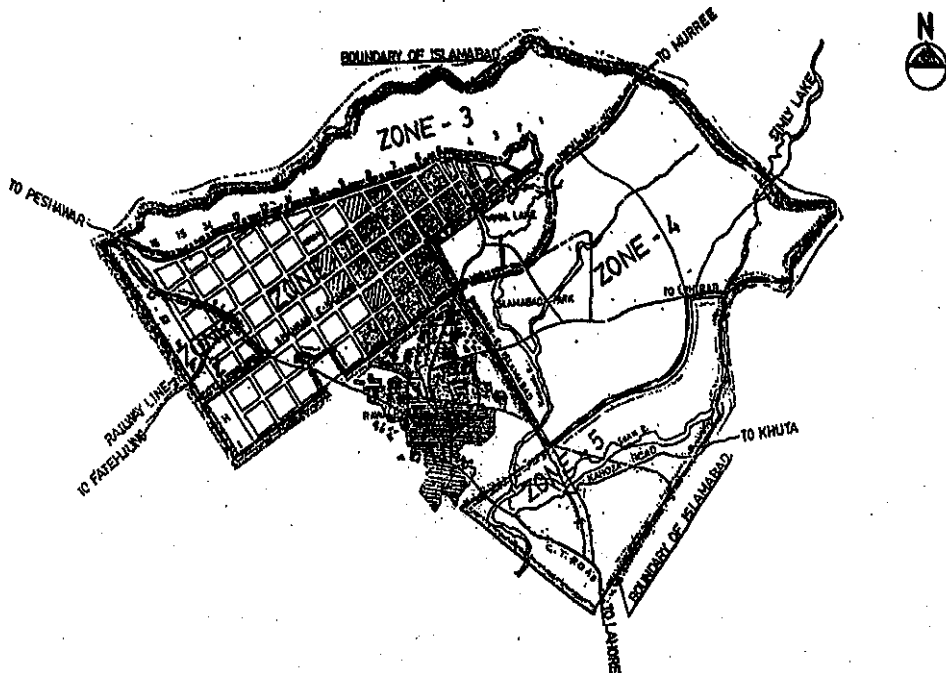
- (i) The offending structure made in violation of the provisions of this Regulation, the Islamabad Building Regulation, 1963, or the Islamabad Residential Sectors Zoning Regulation, 1985, shall be liable to demolition in accordance with Section 49-C of the CDA Ordinance, 1960, unless regularized by the Authority on the payment of compounding fee as may be fixed by the Authority from time to time.
- (ii) NOC/ permission given by the Authority to any person, group of persons, organization, etc., for a scheme shall be liable to be cancelled.
- (iii) Any person, group of persons, organization, etc., found guilty of violating any of the provisions of this Regulation or who or which without lawful excuse fails or refuses to comply with any direction or order issued by the Authority in this behalf may be proceeded against under Section 46 and 46-B of the CDA Ordinance, 1960, in addition to action under clauses (i) and (ii) above.

6. **Delegation of powers for control.-** The Authority may, by general or special order delegate any of its powers under this Regulation to any of its officers either by designation or by name.



**MASTER PLAN OF ISLAMABAD**

I.C.T. DEVELOPMENT CONTROL ZONES.



CAPITAL DEVELOPMENT AUTHORITY.  
PLANNING WING  
MAPS AND RECORD UNIT.  
DEPUTY DIRECTOR MAPS: S. AHMED ALI SHAH  
DRAWN BY: TASADOUQ OUDOUS MIRZA, 22-11-92

# <sup>1</sup>AMENDMENTS IN ICT (ZONING) REGULATIONS, 1992 OF ZONE-4.

[8th December, 2014]

**S.R.O. 1105(I)/2014.-** In exercise of powers conferred by Section 51 read with Section 11 of the Capital Development Authority Ordinance, 1960 (No. XXIII of 1960), the Capital Development Authority has been pleased to make the following amendments in the Islamabad Capital Territory (Zoning) Regulation, 1992, as being expedient, namely:—

## PROPOSED LAND USE OF ZONE-4

Subject		Existing land use	Proposed land use
a.	Agro-farming	Not less than 20 kanals.	Minimum size of 4 kanals shall be permissible.
b.	Housing	No private housing or housing scheme permissible.	Housing schemes in selected areas shall be permissible. Houses on private land in unutilized patches of built up area shall be allowed as per CDA byelaws.
c.	Commercial	No commercial activity is permissible.	Commercial activity astride defined major roads shall be permissible on selected locations.
d.	Sub-zones	No provision of sub-zones.	Area divided into sub-zones.

### A. Sub Zone-A (12, 188 Acres)

- (1) **Delineation:** This sub zone is bounded in the north by Zone-3 limits and by southern boundary of sub-zone B-2,

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 10th December, 2014, at pages 3475-3482.

in the North-West by Murree Road, in the West by sub-zone B-1 (acquired area limit), in the South and East by sub-zone C and Lehtrar Road.

- (2) **Pre-dominant existing uses:** Poultry and vegetable agro-farming scheme No. 1, 2 and 4 and their extensions, Orchard Scheme, Educational and Research Institutions.
- (3) **Proposed uses:** Besides the existing land use for Agro Farming/Orchard Schemes, Institutions and CDA Model Villages; public sector housing schemes at defined locations shall be permissible.
- (4) **Parameters:**
  - a. **Agro-farming scheme:**
    - i. Min. area of scheme 50 acres
    - ii. Min. size of Farm 08 kanals
    - iii. Max. covered area 1000 Sq.yds  
(Excluding basement)
    - iv. Number of storeys Ground + 1 +  
basement
  - b. **Housing Scheme:**
    - i. Min. area 100 acres
    - ii. Plot size 130-600 Sq.yd.
    - iii. Number of storeys Ground + 1 +  
basement
  - c. **Apartments & Office Buildings:**
    - i. Number of storeys Ground + 3 +  
basement

**B. Sub Zone-B (12,941 Acres)**

- (1) **Delineation:** This sub zone comprises two parts namely; B-1 (6805 Acres) and B-2, 6136 Acres). Delineation is as follows:
- (a) **B-1:** This area is bounded in the West by Islamabad Expressway, in the South by inter-zone boundary of Zone-4 & Zone-5, in the East by sub-zones A & C and includes 500 meter area astride Lehtrar Road up to the PINSTECH limits.
- (b) **B-2:** The area is bounded in the north by Murree Road, in the West by Zone-3 limits, in the South by sub-zones A, C & D and in the east by sub-zone D.
- (2) **Pre-dominant existing uses:** Illegal Commercial & residential development, Rampant un-authorized expansion of existing villages/settlements.
- (3) **Proposed uses:** Mixed Land Uses, Residential, Institutions, Housing Schemes, Regulated expansion of existing villages/settlements.
- (4) **Parameters:**
- a. **Housing Scheme**
- |      |                  |                          |
|------|------------------|--------------------------|
| i.   | Min. Area        | 50 acres                 |
| ii.  | Plot size        | 130 to 600 Sq.yd.        |
| iii. | Number of stores | Ground + 1 +<br>basement |
- b. **Apartments, Office & Commercial Buildings**
- |    |                   |                   |
|----|-------------------|-------------------|
| i. | Number of storeys | Ground+3+basement |
|----|-------------------|-------------------|

**C. Sub Zone-C (21,279 Acres)**

- (1) **Delineation:** This sub-zone is bounded in the north by southern limits of sub-zones B2 and A, in the east by sub-zone 'D' in the south by inter zone boundary of Zone-4 & Zone-5 and in the west by sub-zone B-1.
- (2) **Pre-dominant existing uses:** Illegal Commercial & residential development, brick kilns, PINSTECH.
- (3) **Proposed uses:** Agro farming/Country Housing/Orchard Schemes Institutions, IT parks, Villages Up-gradation, Regulated villages/settlements expansion, public sector housing schemes.
- (4) **Parameters:**
  - a. **Agro farming scheme**
    - i. Min. area 100 acres.
    - ii. Min. area farm 04 kanals.
    - iii. Max. covered area 100 Sq.yds.  
(excluding basement)
    - iv. Number of storeys Ground+1+basement
  - b. **Housing Scheme**
    - i. Min. area 100 acres
    - ii. Plot size 130 to 600 Sq.yd.
    - iii. Number of storeys Ground+1+basement
  - c. **Apartments and office buildings:**
    - i. Number of storeys Ground+3+basement

**D. Sub Zone-D (23,618 Acres)**

- (1) **Delineation:** This sub-zone is bounded in the north by the sub-zone B-2, in the east and south by ICT limits and in the west by sub-zone C.
- (2) **Pre-dominant existing uses:** Forests, Agro Farms, Simly Dam, villages.
- (3) **Proposed uses:** Agro farming, Reserved Forests, Nature Conservation Projects, Sports and Recreation (hotels, cultural centers, Cineplex, theatres, playgrounds and parks), Entertainment Zones, Golf Courses, Polo Grounds, Country Club, Water Sports, Swimming Pools, Gliding & Jogging Tracks.
- (4) **Parameters:**
  - a. **Agro farming/Orchard Scheme**
    - i. Min. area of scheme 200 acres
    - ii. Min. area of farm 4 to 20 kanals at defined locations
    - iii. Max. covered area 1000 Sq.yd (Excluding basement)
    - iv. Number of storeys Ground+1+Basement
  - b. **Apartments and Office Buildings**
    - i. Number of storeys Ground+3+basement
  - c. **Hotels**
    - i. Number of storeys Ground + 6 + 2 basements

**ZONING REGULATION FOR ZONE-4 (AMENDED) ISLAMABAD (1992)  
DELINEATION OF ZONE-4 AND ITS SUB ZONES**

The Zone-4 comprises Islamabad Park and rural periphery wedged between Murree Road towards north and Lehtrar Road towards south and extending beyond Simly Road upto the ICT Limits in the north-east. This zone excludes the part of Margalla Hills National Park around Rawal Lake. The total area of this zone is 70,026 acres. The Zone has been divided into four sub-zones as detailed below:

**Sub Zone-A (12,188 Acres)**

2. This sub zone is bounded in the north by Zone-3 limits and by southern boundary of sub-zone B-2, in the North-West by Murree Road, in the West by Sub-zone B-1 (acquired area limit) in the South and East by sub-zone C and Lehtrar Road.

**Sub Zone-B (12,941 Acres)**

3. This sub-zone comprises two parts namely; B-1 (6805 Acres) and B-2 (6136 Acres). Delineation is as follows:

- (a) B-1: This area is bounded in the West by Islamabad Expressway, in the South by inter-zone boundary of Zone-4 & Zone-5, in the East by sub-zones A & C and includes 500 meter area astride Lehtrar Road upto the PINSTECH limits.
- (b) B-2: The area is bounded in the north by Murree Road, in the West by Zone-3 limits, in the south by sub-zones A, C & D and in the east by sub-zone D.

**Sub Zone-C (21,279 Acres)**

4. This sub-zone is bounded in the north by southern limits of sub-zones B2 and A, in the east by sub-zone 'D' in the south by inter zone boundary of Zone-4 & Zone-5 and in the west by sub-zone B-1.

**Sub Zone-D (23,618 Acres)**

5. The sub-zone is bounded in the north by the sub-zone B-2, in the east and south by ICT limits and in the west by sub-zone C.

**PERMISSIBLE LAND USES IN ZONE-4**

6. No industry, livestock and poultry farming schemes shall be allowed in Zone-4. Sub-zones wise permissible land uses are given as under:

**Sub Zone-A**

7. The area of this sub zone shall be used for agro-farming/orchard schemes of 8 kanals, large scale institutions of national importance, sports & recreation, green belt projects, nurseries, model villages and public sector housing schemes. All the buildings to be constructed in this zone shall be subject to the Islamabad Building Regulations, 2006. The owners of the existing buildings and the sponsors of the proposed land uses shall get approval from CDA of their buildings after payment of scrutiny fee, regularization, development and commercialization charges as determined and levied by the Authority from time to time and without prejudice to the right of the Authority to acquire the land in public interest.

**Sub Zone-B**

8. The area of this sub zone shall be used for planning and development of small scale residential and commercial buildings. Existing residential and commercial developments shall be regularized by CDA. The owners of the existing developments/schemes shall get approval from CDA of their residential and commercial buildings after payment of scrutiny fee, regularization, development and commercialization charges as determined and levied by the Authority from time to time. The unutilized patches of land within this sub zone shall be utilized for residential schemes. Minimum contiguous area for such a scheme shall be 50 acres. Other parameters of the schemes shall be governed by the Modalities and Procedures framed under ICT Zoning Regulation 1992 for housing schemes in Zone-2 & 5.

**Sub Zone-C**

9. The predominant use of this sub zone shall be agro-farms and agro-farming schemes. The minimum size of an agro-farm shall be 4 kanals. The minimum area for an agro-farming scheme shall be 100 acres. Public sector housing schemes inclusive of residential plots shall also be permissible in this area, minimum area of such a scheme shall be 100 Acres. The major existing villages/settlements shall be up-graded. The individual/owners of the structures shall get approval from CDA of their buildings after payment of scrutiny fee, regularization, development and commercialization charges as determined and

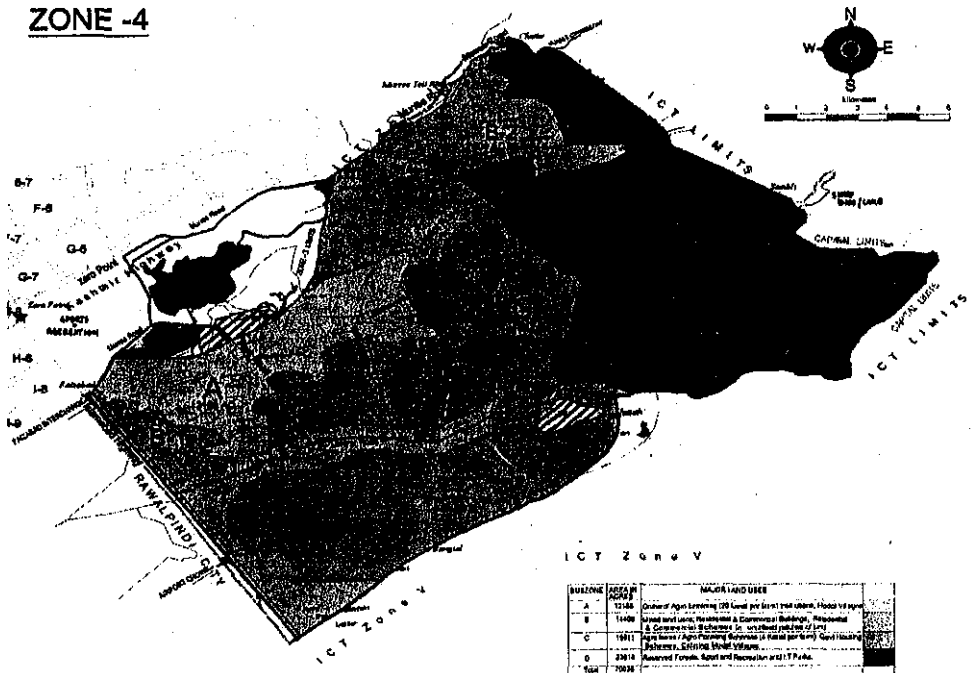


levied by the Authority from time to time. All the developments/schemes in the sub zone shall be subject to prior approval of the Authority.

**Sub- Zone-D**

10. The existing reserved forests located in this sub-zone shall be maintained and intensive vegetation shall be done in these forests. The uses for the remaining area shall be agro-farming (farm area 4 kanals to 20 kanlas. Minimum area of a farming scheme shall be 200 acres), recreation and entertainment zones, golf courses, polo ground, country club, water sports, swimming pools, gliding and jogging tracks, exhibition ground, drive-in-cinema, IT parks, research and development centers, caravan camping sites, scattling, wildlife sanctuary and aviaries. All the developments/schemes in the sub-zone shall be subject to prior approval of the Authority.

11. This amendment will be applicable w.e.f. 29-04.2010.



## MODALITIES & PROCEDURES FRAMED UNDER I.C.T. (ZONING) REGULATION, 1992

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# **MODALITIES & PROCEDURES FRAMED UNDER I.C.T. (ZONING) REGULATION, 1992**

## **FOR DEVELOPMENT OF PRIVATE HOUSING SCHEMES IN ZONES TWO & FIVE OF ISLAMABAD CAPITAL TERRITORY ZONING PLAN.**

**1. Proposal for a housing scheme.** (i) A housing scheme can be sponsored by a registered company or a cooperative society, hereinafter referred to as sponsor, for an area not less than <sup>1</sup>[100] acres falling within Zone-2 and <sup>2</sup>[50] acres falling within Zone-5 of the ICT Zoning Plan.

(ii) The sponsor shall not advertise or publicise the proposed scheme in any manner except in accordance with these Modalities and Procedures.

<sup>3</sup>[x x]

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<sup>1</sup> Subs. by S.R.O. 100(I)/2005, dated 14th January, 2005, for "200".

<sup>2</sup> Subs. *ibid.* for "100".

<sup>3</sup> Paragraph 1(iii), deleted *ibid.* Before deletion the sub-paragraph was as under, namely:-

"(iii) The sponsor shall submit the following documents for preliminary scrutiny.

- (a) Two copies of Site Plan of the proposed scheme at a scale of 1:10,000 indicating its location with reference to important land marks and permanent ground features.
- (b) Registration documents of the sponsors including certified true copies of Articles and Memorandum of Association and Aims & Objectives of the Society as the case may be.
- (c) Statement of verifiable financial resources through last audited balance sheet of the registered Company or certified accounts of Cooperative Society.

In case the documents are deficient in any manner, the same shall not be accepted and returned to the sponsor."

<sup>1</sup>[ ]

4. Documents to be submitted by the sponsors. <sup>2</sup>[The sponsors shall meet the following requirements, namely]

- (i) Three copies of the site plan showing location of the scheme at a scale of 1:10,000 with reference to its surrounding areas (within a radius of ½ Km all around) and the land use plan of the zone in which it falls.
- (ii) Three copies of survey plan of the site drawn to a scale of not more than 1:1000 showing Khasra numbers, the spot level and physical features such as high tension lines, water channels, etc. The contours with 0.5 meters or 2 feet interval shall be indicated on the plan.
- (iii) Three copies of layout plan drawn to a scale of not more than 1:1000 showing the sub-division of land into plots, and allocation of land for various uses in accordance with the planning standards laid down by the Government of Pakistan in the "National Reference Manual on Planning and Infrastructure Standards".

<sup>1</sup> Paragraphs 2 & 3 deleted by S.R.O. 100(I)/2005, dated 14th January, 2005. Original paragraphs 2 & 3 were as under, namely:-

"2. **Scrutiny fee.** A non-refundable scrutiny fee (departmental charges) of Rs. 10,000/- per scheme shall be payable to the Capital Development Authority, Islamabad, by the Sponsor for the preliminary scrutiny of the proposed scheme. The payment shall be made through a bank draft/ pay order. The scrutiny fee is however, subject to revision by the Authority from time to time.

3. **Procedure for preliminary scrutiny.** (a) The proposal shall be scrutinized by a Committee comprising of:—

- |       |  |           |
|-------|--|-----------|
| (i)   | Member Planning  | Chairman  |
| (ii)  | DDG Planning   | Member    |
| (iii) | Any other officer/officers of the Authority whom the Committee may like to co-opt. | Member(s) |

- (b) The scrutiny shall be completed by the Committee within 30 days.
- (c) In case the committee considers the scheme tentatively feasible it will inform the sponsor accordingly. Otherwise, the committee shall inform them of the objections and reconsider the scheme after settlement of the same."

<sup>2</sup> Subs. *ibid.* Before substitution it was as under, namely:-

"In case the application qualifies the scrutiny by the committee, the sponsors shall be advised to meet the following requirements:"

- (iv) Layout Plan should be prepared and signed by a qualified Town Planner of a firm of Consultants as may be approved by the CDA from time to time.
- (v) A certificate from the Tehsildar, ICT, certifying sponsor's ownership of the land covered by the proposed scheme shall also be provided on one of the copies of survey plan referred to at (ii) above.

**5. Planning standards.** The planning standards may vary from scheme to scheme depending upon the residential density desired to be achieved by the Sponsors of the schemes. But the land use percentages must remain within the following limits.

- |       |  |                   |
|-------|--|-------------------|
| (i)   | Residential  | not more than 55% |
| (ii)  | Open/Green Spaces/Parks  | not less than 8%  |
| (iii) | Roads/ Streets   | not less than 26% |
| (iv)  | Grave Yards  | not less than 2%  |
| (v)   | Commercial and parking   | not more than 5%  |
| (vi)  | Public buildings like school, mosque, dispensary, hospital, community centre, post office etc. | not less than 4%  |

[Note: The above percentages will be subject to minor adjustments, keeping in view the site conditions, special requirements and the land use plan of the zone in which the scheme falls.]

- (vii) The width of the vehicular streets provided in the layout plan will not be less than 40 feet.
- (viii) The minimum size of residential plot will be <sup>1</sup>[130] Sq. Yds.
- (ix) In Zone-2, the layout plan of the scheme shall conform to standard sectoral layout plan of Islamabad.

<sup>1</sup> Subs. by S.R.O. 100(I)/2005, dated 14.1.2005, for "200".

- (x) The easement of nullah, etc., shall be clearly identified and preserved as open spaces.

**6. Scrutiny fee for the detailed scheme.** A scrutiny fee at the rate of <sup>1</sup>[Rs. 4000 per acre or as revised from time to time] shall be payable through Bank Draft/Pay Order to the Authority and shall be deposited alongwith the submission of detailed scheme as required by paragraph 5. The scrutiny fee is, however, subject to revision by the Authority from time to time.

**7. Clearance of detailed layout plan of the scheme.** (i) Objection, if any, in the layout plan will be communicated by registered post acknowledgement due to the sponsors for rectification within a period not exceeding 30 days of issuance of communication, failing which the scheme will not be processed further till removal/settlement of objections.

- (ii) After the layout plan submitted is cleared, the sponsor shall:

- (a) execute in the form attached as Annexure "A", an undertaking regarding acceptance of the conditions relating to planning, designing and implementation of the scheme;
- (b) deposit the entire development cost of the scheme with the Authority. The amount of development cost shall be assessed by the Authority on the basis of prevailing cost of development. The amount shall be deposited within 45 days of the clearance of detailed layout plan of the scheme;
- (c) in case they do not feel inclined to deposit the development cost of the scheme as per clause (b) above, mortgage 30% of the saleable area in the detailed layout plan with the Authority as a Guarantee for completing development works/services within the period specified in paragraph 10. The mortgage deed shall be executed by the sponsor in the form attached as Annexure "B" and be got registered with the Registrar Islamabad, within 30

<sup>1</sup> Subs. by S.R.O. 100(I)/2005, dated 14.1.2005, for "Rs. 2000/- per acre".

days after clearance of detailed layout plan of the scheme;

- (d) also transfer to the Authority in the form annexed as Annexure "C" and free of charge, the land reserved for open spaces/parks, grave-yard, and land under right-of-way of roads, etc. in the scheme, within 45 days of the clearance of the detailed layout plan of the scheme.

**8. Public notice of plots mortgaged with Capital Development Authority in the scheme.** A public notice, as per specimen attached as Annexure "D" shall be published in the press, at the expense of the sponsors, regarding the mortgage of plots under saleable area with the Authority by the sponsors within 5 days after mortgage deed has been executed between CDA and the sponsors.

**9. Issuance of NOC.** (i) The NOC conveying the approval of the detailed layout plan of the scheme shall be conveyed to the Sponsors after the registration of the mortgage deed and transfer deed in favour of CDA, and meeting the objections, if any, received in response to the Public Notice referred to in para 8 above <sup>1</sup> [and approval of engineering designs and detailed specifications].

- (ii) The sponsors shall thereafter be allowed to advertise the scheme.
- (iii) The validity of the NOC shall automatically be deemed to have been withdrawn in case the sponsors do not complete at least 10 percent of development works within one year from the date of issuance of the NOC.

**10. Completion period of the schemes.** (i) The sponsors shall be required to complete the development works of the scheme within the time indicated as under:—

- |     |   |             |
|-----|---|-------------|
| (a) | Scheme covering an area of <sup>2</sup> [upto] 100 acres. | Three years |
| (b) | Scheme covering an area between 101 acres to 200 acres.   | Four years  |

<sup>1</sup> Added by S.R.O. 100(I)/2005, dated 14.1.2005.

<sup>2</sup> Ins. *ibid.*

- |      |   |            |
|------|---|------------|
| (c)  | Scheme covering an area between 201 to 400 acres.   | Five years |
| (d)  | Scheme covering an area of more than 400 acres.   | Six years  |
| (ii) | If the completion of the scheme is delayed beyond the completion period specified in sub-paragraph (i) above, the sponsor shall pay a sum of Rs.5,00,000/- for grant of extension for a period of one year. |            |

No further extension shall be granted.

**11. Approval of Engineering designs and detailed specifications of the Services/ Utilities.** <sup>1</sup>[(i) After the clearance of detailed layout plan of the scheme, the sponsors shall prepare, within a period of three months, the engineering design and specification of the services and utilities and make a presentation to a panel of engineering experts nominated by the CDA, for approval of engineering designs and detailed specifications of services/ utilities in the scheme.

In case the sponsors fail to submit the engineering design within the stipulated period of 3 months they may be permitted additional time, subject to the payment of a monthly fine @ 25% of the original scrutiny fee for this purpose. Similarly for rectification and resubmission of corrected version of engineering design two weeks time from the date of issuance of CDA's letter indicating deficiencies would be allowed. In case the sponsors fail to submit the revised design in time a fine of Rs.10,000 per week or as revised from time to time would be applicable.

CDA's structure Directorate would scrutinize and clear the engineering design within a period of one months after the submission of the revised/corrected design.]

<sup>1</sup> Subs. by S.R.O. 100(I)/2005, dated 14.1.2005, sub-paragraph (i) before substitution was as under, namely:-

“(i) After the issuance of NOC and clearance of detailed layout plan of the scheme, the sponsors shall prepare, within a period of three months, the engineering design and specifications of the services and utilities and make a presentation to a panel of engineering experts nominated by the CDA, for approval of engineering designs and detailed specifications of services/ utilities in the scheme.”



**Modalities and Procedures Framed Under I.C.T. (Zoning) Regulation, 1992 447**

(ii) The designs and specifications of the services proposed to be provided in the scheme shall be prepared by a well-reputed firm of consulting engineers registered with Pakistan Engineering Council in accordance with accepted norms and practices of engineering and the guidelines given in para 12.

(iii) Two copies of the engineering designs and detailed specifications, as approved by the panel of experts referred to in sub-paragraph (i) above shall be submitted to the DDG (Planning) CDA, for final approval of the CDA.

(iv) The approval of the engineering designs and detailed specifications by the 'Panel of Experts' shall not absolve the sponsors and their consultants from the responsibility of proper design based on sound engineering practices.

**12. Engineering design guide lines. (i) Water Supply**

The sponsors shall make their own independent arrangement for water supply according to the following standards:

- |     |   |   |
|-----|---|---|
| (a) | Average water consumption per capita per day      | 100 gallons   |
| (b) | Max. Daily Demand                                 | 150 gallons   |
| (c) | Peak Hours Flow                                   | 200 gallons   |
| (d) | Consumption for non-residential area per acre/day | 1000 gallons  |
| (e) | Fire demand/ G.P.M.                               | 2000 to 4000 gallons as per standards of national board of fire authorities of USA. |
| (f) | Primary School                                    | 8 gallons per capita per day or 15% of total population of the scheme.              |
| (g) | Colleges  | 8 gallons per capita per day or 5% of the population of the scheme.                 |
| (h) | Hotels/Motels                                     | 600 gallons per 1000  |

	sft. per day
(i) Offices	200 gallons per 1000 sft. per day
(j) Hospitals	150 gallons per capita per day
(k) Mosques	3 gallons per 'Namazee' or 20 percent of total population of the scheme.

## (ii) Roads

(a) *Pavements*:- The pavement design of all roads shall be carried out in accordance with "AASHTO Design Manual 1986" and as amended from time to time. All the roads shall have a minimum of 1.6 inches thick asphalt concrete wearing surface in addition to adequate base and sub-base courses. The minimum width of pavement shall be 20 feet.

(b) *Geometries*:- As per applicable AASHTO standards.

(iii) *Sanitary Sewer System*- The scheme would have its own independent sewerage treatment system which should be capable of taking 80 percent of the water consumption. RCC pipes shall be used for conveying the sewerage. The minimum diameter of the sewer shall be 6 inches. The disposal of sewerage shall be made through the trunk sewer which will terminate at a sewerage treatment plant for primary treatment.

## (iv) Storm Water Drainage

(a) Max. rain fall intensity                      3 inches per hour

- |      |                              |   |
|------|------------------------------|---|
| (b)  | Impermeability factor        | 0.8   |
| (c)  | Min. diameter of storm sewer | 12 inches   |
| (v)  | Electricity                  |   |
| (a)  | Zone-2.                      | The distribution network shall be underground.                                    |
| (b)  | Zone-5.                      | The distribution network shall be preferably underground, but it may be overhead. |
| (vi) | Sui Gas and Telephone        |   |

According to standards followed by SNGPL and PTC.

**13. Scrutiny fee for Engineering designs/ detailed specifications.** The Sponsor shall be required to deposit a fee for the scrutiny and approval of engineering designs by the panel of experts at the rate of <sup>1</sup>[Rs. 1000 per acre or as revised from time to time] in favour of the C.D.A.

**14. Commencement of development works.** The sponsors shall mobilize their resources to start implementing the scheme within a period of six months after the issuance of the letter of approval of engineering designs and detailed specifications by the CDA.

**15. Implementation of scheme by the Capital Development Authority on behalf of the sponsors.** CDA may take up planning, design and implementation of the scheme, if requested by the sponsors, on payment of departmental charges @8% of the total cost of the scheme. The rate of departmental charges is subject to revision by the CDA from time to time.

**16. Inspection by the authorized officer of the CDA during the course of execution of the scheme.** The scheme shall be open for inspection to the CDA during the entire period of its execution.

---

<sup>1</sup> Subs. by S.R.O. 100(I)/2005, dated 14.1.2005, for "Rs. 500/- per acre".

**17. Intimation of work schedule to the CDA by the sponsors.** (i) The sponsors shall submit to the DDG (Planning) the detailed work schedule in respect of implementation of the scheme.

(ii) Monthly progress report shall be submitted to the DDG (Planning) till the completion of the scheme.

**18. Payment of inspection/monitoring fee to the CDA.** The Sponsors shall pay to the CDA <sup>1</sup>[Rs. 2000 per acre or as revised from time to time] on account of inspection/monitoring expenses during the execution stage of the scheme.

**19. Recording of inspection notes by the officers of the CDA on the development works.** (i) The authorized officer/s of CDA shall record their observations on the works in progress regarding quality and progress of work being undertaken in a scheme and will ensure that their instructions are complied with by the sponsors. A copy of each note shall be handed over to the Sponsors for record and another copy, duly signed by the Sponsors or their Engineer Incharge at site, shall be kept in the CDA's record.

(ii) In case the Sponsors fail to abide by the instructions contained in the Inspection Note, the CDA shall take appropriate measures to rectify the situation which may include getting the work done at the risk and cost of the sponsors by disposing of plots mortgaged with the CDA. In case the development cost exceeds the amount deposited by the sponsors with the CDA or the sale proceeds of the mortgaged plots, the same shall be recoverable by the CDA from the sponsors or the allottees of plots in the scheme as arrears of land revenue under the CDA Ordinance, 1960.

**20. Release of mortgaged plots.** The plots mortgaged with the CDA by the Sponsors will be released after the Committee appointed by the CDA has certified that the development works have been completed as per approved schedule, specifications and design. The form of redemption deed is appended as Annexure "E".

**21. Default in completion of scheme.** (i) The CDA shall assume the control of the scheme in case it is satisfied that the sponsors are incapable of completing the scheme after expiry of the extended period of completion.

---

<sup>1</sup> Subs. by S.R.O. 100(I)/2005, dated 14.1.2005, for "Rs. 1000/- per acre".

**Modalities and Procedures Framed Under I.C.T. (Zoning) Regulation, 1992 451**

- (ii) In the event of CDA assuming control of the scheme, it shall sell the plots mortgaged with it in the scheme privately, through public auction or private contract in order to accumulate funds for the completion of the remaining development works in the scheme to the extent of amount received from such sale, and para 19 (ii) will apply *mutatis mutandis* in such an eventuality.

**22. Connection of services of a private scheme with Capital Development Authority's Services Network.** The CDA in its discretion may permit the Sponsors of a scheme to connect the services within the scheme with the overall network of services if available in the area. Such connection shall be allowed by CDA subject to payment of charges as may be prescribed from time to time.

**23. Miscellaneous. <sup>1</sup>[ ]**

- (ii) The Authority has the discretion to change, modify, alter or relax any of the provisions contained herein and when so required without any prior notice or intimation to the Sponsor/s of a scheme.

---

<sup>1</sup> Sub-paragraph (i) deleted by S.R.O. 100(I)/2005, dated 14.1.2005. Sub-paragraph (i) before deletion was as under, namely:-

“(i) In case the sponsors desire permission to advertise the scheme, without completing ownership of 200 acres in Zone-2 or 100 acres in Zone-5 and prior to the issuance of a formal NOC by the CDA, they will be required to fulfil the following requirements:-

- (a) Sponsors shall submit documentary evidence that they are the owners and in possession of at least 30% of the land proposed for the scheme.
- (b) The Sponsors shall mortgage with the CDA as per terms and conditions contained in para 7, 60 acres or 30 acres of land for the scheme pertaining to Zone-2 or Zone -5 respectively.
- (c) The Sponsors shall commit to procure the balance land within six months from the date of mortgage.
- (d) The Sponsors shall advertise the scheme only through a Scheduled Bank to be nominated by the CDA for a restricted membership which will also be determined by the CDA and the complete record of which shall be maintained by the nominated Bank and submitted to CDA.
- (e) The Sponsors will be authorised to use the funds collected as a result of advertisement only for the purchase of balance land.
- (f) After completing purchase and transfer of land in the name of the sponsors, the Sponsors will be required to complete all other formalities given in para 4 onwards for the issuance of the CDA.
- (g) Possession of individual plots in the scheme shall not be handed over by the sponsor till the entire scheme is fully developed and completion certificate in this behalf has been issued by the CDA. The plots reserved for amenities and public buildings shall be disposed off with the prior approval of the CDA.”

## ANNEXURE "A"

**UNDERTAKING**

We, M/S \_\_\_\_\_, sponsors of a housing scheme on land measuring \_\_\_\_\_ acres in Mauza \_\_\_\_\_, District Islamabad, acting through our \_\_\_\_\_ do hereby accept and undertake to abide by the terms contained in the "Modalities and Procedure" framed by the CDA in pursuance of the ICT (Zoning) Regulation, 1992, which are annexed hereto as part of this undertaking and have been signed by us in token of our having accepted the same.

Without prejudice to the generality of the foregoing, we undertake in particular to abide by the following terms and conditions pertaining to the abovementioned housing scheme, namely:-

- (a) We shall deposit the entire development cost of the scheme to the Authority as a guarantee towards the development of the scheme. The amount of such development cost, as to be determined by the CDA, shall be acceptable to us. The deposit shall be made by us within 45 days from the date of approval of the layout plan of the scheme.
- (b) In case we choose not to deposit the development cost of the scheme, we shall mortgage 30% of the saleable area in the detailed layout plan in favour of the CDA free of cost, as a guarantee for completing development works at site within \_\_\_\_ years from the date of the NOC to be issued by the CDA. Such mortgage shall be done by us within 45 days from the date of approval of the layout plan of the scheme.
- (c) We shall pay to the CDA proportionate costs for the trunk services as may be provided by the CDA in the housing scheme. Such costs shall be worked out by the CDA which shall be final and shall be paid by us within the period as may be fixed by the CDA for the purpose.
- (d) We shall transfer to the CDA, free of charge, the land reserved for open spaces/parks, grave yard and land under right-of-way of roads, etc., in the scheme within 45 days of the clearance of detailed layout plan of the scheme.
- (e) We understand that the land in the housing scheme or any part thereof is liable to acquisition by the CDA at any time and we undertake that in case the land is so required by the CDA at any stage, we shall have no objection to the same on any ground whatsoever.
- (f) We shall abide by the layout plan and designs of services as may be approved by the Authority for implementation at site and will not make any change/modification therein without prior approval of the CDA.
- (g) We shall comply with all the laws and regulations of CDA as may be in force from time to time as also all such other instructions as may, from time to time, be issued by it in this behalf.
- (h) We shall be responsible for defect of any nature in the title of the land in the housing scheme and losses/ damages, if any, incurred, including profit thereon at the rate of 14% (as may be incurred and determined by CDA) shall be paid by us

**Modalities and Procedures Framed Under I.C.T. (Zoning) Regulation, 1992 453**

within the period as may be specified by CDA in this behalf failing which the same shall be recoverable by CDA as arrears of land revenue under the CDA Ordinance, 1960.

- (i) In case we fail to complete the development works/services within the given time and to the satisfaction of the CDA as per terms and conditions, the CDA shall be entitled to assume control of the scheme and dispose of the mortgaged plots and use the sale proceeds, or a portion thereof, in any manner it may like towards the completion of the development works/services.

For and on behalf of

M/S. \_\_\_\_\_

Seal.

Witnesses

1. \_\_\_\_\_

2. \_\_\_\_\_

Occupation \_\_\_\_\_

Occupation \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

N.I.C.No. \_\_\_\_\_

N.I.C. No. \_\_\_\_\_

ANNEXURE "B"

**MORTGAGE DEED**

This Mortgage Deed is made at Islamabad on the day \_\_\_\_\_ of \_\_\_\_\_ in the year \_\_\_\_\_ BETWEEN M/S, \_\_\_\_\_ a company/ society registered under the Companies Ordinance 1984/ West Pakistan Co-operative Societies Act, 1925, (hereinafter referred to as the "Sponsor" which expression shall, where the context so admits, include its executors, administrators, legal representatives, assigns and successors-in-interest) of the One Part and the Capital Development Authority, an authority established under the CDA Ordinance, 1960, (hereinafter referred to as "the Authority", which expression shall include its successors-in-office, representative and assigns) of the other part.

Whereas the Sponsor has applied to the Authority in pursuance of ICT (Zoning) Regulation, 1992, for approval of a Housing Scheme over an area of \_\_\_\_\_ on land bearing Khasra Nos. \_\_\_\_\_ Mauza \_\_\_\_\_ District, Islamabad. The Authority has agreed to approve the Scheme on the condition that the sponsor deposits with the Authority as security a sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only) towards cost of development of the scheme or, in the alternative, mortgages with the Authority 30% of the saleable area of the said Housing Scheme.

And whereas, the Sponsor has elected to mortgage with the Authority, 30% of the saleable area of the Scheme.

Now, therefore, this deed witnesseth as follows:-

1. As a security for the proper development of the scheme in accordance with the engineering designs, detailed specifications of services/ utilities and time schedule approved and laid down by the Authority, the sponsor hereby grants, assures, demises and mortgages unto the Authority, plots No. \_\_\_\_\_ shown in red colour on the attached scheme plan, bearing drawing No.

2. The Sponsor shall pay all stamp duties, registration charges and other incidental expenses for and in connection with this and any other document to be required for the redemption of this mortgage deed.

3. The Authority shall release the mortgaged plots in proportion to the development that may be completed by the Sponsors:-

- On completion of 25% of the development work, 25% of the mortgaged plots shall be released to the sponsor.
- On completion of 50% of the development work, another 25% of the mortgaged plots shall be released to the sponsor.
- On completion of 75% of the development work, another 25% of the mortgaged plots shall be released to the sponsor.
- On completion of 100% of the development work, remaining 25% of the mortgaged plots shall be released to the sponsors.

4. If the Sponsor fails to abide by any of the terms of the undertaking which is being given by the sponsor to the Authority separately in this behalf, the approval may be withdrawn and the scheme shall be taken over by the Authority without any extra liability.

5. The plots mortgaged to the Authority as a security towards the development of the scheme shall be open to inspection at any time by any officer of the Authority deputed for the purpose.

6. The Sponsor hereby covenants with the Authority and guarantees as follows:-

- (a) That it will from time to time and at all times hereafter comply with all the regulations framed by the Capital Development Authority under the CDA Ordinance, 1960.
- (b) That the property hereby mortgaged is exclusive and absolute property of the sponsor in which no one else has any claim, concern, right or interest of whatsoever nature.



**Modalities and Procedures Framed Under I.C.T. (Zoning) Regulation, 1992 455**

- (c) That it has a legal right, full power, absolute authority to mortgage the aforesaid property by way of such mortgage.
- (d) That it has not prior to the date of THESE PRESENTS done, made, committed, caused or knowingly suffered to be done any act under a deed or matter whereby the right to this mortgage has been or may be impaired.
- (e) That it hereby declares that the property offered as security for development of the scheme is free from all sorts of encumbrances and charges and undertakes that the said property shall not be sold or charged without the prior approval in writing of the Authority.
- (f) That it shall not put the said property in any other charge or otherwise transfer the same or any part thereof in any way and would keep and hold the Authority secured, harmless and indemnified against all losses and damages caused to be suffered or sustained by the Authority as a result of any defect in its title or any one with respect to the said property or any part thereof.
- (g) That it shall keep the property mortgaged with the Authority as security till the entire scheme is fully developed in accordance with the approved plan and designs of services.

7. In case the Sponsor fails to develop the scheme in accordance with approved layout plan and services designs as required by the Authority under the preceding clauses, the Authority shall, without any further notice to or concurrence on the part of the Sponsor, be entitled to:-

- (i) take over possession of the mortgaged property.
- (ii) sell or dispose of the said property or any part thereof, together or in parcel, on the account and at the risk of the sponsor, either privately or by public auction or by private contract, on such terms and conditions as the Authority shall think fit and proper, without the bid and intervention of a court of law and without prejudice to the Authority's rights to execute the necessary sale deed, present it for registration and get the same registered and have the necessary mutation of names entered in the Government and Authority's/ Municipal records, and on such transfer the property shall vest in the transferee and all rights in or to the property transferred as if the property had been sold to the transferee by the owner and for the purposes aforesaid or any of them to make agreement, execute assurance and give effectual receipt for discharge for the purchase money and do all other acts and things for completing the sale, which the person or persons exercising powers of sale shall think proper and the aforesaid power shall be deemed to be a power to sell concur in selling without the intervention of the Court.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hand and seal the day and year first above written.

For and on behalf of

M/S \_\_\_\_\_

For and on behalf of  
Capital Development Authority.

In the presence of

Witnesses

1. \_\_\_\_\_

2. \_\_\_\_\_

Occupation \_\_\_\_\_

Occupation \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

N.I.C. No. \_\_\_\_\_

N.I.C. No. \_\_\_\_\_

ANNEXURE "C"

### TRANSFER DEED

THIS DEED OF TRANSFER made on this \_\_\_\_\_  
day of \_\_\_\_\_ year \_\_\_\_\_ by M/S \_\_\_\_\_  
through their \_\_\_\_\_, hereinafter called the  
"Transferor".

### IN FAVOUR OF

The Capital Development Authority, Islamabad hereinafter called the "Transferee".

WHEREAS the transferor is absolute owner with possession of land measuring \_\_\_\_\_ Kanals \_\_\_\_\_ Marlas bearing Khasra Nos. in Mauza \_\_\_\_\_ Tehsil and District Islamabad.

AND WHEREAS the Transferee has approved the layout of a housing scheme on the land, in which an area measuring a total of (shown in blue on the plan annexed hereto) is reserved for General Public use as follows (hereinafter called the "Property").

KANALS	MARLA	SQ.FT.
--------	-------	--------

**Modalities and Procedures Framed Under I.C.T. (Zoning) Regulation, 1992 457**

1. For Roads
2. For Parks
3. For Grave-yards
4. For Public Buildings

NOW, THEREFORE, this deed witnesseth as follows:-

1. That the transferor hereby declares and warrants that he is the absolute owner of the property and no person whatsoever has any charge, encumbrance, lien or mortgage over the property and same is free therefrom.

2. That in consideration of Public Welfare, the transferor hereby transfers to the Transferee, free of charge, all its rights, interest, easements, appurtenant to the property and to hold the same by the transferee as absolute and lawful owner.

3. That the Transferor further agrees, at all times here after, upon the request and at the expenses of the Transferee, to execute or cause to be executed all such lawful deeds, acts and things whatsoever for better and more perfectly conveying and assuring the "Property" unto the Transferee, its successors-in-office, administrators, assigns as shall be reasonably required by the Transferee, and placing it in its possession according to the true interest and meaning of this deed.

4. That after the execution of this transfer deed, the transferee will be responsible for managing the area transferred to it by the transferor.

IN WITNESS WHEREOF, both the parties have put their respective hands and seals on the day and year first above written.

For and behalf of the  
M/S \_\_\_\_\_

For and on behalf of the Capital  
Development Authority

**Witnesses**

1. Name \_\_\_\_\_

Occupation \_\_\_\_\_

Address \_\_\_\_\_

N.I.C. No.

2. Name

Occupation \_\_\_\_\_

Address \_\_\_\_\_

N.I.C. No. \_\_\_\_\_

## ANNEXURE "D"

## CAPITAL DEVELOPMENT AUTHORITY

## PUBLIC NOTICE

It is notified for information of general public that Messrs. \_\_\_\_\_ are proposing to sponsor a housing scheme on the land comprising Plots No. \_\_\_\_\_ over an area measuring \_\_\_\_\_ situated at District Islamabad, and have mortgaged the following plots out their scheme with the CDA:

The plots described above are not to be sold, allotted, transferred or committed in any form to anybody by the owners or by their attorney unless and until the same are released by the CDA. In case of failure or delay in development work of the scheme, these plots shall be sold by the CDA and money so received shall be utilized towards the development of the scheme. The public is, therefore, advised, in their own interest, not to purchase or make any deal in respect of any of the plots as described above.

DY. DIRECTOR GENERAL (PLANNING)

CAPITAL DEVELOPMENT AUTHORITY

ISLAMABAD.

## ANNEXURE "E"

## REDEMPTION DEED

This deed of redemption is made at Islamabad this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ between \_\_\_\_\_ (hereinafter referred to as "the mortgager" which expression shall, unless the context admits otherwise, include its executors, administrators, legal representatives, assigns and successors-in-interest) of the one part and the Capital Development Authority, being a corporate body established under the CDA Ordinance, 1960, (hereinafter referred to as the Authority) of the other part.

Whereas a mortgage deed was executed at Islamabad on \_\_\_\_\_ by the mortgager whereby the mortgager had mortgaged plots described in the said mortgage deed with the Authority as a security for the development of a housing scheme described therein;

Whereas the Authority was required to redeem the mortgaged plots in accordance with the progress of development as stipulated in the said Mortgaged Deed.

Now, therefore, this Redemption Deed witnesseth as follows:

**Modalities and Procedures Framed Under I.C.T. (Zoning) Regulation, 1992 459**

1. That in view of the release order contained in the letter No. \_\_\_\_\_ dated \_\_\_\_\_ of the Authority, which letter is attached herewith as Annexure I and shall be construed as a part of this Redemption Deed, the plots described in Annexure II of this Deed shall stand redeemed from the operation of the said Mortgaged Deed and shall be deemed to have been handed over to the mortgager.

2. That as a result of this redemption, all authority relating to the use or disposal of plots described in the preceding paragraph shall vest in the mortgagor and that the Authority shall have nothing whatsoever to do with these plots.

3. That the aforesaid mortgaged deed shall be and remain effective and operative in respect of the remaining plots as described in Annexure-III, as hithertofore till they are redeemed by the Authority

In witness whereof, the mortgager and the Authority have hereunto set their respective hands and seals on the day and year first above written.

For and on behalf of the Authority

\_\_\_\_\_

For and on behalf of the Mortgager

\_\_\_\_\_

Witnesses:

1. Name \_\_\_\_\_

2. Name \_\_\_\_\_

Occupation \_\_\_\_\_

Occupation \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

N.I.C. No. \_\_\_\_\_

N.I.C. No. \_\_\_\_\_

# THE ISLAMABAD CONSUMERS PROTECTION ACT, 1995

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# **\*THE ISLAMABAD CONSUMERS PROTECTION ACT, 1995**

(Act No. III of 1995)

[18th October, 1995]

*An Act to provide for promotion and  
protection of the interest of consumers*

WHEREAS it is expedient to provide for promotion and protection of the interests of consumers and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**- (1) This Act may be called the Islamabad Consumers Protection Act, 1995.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

## **COMMENTS**

### **Synopsis**

- |                    |            |
|--------------------|------------|
| 1. Scope.          | 2. Object. |
| 3. Interpretation. |            |

1. **Scope.** The provisions of the Islamabad Consumer Protection Act, 1995 are attracted to the matters where the cause of action has arisen within the territorial limits of Islamabad Capital Territory [PLD 2014 Lah. 561].

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\* The Act received the assent of the President on the 12th October, 1995, and published in the Gazette of Pakistan, Extraordinary, Part I, dated 18th October 1995, at pages 940-946.

**2. Object.** The Islamabad Consumers Protection Act, 1995 is enacted to promote and protect the interests of the consumers and is passed to protect society and individuals from exploitation [PLD 2015 Isl. 81].

**3. Interpretation.** The Islamabad Consumers Protection Act, 1995 is enacted to protect the society, and such like enactments, are to be given purposive interpretation, keeping in regard the basic intent of the statute and without transgressing its objects and scope [PLD 2015 Isl. 81].

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

- (a) “Authority” means the Court of Sessions, Islamabad;
- (b) \*\*“complaint” means—
  - (i) a consumer;
  - (ii) a consumer’s association; and
  - (iii) the Federal Government, Chief Commissioner, Islamabad Capital Territory, Capital Development Authority, or any person or agency authorized by the aforesaid on their behalf to file complaint before the Authority;
- (c) “consumer” means any person who—
  - (i) buys goods for a consideration which has been paid or partly paid and partly promised to be paid or under any system of deferred payment or hire purchase and includes any user of such goods but does not include a person who obtains such goods for re-sale or for any commercial purpose; or
  - (ii) hires any goods or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment and includes any beneficiary of such services.
- (d) “Council” means the Consumers’ Protection Council, Islamabad; established under section 3;

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\*\* The word should be “complainant”.



- (e) "Services" includes services of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, manufacturing, processing, accountancy, supply of electrical, mechanical or any other form of energy, boarding or lodging, entertainment, medicine, education, construction work, amusement, catering, security or purveying a news or other information, and similar other services, but does not include the rendering of any service free of charge or under the contract of personal service; and

**COMMENTS**

**Pathological laboratory test.** Conduction of tests and compilation of report constitutes "services" with the meaning of Islamabad Consumers Protection Act, 1995 [PLD 2015 Isl. 81].

- (f) "unfair trade practice" means a trade practice which, for the purpose of sale, use or supply of any goods or for provision of any service or for their promotion, adopts one or more of the following practices, causes loss or injury though hoarding, black-marketing, adulteration, selling of expired drugs, food items and commodities unfit for human consumption, or charging for the goods and service in excess of the prices fixed by an authority authorized to do so under any law for the time being in force or in furtherance of such sale, use or supply makes any statement, whether orally or in writing, or by chalking on walls or through sign-boards or neon-sign or by distributing pamphlets or by publication in any manner, including through electronic media, by—
- (i) falsely representing that the goods or, as the case may be, services are of a particular standard, quality, quantity, grade, composition, style or mode;
  - (ii) falsely representing any rebuilt, second-hand, renovated, reconditioned or old goods as new goods;
  - (iii) falsely representing that the goods or, as the case may be, services have sponsorship or approval of

- the competent agency or authority or possesses specified characteristics, performance, accessories, uses or benefits which such goods or services do not have;
- (iv) falsely representing that the goods or services offered fulfil the prescribed standard fixed by local or international authorities;
  - (v) giving misleading representation of the need for, or the usefulness of any goods or services;
  - (vi) falsely giving to the public any warranty\* or guarantee of the performance, specification, required ingredients, efficacy or length of life of a product or any goods that is not based on an adequate or proper tests thereof;
  - (vii) falsely offering for sale or on lease any premises, house, shop or building with specified facilities or with the promise to deliver possession thereof within a specified period or without any escalation in price or by falsely representing that such premises, house, shop or building is being sold, built or constructed in accordance with the approved plans, specification and approval of the concerned authorities;
  - (viii) misleading the public concerning the price at which a product or products or goods or services have been, or are ordinarily sold or provided;
  - (ix) giving false or misleading facts regarding facilities available in the private educational institutions or falsely representing that such institutions have proper approval of the concerned authorities;
  - (x) falsely representing for provision of services by professionals and experts, including by doctors,

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\* The word should be "warranty".

engineers, advocates, mechanics, teachers, hakeems and spiritual healers;

- (xi) giving false or misleading facts disparaging the goods, services or trade of another person, firms, company or business concern;
- (xii) advertising for the sale or supply at a bargain price of goods or services which are not intended to be offered for sale or supply at such price;
- (xiii) offering of gifts, prizes or other items with the intention of not providing them as offered or creating the impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction; and
- (xiv) falsely gives description of commodities and services offered through mail order.

**3. The Council.-** (1) As soon as may be, after the commencement of this Act, the Federal Government may, by notification in the official Gazette, establish the Consumers Protection Council, Islamabad.

(2) The Council shall consist of the following:—

- (i) The Chairman, to be appointed by the Federal Government from amongst prominent social workers permanently residing at Islamabad.
- (ii) Members of Parliament representing Islamabad Capital Territory; Member.
- (iii) Chief Commissioner, Islamabad Capital Territory, Islamabad; Member.
- (iv) Chairman, Capital Development Authority; Member.
- (v) three representatives of the Consumers Associations in Islamabad; Member.

- (vi) a representative of the Ministry of Interior who shall not be below the rank of Joint Secretary; Member.
- (vii) a representative of the shopkeepers, vendors or manufacturers as recommended by the Chamber of Commerce and Industries, Islamabad; Member.
- (viii) a representative of the Finance Division who shall not be below the rank of Joint Secretary; Member.
- (ix) a representative of the Ministry of Health who shall not be below the rank of Joint Secretary; Member.
- (x) a representative of Ministry of Food, Agriculture and Livestock who shall not be below the rank of Joint Secretary; Member.
- (xi) a representative of the Ministry of Industries and Production who shall not be below the rank of Joint Secretary; Member.
- (xii) a lady social worker permanently residing at Islamabad to be appointed by the Federal Government; Member.

(3) The existence of a vacancy in, or defect in the constitution of, the Council shall not invalidate any act or proceedings of the Council.

**4. Meetings of the Council.-** (1) The Council shall meet as and when necessary and at such time and place as the Chairman may fix:

Provided that not more than a period of two months shall intervene between the two meetings of the Council.

(2) In absence of the Chairman, the Members present in the meeting shall elect one of the members to act as Chairman.

(3) The quorum of the meeting of the Council shall be four members.

**5. Objects and functions of the Council, etc.-** (1) The objects and functions of the Council shall be to determine, promote and protect rights of consumers, including—

- (a) the right of protection against marketing of goods which are hazardous to life and property;
- (b) the right of information about the quality, quantity, potency, purity, standard and price of goods and services;
- (c) the right of access to a variety of goods at competitive prices;
- (d) the right for redressal against unfair trade practices of unscrupulous exploitation of consumers;
- (e) the right of Consumers' education; and
- (f) the right of easy availability of essential services.

(2) The Council shall be responsible for formulation of the policies for promotion and protection of the rights of consumers, fair and honest trade practices by the manufacturers, producers and suppliers of goods and services in relation to interest of consumers and their effective implementation.

(3) For promotion and protection of the interests of consumers, the Council shall coordinate between the Government, manufacturers, producers, suppliers and consumers.

**6. Authority.-** (1) The Authority shall receive complaints of the consumers and those made on behalf of the council for investigation and determination thereof.

(2) The Police, Capital Development Authority and other agencies of the Federal Government and Islamabad Capital Territory Administration shall act in aid of the Authority for performance of its functions under this Act.

**7. Prohibition of false advertisement etc.-** (1) Notwithstanding anything contained in any other law for the time being in force, no company, firm or person shall advertise in any manner not authorised by law for the sale or hiring of goods or services or any property, movable or immovable, or solicit deposits for repayment at higher rates of profits or interest and thereby causes loss to any consumer, whether financial or otherwise.

(2) Notwithstanding any punishment provided for making misrepresentation, false or misleading advertisement in any other law for the time being in force, the company, firm or a person making such advertisement shall be liable to pay such compensation as the Authority may direct for causing loss to the person affected by such advertisement.

**8. Procedure for disposal of the complaints.-** (1) A complainant may in respect of any goods sold or delivered or any service provided or supplied or against any unfair trade practice file a complaint with the Authority.

(2) The Council may, in the case of any unfair trade practice coming to its notice, directly make complaint to the Authority through an officer authorised by it.

(3) Where on examination of the complaint received under sub-section(1) or sub-section (2), the Authority is of the opinion that any right of the consumer has been infringed, it shall cause the notice of the complaint to be served on the respondent who shall be required to give his reply within a period of seven days.

(4) After considering the complaint and the reply of the respondent and after providing the parties and\* opportunity of being heard, or if no reply is received and after such enquiry as the Authority may deem appropriate it may pass such orders as the circumstance may require.

#### COMMENTS

**Complaint against pathological laboratory.** Complaint against pathological laboratory which rendered service to the consumer can be instituted before the Authority [PLD 2015 Isl. 81].

<sup>1</sup>[8A. **Power of try summarily.-** (1) Without prejudice to the foregoing provisions and in addition to the powers exercisable by the Authority where any right of a consumer is infringed or contravened by way of profiteering, hoarding, black-marketing, adulteration of food items, selling of expired items of food and other item unfit for human consumption or charging for goods and services in excess of the prices fixed by the competent authority under any law for the time being in force, it shall be tried by a special Magistrate appointed under section 14A of the Code of Criminal Procedure, 1898, (Act VI of 1898) in a summary manner as provided in sections 262 to 265 of the said Code:

Provided that sub-section (2) of section 265 shall not apply.

\* The word should be "an".

<sup>1</sup> Inserted by the Islamabad Consumers Protection (Amendment) Act, 2011 (III of 2012).

(2) If a Special Magistrate has reason to believe that any infringement or contravention of any right of consumer as stated in sub-section (1) punishable under this Act has been committed by any person, he may enter the place or premises where the infringement or contravention has been committed and try the same on the spot and punish the defaulter with imprisonment which may extend to six months or fine which may extend to fifty thousand rupees or with both.

(3) Any person aggrieved by the order of Special Magistrate may, within fifteen days prefer an appeal to the Authority.]

**9. Penalties.-** (1) Where any right of consumer required to be protected under section 5 of the Act is in any way infringed, the person responsible for such infringement shall be punished with imprisonment which may extend to two years, or with fine which may extend to forty thousand rupees, or with both.

(2) Whoever makes advertisement through print or electronic media or by chalking on walls or in any other manner in contravention of section 7, he shall be punished with imprisonment which may extend to two years, or with fine which may extend to thirty thousand rupees, or with both.

(3) The Authority may, where it deems appropriate, order for payment of compensation to the consumer to the extent the consumer has suffered any damage or loss through any unfair trade practice.

(4) The Authority may, where it deems necessary for protection of the rights of other consumers, order for confiscation of any goods or material or direct for their destruction.

**10. Appeal.-** An appeal against the order of Authority shall lie to the High Court and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), in respect of appeals to the High Court shall, *mutatis mutandis*, apply.

**11. Immunity of the Council, etc.-** No suit, prosecution and other legal proceedings shall lie against the Council, its members, the Authority and other officers and authorities acting under the directions of the Council or, as the case may be, the Authority in respect of anything done under the provisions of this Act or any rules or orders made thereunder.

**12. Rules.-** The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

# THE ISLAMABAD MULTI-UNIT BUILDINGS (SUB-DIVISION) REGULATION, 1999

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**\*THE ISLAMABAD MULTI-UNIT  
BUILDINGS (SUB-DIVISION)  
REGULATION, 1999**

[15th April, 1999]

**S.R.O. 481(I)/99.-** In exercise of powers conferred by section 51 of the Capital Development Authority Ordinance, 1960 (No. XXIII of 1960), the Authority has been pleased to make the following Regulation as being expedient:—

**1. Short title, Application and Commencement.-** (1) This Regulation may be called the Islamabad Multi-Unit Buildings (Sub-Division) Regulation, 1999.

(2) It applies to all the multi-units buildings situated within the Islamabad Capital Territory but excluding such buildings as have been allotted to government departments, autonomous and semi-autonomous organisations and other institutions on reserve prices.

(3) It shall come into force at once.

**2. Definitions.-** In this Regulation, unless there is anything repugnant in the subject or context:-

(a) *'allottee'* includes a co-allottee and transferee of the plot.

(b) *'Authority'* means the Capital Development Authority established under section 4 of the Capital Development Authority Ordinance, 1960 (Ordinance No. XXIII of 1960).

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 17th April, 1999, at pages 653-657.

- <sup>1</sup>[(c) '*common areas and facilities*' include—
- (i) yards, gardens, parking areas, maintenance and central areas;
  - (ii) the premises for the lodging of janitors or persons employed in the management and for maintenance of stores for the property as a whole;]
- (d) '*common expenses*' includes:—
- (i) all sums lawfully assessed against the unit-allottees;
  - (ii) expenses on the administration, maintenance, repairs or replacement of the common areas and facilities; and
  - (iii) expenses agreed upon as common expenses by the Managing Committee.
- (e) '*independent services*' means and includes plumbing and water main-supply pipes, main electric distribution lines and meters, gas lines and meters independently linked to each unit.
- (f) '*Managing Committee*' means a committee elected by the unit-allottees and occupants of the units, by whatever name called, for managing the common areas and facilities of a building and liaison between them and the Authority.
- <sup>1</sup>[(g) '*Multi-unit building*' means a building having at least two floors and more than one unit; for the purpose of this Regulation mezzanine constructed as an independent floor shall count as a floor but a loft or balcony projecting inside a hall not exceeding one-third of the area of space where it is projecting, will not count as a floor.]
- <sup>1</sup>[(h) '*Unit*' means a shop or office or residential flat or apartment of an area not less than 150 square feet in the

<sup>1</sup> Substituted by S.R.O. 473(I)/2002, dated 26th July, 2002.

<sup>1</sup> Substituted by S.R.O. 473(I)/2002, dated 26th July, 2002.

case of shop or office and not less than 600 square feet in the case of residential flat or apartment. (Horizontal Sub-Division).]

- (i) 'Unit allottee' means the person to whom the allottee allots, sells or agrees to sell or otherwise transfers, in whatever form, his rights in a unit in the multi-unit building.

**3. Vertical Sub-Division.-** Multi-unit buildings with independent services and admitting vertical sub-division will be allowed to be sub-divided, alongwith land underneath, with all rights and liabilities if no common areas and facilities are involved and the area of each sub-divided portion is not less than 900 square feet:

<sup>1</sup>[Provided that where sub-divided portions involve common structure, the owner of one portion shall not carry out any changes (including demolition works) in his portion which may affect the common structure, directly or indirectly, without ensuring that no damage is caused to the common structure. In this regard, the allottee/owner would fulfil following conditions:-

(1) Shall obtain approval of proposed changes from CDA in accordance with the Building Regulations.

(2) Shall submit a bank guarantee of Rs.500,000 in favour of CDA which would be refundable on safe completion of approved changes without any loss/damage to the adjoining portion/structures.

(3) Shall submit an undertaking from a reputable structural engineering firm registered with CDA and Pakistan Engineering Council for the purpose who will supervise the proposed changes and be responsible for ensuring the safety of adjoining portions/structures during the construction process of approved changes.

(4) Shall submit an indemnity bond indemnifying CDA for any loss of life or property during the process of undertaking the proposed changes approved by the Authority.]

Provided further that this provision does not absolve the owners of the sub-divided portions of getting the proposed changes approved by the Authority in accordance with the building-control regulations.

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<sup>1</sup> Subs. by S.R.O. 473(I)/2002, dated 26.7.2002.

**4. Horizontal Sub-Division.-** Horizontal sub-division of multi-unit buildings may be allowed at basement, ground floor, mezzanine approved as an independent floor and not as a loft or lobby and all upper floor levels provided the floor area of a unit constituting a shop or office is not less than 150 square feet and not less than 600 square feet in case of flat or apartment.

**5. Submission of Application for Sub-division.-** Request for sub-division of a building shall be submitted by the allottee of the plot on the prescribed application form obtainable from the Estate Management Directorate of the Authority.

**6. Managing Committee.-** (a) For the general up-keep of the building, maintenance of common areas and facilities and liaison between the Authority and the unit-allottees and occupants of the units the unit-allottees and occupants of the units shall elect a Managing Committee of seven to ten members which shall be got registered with and recognized by the Authority by submitting an application in the prescribed form obtainable from the Estate Management Directorate of the Authority.

- (b) In case a Managing Committee fails to perform its part of functions and discharge of its responsibilities to the satisfaction of the Authority, the Authority may, after affording an opportunity of showing cause, cancel its registration and call upon the unit-allottees and occupants to elect another Managing Committee.
- (c) Without prejudice to the generality of clause (1), the Managing Committee shall, in particular, be responsible for—
  - (i) Collecting property tax, water and conservancy charges, annual ground rent and other dues, if any, of the Authority and payment thereof into the Authority's Account;
  - (ii) periodic cleaning and scavenging services, periodic painting and/or repairs of inside and outside of the property, and avoidance of encroachments, etc:

Provided that this does not absolve the unit-allottees of their individual responsibility to pay the dues of the Authority and keep their units in neat and tidy

condition and failure to do so may render services provided by the Authority to the units liable to be disconnected beside other legal action against the defaulter.

**7. Agreement between the Managing Committee and the Authority.-** The Managing Committee shall enter into an agreement with the Authority with regard to the maintenance of common areas and facilities and for the payment of common expenses in the form and on the terms and conditions as may be specified by the Authority in this behalf.

**8. Insurance.-** The unit-allottees of a multi-unit building proposed for sub-division will get and keep the units insured against fire, earth-quake and otherwise destruction, throughout the period of lease and successively so insured indefinitely in the case of proprietary rights.

**9. Status of Units.-** Each unit together with its land share taking as a basis the area of the unit in relation to the area of the plot as a whole and undivided proportionate interests in the common areas and facilities appurtenant to such unit shall for all purposes constitute heritable and transferable immoveable property within the meaning of any law for the time being in force.

**10. Entitlement in Common Areas and Facilities.-** <sup>1</sup>[Each unit-allottee shall be entitled to an undivided interest in the common areas and facilities in the percentage computed by taking as a basis the area of the unit in relation to the area of the plot as a whole. The percentage shall not be separated from the unit to which it pertains. The unit allottee shall also have lease hold rights in respect of verandah in front and side of his shop and may construct basement there-under in case of demolition and re-erection of the unit but will not change the use of verandah as specified in the original approved building plans. The verandah shall be left open for public passage and shall not be put to any other use.]

**11. Division of Portion of Common Areas and Facilities.-** The common areas and facilities in the building shall remain undivided and no allottee, unit-allottee or any other person shall bring an action for partition or division of any part thereof or do any thing whatsoever against the approved building plan for the plot.

**12. Waiver of use of Common Areas and Facilities.-** No unit-allottee may exempt himself from the liability for his contribution towards the common

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<sup>1</sup> Substituted by S.R.O. 473(I)/2002, dated 26<sup>th</sup> July, 2002.

expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of his unit.

**13. Conveyance Deed.-** On fulfillment of all the terms and conditions of allotment of the plot to the satisfaction of the Authority and the conditions herein contained, shall, on the request of the allottee, transfer land shares in the plot to the individual unit-allottees and register their names as the sub-owners/sub-lessees of the respective units in its record:

Provided that where a conveyance deed/lease-deed has been or is executed in favour of the allottee he will execute sale-deeds/sub-leases in favour of the unit-allottees and the Authority will then register their names as sub-owners/sub-lessees of the units in its record on payment of such fee as it may prescribe.

**14. Transfer of Units.-** An allottee of a unit who intends to transfer his unit to other person may do so by submitting application in the prescribed form and on payment of prescribed fee through the Managing Committee of the multi-unit building.

**15. Repeal.-** The Islamabad Commercial Buildings (Sub-division) Regulation, 1993, is hereby repealed.

**\*THE ISLAMABAD CAPITAL  
TERRITORY SHOPS, BUSINESS AND  
INDUSTRIAL ESTABLISHMENTS  
(SECURITY) ORDINANCE, 2000**

ORDINANCE NO. XXX OF 2000

[27th July, 2000]

*An Ordinance*

*to provide for the security of shops, business and industrial  
establishments in the Islamabad Capital Territory*

WHEREAS it is expedient to provide for security of shops, business and industrial establishments in the Islamabad Capital Territory and for matters ancillary thereto;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 27th July, 2000, at pages 357-359.

**1. Short title, extent and commencement.-** (1) This Ordinance may be called the Islamabad Capital Territory Shops, Business and Industrial Establishments (Security) Ordinance, 2000.

(2) It extends to the whole of Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Definitions.-** In this Ordinance,—

(a) “establishment” includes—

(i) any bank, money changer or financial institution; and

(ii) any office, firm, company, institution, industrial unit, undertaking, shop or premises used for undertaking any business, trade, manufacture, calling, service, employment or occupation; and

(b) “Government” means the Federal Government.

**3. Security of Establishment.-** The Government may by order, published in the official Gazette, provide for the regulation and enforcement of measures for the security of the property and persons connected with any establishment.

**4. Penalties.-** If any person contravenes any order made under this Ordinance he shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifteen thousand rupees, or with both.

**5. Power to make rules.-** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.



# **\*THE PROVINCIAL MOTOR VEHICLES (AMENDMENT) ORDINANCE, 2001**

**(XLI OF 2001)**

[18th August, 2001]

*AN ORDINANCE  
further to amend the  
Provincial Motor Vehicle Ordinance, 1965  
in its application to Islamabad Capital Territory;*

WHEREAS it is expedient further to amend the Provincial Motor Vehicles Ordinance, 1965 (W. P. Ord. XIX of 1965), in its application to the Islamabad Capital Territory, for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

**1. Short title and commencement.-** (1) This Ordinance may be called the Provincial Motor Vehicles (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

**2. Substitution of section 116A, W. P. Ord XIX of 1965.-** In the Provincial Motor Vehicles Ordinance, 1965 (W. P. Ord. XIX of 1965), hereinafter referred to as the said Ordinance, for section 116A the following shall be

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 18th August 2001, at pages 915-922.

substituted, namely:-

**“116A Fine on spot.-** (1) In any area of Islamabad Capital Territory, a police officer in uniform not below the rank of Assistant Sub-Inspector, may, notwithstanding anything to the contrary contained in this Ordinance, or any other law for the time being in force, charge on the spot any person committing in his view an offence mentioned in the Twelfth Schedule in respect of motor vehicles including scooter, motorcycle and motor rickshaw.

(2) A police officer acting under sub-section (1) shall draw up a charge in quintuplicate in Form J, as set forth in the First Schedule, and shall—

- (a) forthwith deliver three copies thereof to the offender, who shall acknowledge its receipt under his signature or, as the case may be, thumb impression;
- (b) immediately forward the fourth copy of the charge along with documents taken in possession to the designated Traffic Police Office; and
- (c) retain the fifth copy for record.

(3) A person charged with an offence under this section shall, if he does not want to contest the charge, pay, within seven days from the date of delivery of the charge under sub-section (2), the penalty specified for the offence in the Twelfth Schedule, as mentioned in the charge, through cash at the designated bank, as notified from time to time by the Federal Government, and collect the documents of the vehicle from the Traffic Office.

(4) The designated bank shall retain one copy of the challan for record, send second copy to the Traffic Office and third copy shall be handed over to the depositor.

(5) If the penalty is not paid in the manner provided in sub-section (3), the police officer Incharge of Traffic Police Office shall lodge a complaint against the offender before the court having jurisdiction to try the offence.”

**Amendment of Schedules, W. P. Ord. XIX of 1965.-** In the said Ordinance,—

(1) In the First Schedule:-

- (a) for ‘Form J’ the following shall be substituted, namely:-

**FORM J**

**See section 116A(2)**

Ticket No. \_\_\_\_\_ Book No. \_\_\_\_\_

Name of offender \_\_\_\_\_

Address of offender \_\_\_\_\_

Registration No. \_\_\_\_\_  
and description of motor vehicle.

Particular of offence \_\_\_\_\_

Date of charge \_\_\_\_\_

Penalty imposed Rs. \_\_\_\_\_

Name of Court having jurisdiction \_\_\_\_\_

Name of bank \_\_\_\_\_  
where payment of penalty is to be made:

Signature or thumb impression of the offender \_\_\_\_\_

**Note:-** The amount of penalty specified in this ticket is to be deposited within seven days at the specified Bank.

**TRAFFIC VIOLATION TICKET**

Ticket No. \_\_\_\_\_ Book No. \_\_\_\_\_

Name of offender \_\_\_\_\_

Registration number and type of vehicle \_\_\_\_\_

Particulars of offence \_\_\_\_\_

Place, date and time of offence \_\_\_\_\_

Prescribed penalty Rs. \_\_\_\_\_

In words \_\_\_\_\_

**DEPOSIT THIS PENALTY WITHIN 7 DAYS IN  
(DESIGNATED) BANK**Signature or thumb impression  
offenderName and signature of the  
Police OfficerDocuments if  
taken \_\_\_\_\_**FOR BANK ONLY**

Bank Code \_\_\_\_\_ Date \_\_\_\_\_

Received Rs. \_\_\_\_\_ (In words) \_\_\_\_\_

Signature

Official stamp

Signature."; and

(b) Form 'K' shall be omitted; and

(2) for the Twelfth Schedule, the following shall be substituted, namely:-

**“TWELFTH SCHEDULE**

**(See section 116A(1))**

**PART-I**

**MOVING VIOLATIONS**

<b>S.No.</b>	<b>Violations</b>	<b>Penalty</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1.	Exceeding prescribed speed limit.	Rs. 200.00
2.	Carrying passengers in public service vehicle exceeding permissible limit.	Rs. 200.00
3.	Violation of Manual Traffic Signals.	Rs. 200.00
4.	Disobeying traffic signals—	
	(i) Amber flashing.	Rs. 100.00
	(ii) Red flashing.	Rs. 200.00
	(iii) Red light.	Rs. 500.00
5.	Overloading by public transport vehicles (goods carriers).	Rs. 300.00
6.	Driving a vehicle exceeding prescribed weight limit or overloading of goods 15% in excess of limits.	Rs. 500.00
7.	Overloading of passengers 30% in excess of permissible limits.	Rs. 200.00
8.	Overloading where prohibited (Goods).	Rs. 300.00
9.	Overtaking where prohibited.	Rs. 200.00
10.	Failure to yield the right of way to other vehicles.	Rs. 100.00
11.	Obstructing movement of emergency vehicles.	Rs. 300.00
12.	Loading in excess of the restriction of dimension of goods.	Rs. 300.00
13.	Driving at night without proper light.	Rs. 300.00
14.	Driving on the wrong side of the road.	Rs. 400.00
15.	Improper crossing of railway track.	Rs. 200.00
16.	Following too closely or cutting too sharply.	Rs. 200.00
17.	Driving with tinted or covered glasses obstructing visibility from within the vehicles.	Rs. 300.00

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18.	Jumping traffic queue.	Rs.	200.00
19.	Failing to dip head light for other traffic.	Rs.	200.00
20.	Driving wrong way in one way street.	Rs.	300.00
21.	Using turns indicator for any purpose other than those prescribed.	Rs.	200.00
22.	Playing where prohibited.	Rs.	100.00
23.	Improper loading of goods or improperly loaded goods.	Rs.	300.00
24.	Failing to observe lighting hours.	Rs.	100.00
25.	Obstructing traffic.	Rs.	300.00
26.	Failure to observe slow sign.	Rs.	100.00
27.	Riding motor cycle without safety helmet.	Rs.	100.00
28.	Failure to stop for a school bus.	Rs.	100.00
29.	Turning where prohibited.	Rs.	200.00
30.	Failure to protect learning driver.	Rs.	200.00
31.	Failure to yield right of way to pedestrians.	Rs.	200.00
32.	Reckless and negligent driving.	Rs.	500.00
33.	Careless driving.	Rs.	200.00
34.	Driving without driving licence.	Rs.	500.00
35.	Driving an unregistered vehicle.	Rs.	200.00
36.	Driving motor vehicles without insurance coverage.	Rs.	100.00
37.	Driving a transport vehicle without, or with a defective, speedo meter.	Rs.	200.00
38.	Carrying passengers in a dangerous position in a transport vehicle.	Rs.	400.00
39.	Improper turning (turn from wrong lane).	Rs.	100.00
40.	Improper lane usage (lane-violation)	Rs.	300.00
41.	Blowing horns in silence zone.	Rs.	200.00
42.	Improper U-turn.	Rs.	100.00
43.	Failing to stop when required by traffic Police.	Rs.	300.00
44.	Driving without fitness certificate.	Rs.	500.00
45.	Using pressure or musical horns.	Rs.	300.00

46.	Driving PSV without route permit.	Rs.	500.00
47.	Misbehaving with passengers (only on complaint).	Rs.	300.00
48.	Driving in violation of law or rules not otherwise provided.	Rs.	300.00
49.	Smoke emitting vehicles.	Rs.	500.00
50.	Underage driving	Rs.	500.00
51.	Repeating the same violation.	Rs.	500.00
52.	Abetment of the above violation.	Rs.	500.00
53.	Violation of Red-Light by cyclist.	Rs.	100.00
54.	Driving when disqualified.	Rs.	500.00
55.	Altering a licence or using an altered or forged licence.	Rs.	500.00
56.	Driving a transport vehicle without obtaining a licence or with a licence which is defective or without a licence applicable to the vehicle driven.	Rs.	500.00
57.	Taking part in unauthorized race or trial or speed.	Rs.	500.00
58.	Driving when mentally or physically unfit to drive or under influence of drug or alcohol.	Rs.	500.00
59.	Repeating the same violations.	Rs.	500.00

**PARKING VIOLATIONS**

60.	More than 0.5 metre from the kerb.	Rs.	200.00
61.	Parking on a side walk.	Rs.	200.00
62.	Less than 05 metre from another car.	Rs.	200.00
63.	Parking on Zebra Crossing.	Rs.	300.00
64.	Less than 3 metres from fire hydrant.	Rs.	200.00
65.	Less than 10 metres from a stop sign.	Rs.	200.00
66.	Less than 10 metres from intersection.	Rs.	300.00
67.	Parking in a "NO PARKING" zone.	Rs.	300.00
68.	Parking in front of an entrance to premises.	Rs.	300.00
69.	Parking on a bus stop.	Rs.	200.00
70.	Parking on a bridge.	Rs.	300.00
71.	Parking on a foot-path.	Rs.	200.00"

**\*THE ISLAMABAD CAPITAL  
TERRITORY LOCAL GOVERNMENT  
ELECTION ORDER, 2001**

[8th October, 2001]

CHIEF EXECUTIVE'S ORDER NO. 10 OF 2001

AN

ORDER

*to provide for conduct of Local Government Elections by the Chief Election  
Commissioner in the Islamabad Capital Territory*

WHEREAS it is expedient to provide for the conduct of Local Government Elections by the Chief Election Commissioner in the Islamabad Capital Territory.

NOW THEREFORE, in pursuance of the Proclamation of Emergency of the 14th day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, as amended and in exercise of all other powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order—

1. **Short title, extent and commencement.**- (1) This Order may be called the Islamabad Capital territory Local Government Elections Order, 2001.
- (2) It extends to whole of the Islamabad Capital Territory.
- (3) It shall come into force at once.

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 8th October, 2001, at pages 1483-1484.



**2. Conduct of Local Government Election by the Chief Election Commissioner.-** The Chief Election Commissioner is hereby empowered to conduct Local Government Elections for the Islamabad Capital Territory and for that purpose the Chief Election Commissioner shall have the power and authority to take all such steps and measures including preparation of electoral rolls and delimitation of wards and to adopt such procedure, do such acts, pass such orders, issue such directions and take all such ancillary, incidental and consequential steps as he may deem necessary for effectively carrying out the said elections.

<sup>1</sup>**[3. Delegation of powers and functions.-** The Chief Election Commissioner may subject to such conditions as he may deem fit, require any member of the Election Commission appointed under the Election Commission Order, 2002 (C. E.'s Order No. 1 of 2002), to exercise and perform all or any of the powers and functions of the Chief Election Commissioner under this Order.

**4. Directions of Chief Election Commissioner in certain matters.-** Anything required to be done for carrying out the purpose of this Order, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Chief Election Commissioner may direct.

**5. Bar of jurisdiction.-** No Court shall question the legality of any action taken in good faith by or under the authority of the Chief Election 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 Order or the rules.

**6. Protection of action taken in good faith.-** No suit, prosecution or other legal proceeding shall lie against the Chief Election Commissioner or any officer or other person in respect of any thing which is in good faith done or intended to be done under or in pursuance of this Order or of any rule or order made or any direction given thereunder.

**7. Power to make rules.-** The Chief Election Commissioner, may with the approval of the President, make rules for carrying out the purposes of this Order.]

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<sup>1</sup> New Articles added by the Local Government Election Laws (Amdt.) Order, 2002 (C.E's. O. No. 9 of 2002), Art. 2 and Sch.

**\*THE ISLAMABAD CAPITAL  
TERRITORY SHOPS, BUSINESS AND  
INDUSTRIAL ESTABLISHMENTS  
(SECURITY) ORDER, 2001**

[25th September, 2001]

**S.R.O. 674(I)/2001.**- In exercise of the powers conferred by section 3 of the Islamabad Capital Territory Shops, Business and Industrial Establishments (Security) Ordinance, 2000 (XXX of 2000), the Federal Government is pleased to make the following Order namely:—

**1. Short title and commencement.**- (1) This order may be called the Islamabad Capital Territory Shops, Business and Industrial Establishments (Security) Order, 2001.

(2) This shall come into force at once.

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

(a) “DFI” means the development financial institution;

(b) “CCTV” means the close circuit television; and

(c) “management” includes the owner, director or manager of a firm or company and office bearers of any business and trade association.

(2) The words and expressions used but not defined in this order, shall have the meaning assigned to them in the Islamabad Capital Territory Shops, Business and Industrial Establishments (Security) Ordinance, 2000.

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 27th September, 2001, at pages 2321-2324.

**The I.C.T. Shops, Business and Industrial Estt. (Security) Order, 2001 489**

**3. Security of establishments.-** (1) Every main branch and principal office of an establishment with cash-in-safe limit over ten million rupees shall have a minimum of two security guards within the branch or principal office at vantage points for maximum vigilance while at least one security guard shall be deployed in strongroom and one security guard shall remain mobile or at point from where he can exercise adequate vigilance.

(2) Every branch and principal office of an establishment with cash-in-safe limit of over five million rupees but below ten million rupees, shall have a minimum of two security guards positioned at vantage points for maximum vigilance.

(3) Every branch and principal office of an establishment with cash-in-safe limit of over one million rupees or less but below five million rupees shall have at least one security guard.

(4) The security guards referred to in sub-paragraphs (1), (2) and (3) shall be hired from any licensed private security company.

**4. Special security arrangements for banks and financial institutions.-** (1) All the branches of a bank shall be equipped with intrusion alarm system which must be in working order and connected with some outside agency or organization to call for during the emergency.

(2) Safes, locker cabinets, cash and other valuable securities shall be kept in the strongroom.

(3) The strongroom shall have a proper steel door with dual or tripe controls.

(4) The banks and DFIs shall install CCTV for surveillance and record at appropriate points, especially at points covering the cash area and entrances. The video cassette recorder shall be placed at a concealed and secure location.

(5) All branches of a bank shall either install walk-through gates or utilize metal detecting equipment in regular and organised manner.

(6) The strongroom shall be at least under the dual control of the Manager and the Head Cashier or Cashier-in-Charge.

(7) Cash counters and service areas shall have metal grill and opaque glass to minimize exposure of cash and to create physical barrier to the cash handling area.

**5. Cash in transit.-** (1) Cash shall not be transported from counters unless both the branch guards and the security guard accompanying the cash van are present. If possible the main entrance of the branch of a bank shall be partially bolted from inside leaving limited space for movement.

(2) Security of parking area shall be arranged by appropriate means like installation of barriers, security guards or CCTV system by the concerned branch of a bank or any other establishment.

(3) It shall be the duty of management of the branch of a bank that cash boxes then in use, must be under dual control.

(4) Cash boxes shall not be moved out of the strongroom unless accompanied by two security guards, Cashier and an Officer of the bank.

(5) Cash boxes, when placed in the cash vans shall be fastened to a built-in-chain in the cash van. The chain shall have double locks, the keys of which shall be with the Officer and Cashier severely accompanying the cash.

(6) One of the security guards accompanying the cash van shall stay behind in the cash van while the cash is being transported to and from the branch of a bank.

**6. Public transport stands.-** (1) Boards displaying instruments for cautioning general public to remain watchful in respect of unauthorized packages and articles, and the movement of the suspicious persons shall be installed at the bus stands and wagon stands, truck stands, rickshaw stands, etc., by the management of transporters.

(2) Security guards shall be placed at all the stands referred to in sub-rule (1) and the management shall ensure that the luggage of the passengers is properly screened or checked visually as well as with the help of metal detectors by the security guards. Any mark or number after the checking shall be indicated on the bag and the same shall be intimated to passenger.

**7. Cinemas.-** (1) Cinema owners shall deploy security guards drawn from any licensed private security company.

(2) Gate-keepers shall be equipped with metal detectors for checking of suspicious persons, articles and baggage.

(3) Cinemas goers should be shown slides in cinema hall for keeping them alert against the nefarious design of terrorists.

**The I.C.T. Shops, Business and Industrial Estt. (Security) Order, 2001 491**

(4) Boards displaying instructions for alerting the general public should be installed at prominent places in the building of cinema.

**8. Shops and markets.-** (1) All Associations of commercial markets plazas and shops centres shall deploy security guards and if needed services of licensed private security companies shall also be utilized.

(2) All such concerned shall, also, possess metal detectors for checking of suspicious persons, articles and baggage.

(3) Boards displaying necessary instructions shall be placed prominently for keeping the general public alert against the nefarious designs of terrorist and subversive elements.

(4) Money changers shall deploy security guards from any licensed private security company.

(5) Business premises of money changers shall be equipped with alarm systems.

(6) All shops and business establishments dealing in jewellery, precious stones or precious metals shall depute trained security guards from a reputable private security company. It shall be mandatory for such shops and business establishments to install alarm system and CCTV systems and must have either a walk-through gate or a system of search by means of metal detectors at entrance.

**9. Responsibility of establishments, etc.-** It shall be the responsibility of the owner or management of an establishment, a business, bank or DFI to enforce and implement the measures specified in this Order failing which they shall be liable to be prosecuted in court of law and shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifteen thousands rupees, or with both.

# THE PRIVATE SECURITY COMPANIES ORDINANCE, 2001

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# **\*THE PRIVATE SECURITY COMPANIES ORDINANCE, 2001**

ORDINANCE NO. VI OF 2001

[7th February, 2001]

*An Ordinance to provide for regulation of private  
security companies in the Islamabad Capital Territory*

WHEREAS it is expedient to provide for regulation, licensing and control of private security companies in the Islamabad Capital Territory and for matters connected therewith and ancillary thereto;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.-** (1) This Ordinance may be called the Private Security Companies Ordinance, 2001.

(2) It extends to the whole of the Islamabad Capital Territory, Islamabad.

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 7th February, 2001, at pages 101-110.

(3) It shall come into force at once.

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

- (a) “company” means a company incorporated under the Companies Ordinance, 1984 (XLVII of 1984);
- (b) “Competent Authority” means the Chief Commissioner, Islamabad Capital Administration;
- (c) “licence” means a licence granted under this Ordinance for carrying on the business of a private security company by providing for consideration, security guards or security arrangements for the protection of persons or property or to prevent the theft or unlawful taking of property;
- (d) “licensee” means the holder of a licence;
- (e) “Licensing Officer” means the licensing officer appointed by the Chief Commissioner, Islamabad Capital Administration, and shall include an Assistant Licensing Officer;
- (f) “private security company” means any company, registered under the Companies Ordinance, 1984 (XLVII of 1984), carrying on, maintaining or engaged in the business of providing for consideration security guards or making other arrangements for the security of other persons and their property functioning under a valid licence issued by the competent authority;
- (g) “prescribed” means prescribed by rules made under this Ordinance; and
- (h) “security guard” included any watchman or other person engaged by the licensee for the protection of persons or property or to prevent the theft or robbery at the protected places.

**3. Ordinance not to apply to Civil and Armed Forces, etc.-** (1) The provisions of this Ordinance shall not apply to—



- (a) any member of Armed Forces, police or any civil armed force; and
- (b) any inspector, guard, watchman, or other persons employed by an individual employer for inspection, protection, guarding of his residence or commercial or business premises or for the protection of persons or property of such employer who is not engaged in the business of private security company.

**4. Private security companies' employees not to wear certain uniform.-** The persons employed by the private security company shall not wear uniform akin to uniform of armed forces, police or any civil armed force and shall wear the uniform as may be prescribed.

**5. Prohibition of maintenance of a company without a licence.-** No person shall carry on the business of a private security company or maintain or provide security guards or security arrangements for consideration unless holds a licence for the purpose issued under this Ordinance.

**6. Procedure for grant and renewal of licence, etc.-** (1) Whoever desires to engage in the business of maintaining a private security company shall, after he has got such company registered under the Companies Ordinance 1984 (XLVII of 1984), make an application for grant of a licence to the Licensing Officer and shall, with his application, furnish such information, attach documents and pay such fee in the form and manner as may be prescribed.

(2) On receipt of an application under sub-section (1), the Licensing Officer may, after such verification and enquiry as he may deem necessary and subject to such conditions including furnishing of security as may be prescribed, grant or refuse to grant the licence.

(3) A licence issued under sub-section (2) shall be—

- (i) valid for such period as may be prescribed; and
- (ii) renewable on an application made in the form and on payment of such fee as may be prescribed.

(4) A licence shall not be granted if—

- (a) satisfactory evidence has not been produced of the good moral character of the officers of the company holding

managerial or executive positions or any of its officers holding a managerial or an executive position has been convicted of an offence involving fraud or moral turpitude;

- (b) it is not in the public interest to do so;
- (c) security clearance is not provided as may be prescribed; or
- (d) the private security company is not registered under the Companies Ordinance, 1984 (XLVII of 1984):

Provided that the reasons for refusal to grant a licence shall be recorded in writing and shall be communicated to the applicant.

(5) The Licensing Officer may, at any time, under the directions of the Federal Government, vary or revoke any of the conditions of a licence or impose any additional conditions thereto.

(6) The Licensing Officer shall, before taking any action under subsection (5), notify to the licensee his intention of the proposed action and provide him an opportunity to show cause against such action.

7. **Appeal.**- Any person aggrieved by any order made by the Licensing Officer under section 6 may, within thirty days, appeal against such order to the Secretary, Ministry of Interior, Government of Pakistan, whose decision shall be final.

8. **Exhibition of license.**- Every licensee shall exhibit his licence or a certified copy thereof in a conspicuous place at his principal place of business and at every branch where the licensee carries on the business of private security company.

9. **Penalties.**- Any person who—

- (a) carries on the business of private security company without a licence;
- (b) fails to comply with the conditions of the licence;
- (c) fails to exhibit the licence or certified copy thereof at a conspicuous place in the office or place of business of the private security company;

- (d) not being the holder of a licence keeps, uses or exhibits any sign, writing, painting or other mark implying that he holds a licence to carry on the business of a private security company;
- (e) being a licensee, or an applicant for grant of a licence, knowingly makes a false or incorrect statement or omits to furnish any particular which he is required to furnish; and
- (f) being a licensee, violates the relevant provisions of the Companies Ordinance, 1984 (XLVII of 1984)

shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to two hundred thousand rupees, or with both, and in case of default in payment of fine, the offender shall be liable to imprisonment which may extend to one year.

**10. Revocation of licence.-** (1) The Licensing Officer may, by an order in writing, revoke a licence—

- (a) if he is satisfied that the licensee—
  - (i) has ceased to carry on the business for which he has obtained the licence or has applied for liquidation, winding up of the company or the company has been dissolved;
  - (ii) has obtained the licence by providing false information in contravention of the provision of this Ordinance;
  - (iii) has been convicted of any offence involving moral turpitude or, any of the officer of the licensee holding a managerial or executive position, partner, employee or security guard has been convicted of any offence involving fraud or moral turpitude;
  - (iv) is contravening, or has contravened, any of the provisions of this Ordinance or the rules made thereunder, or
- (b) if it is found that the security guards employed by him do not possess the prescribed qualifications or training;

- (c) if the company fails to provide services to its clients as per agreement signed by it or as per the prescribed procedure; and
- (d) if it is considered necessary to do so in the public interest.

(2) The Licensing Officer shall, before revoking any licence under sub-section (1), give the licensee a notice to show cause in writing specifying a date, not less than thirty days from the date of the notice, on which the revocation shall take effect unless the licensee satisfies the Licensing Officer that the licence was not liable to be revoked.

(3) When the Licensing Officer revokes a licence under sub-section (1), he shall forthwith inform the licensee by notice in writing of such revocation specifying date thereof and the Registrar of Companies concerned.

(4) The person whose licence has been revoked may, within thirty days of the receipt of the notice referred to in sub-section (3), prefer appeal in writing against the revocation to the Secretary, Ministry of Interior whose decision thereon shall be final.

**11. Effect of revocation of licence, etc.-** (1) Where an order of revocation becomes effective under section 10, the licensee shall cease to carry on the business of a private security company.

(2) Notwithstanding the revocation of licence, the enforcement of right or claim of any person against the licensee or by the licensee of any right or claim against person arising out of, or concerning, any matter or thing done prior to the revocation of the licence shall not be affected.

**12. Employment of staff by the licensee.-** (1) The licensee may, in the conduct of his business, employ as many persons as he may consider necessary to be security guards and members of staff and shall at all times during such employment be responsible for the good conduct of each and every person employed by him.

(2) The licensee shall not employ as a security guard any person who—

- (a) has been convicted of any offence involving moral turpitude or dismissed from Government service on charges of misconduct; and

(b) is, in the opinion of the Licensing Officer, not a fit and proper person to be employed as security guard.

(3) Notwithstanding anything contained in sub-section (1), no person shall be employed by a licensee as a security guard until he has submitted to the Licensing Officer a statement containing complete particulars and other information of such person in the prescribed form and the Licensing Officer has conveyed his no objection in writing to the recruitment of such security guard by the licensee.

(4) Every licensee shall maintain a list of all the persons employed by him with their full particulars and antecedents at the place of his business.

**13. Possession of arms and ammunition by the licensee.-** (1) A licensee may possess and keep arms, ammunition and other equipments which may be necessary for performance of the functions of the private security company in accordance with the law and rules applicable for possessing and keeping of arms and ammunition and shall use and retain such arms and ammunition and equipments in such manner as may be prescribed.

(2) A licence to retain any arms, ammunition and other equipments may be issued by the Islamabad Capital Administration on the recommendations of the Licensing Officer.

**14. Identification papers.-** (1) Every security guard shall at all times carry proper identification papers issued by the licensee in such form and containing such particulars as may be prescribed and produce such papers for inspection when so required by the Licensing Officer or any police officer duly authorized in this behalf and shall surrender the identification papers to the licensee when he ceases to be such security guard with the licensee.

(2) Any person, other than security guard, or who has ceased to be a security guard, carrying identification papers of a security guard shall, in addition to any other punishment to which he may be liable under any other law for impersonation, be punishable with imprisonment for a term which may extend to one month and fine which may extend to thirty thousand rupees.

**15. Power to inspect and search.-** (1) Where the Licensing Officer is satisfied, upon receipt of any information or after such enquiry as he may think necessary, that there is sufficient reason to believe that any premises is used for carrying on business of a private security company by a person who is not the holder of a licence, he may, by warrant or writing under his hand, authorize any

person named therein, or any police officer not below the rank of an Inspector, with such assistance and by such force as is necessary to enter for searching the premises and all persons found therein, to seize all documents and things reasonably supposed to have been used or intended to be used in connection with the business of a private security company which are found in such premises or on such persons.

(2) The powers of inspection and search of Licensing Officer specified in sub-section (1) and sub-section (1) of section 14 may also be exercised by the District Magistrate or the Superintendent of Police, Islamabad Capital Territory, Islamabad, either by himself in person or through a Police Officer authorized by him, in writing:

Provided that no female shall be searched except by a female Police Officer.

(3) The District Magistrate or Superintendent of Police, Islamabad Capital Territory, as the case may be, shall, without delay, inform the Licensing Officer of the result of the inspection and search carried out under this Ordinance.

(4) For the purposes of any enquiry, the Licensing Officer or any person authorized by him not below an officer of BPS-16 may, for furtherance of such enquiry—

- (a) enter, inspect and examine by day or by night the place of business of every licensee; and
- (b) require the production of records, account and documents kept by a licensee and to inspect, examine and obtain copies thereof.

(5) Any person who—

- (a) refuses the Licensing Officer or any person authorized by him to enter or search any place;
- (b) assaults, obstructs, hinders or delays him, or the person authorized by him, entry in execution of his duty under this Ordinance; or
- (c) fails to comply any lawful demand of the Licensing Officer or the authorized person in execution of his duty under this Ordinance; or

- (d) refuses or neglects to give any information which may reasonably be required of him and which has in his power to give,

shall be punished with imprisonment for a term which may extend to one year, or fine which may extend two hundred thousand rupees, or with both.

**16. Liability of directors, officers, etc.-** Where an offence under this Ordinance has been committed by the company or any person who at the time of the commission of the offence was a director, secretary, manager, partner or an officer of the company or who was purporting to act in any such capacity, shall, unless he proves that the offence was committed without his consent or knowledge and that on learning he exercised due diligence to prevent the commission of the offence, be deemed to have abetted such offence.

**17. Cognizance of offences.-** Notwithstanding anything in the Code of Criminal Procedure, 1898 (Act V of 1898)—

- (a) an offence punishable under this Ordinance shall be triable by a Magistrate of the first class; and
- (b) it shall be lawful for any Magistrate of the first class to pass any sentence authorised by this Ordinance.

**18. Power to make rules.-** (1) The Competent Authority may, with the approval of the Federal Government, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

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

- (a) the information and documents to be furnished by an applicant for a licence;
- (b) the taking and recording of photographs and fingerprints of the persons applying for a licence and of every person employed by a licensee;
- (c) the form of a licence and the identification papers to be issued to the security guards;

- (d) the uniform, badge or emblem to be worn by the employees of a licensee;
- (e) relating the use of any arms, ammunition and equipment by a licensee; and his employees;
- (f) regulating the activities of a licensee and the manner in which the business of a licensee shall be conducted;
- (g) training for security guards; and
- (h) matters incidental to the above.

**19. Ordinance not to derogate from other laws.-** The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being force.

**20. Licensees or their employees not exercise powers exercisable by a certain Government functionaries.-** Nothing in this Ordinance shall be construed as conferring on a licensee or his employees any of the powers which by any law are conferred on or exercisable by a police officer or officers of customs, immigration, prisons, or any other public officer.

**21. Private security company not to be private military organization.-** The private security company shall not be construed as private military organization for the purposes of Private Military Organizations (Abolition and Prohibition) Act, 1974 (IV of 1974).



# **THE PRIVATE SECURITY COMPANIES RULES, 2001**

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	ANNEXURE	508

## **\*THE PRIVATE SECURITY COMPANIES RULES, 2001**

[17th January, 2002]

**No. 2 (146)- Home/ 2002.-** In exercise of the powers conferred by section 18 of the Private Security Companies Ordinance (VII of 2001), the Chief Commissioner, Islamabad Capital Territory with the approval of the Federal Government is pleased to make the following Rules, namely:—

**1. Short title and commencement.-** (1) These rules may be called the Private Security Companies Rules, 2001.

(2) They shall come into force at once.

**2. Definitions.-** In these Rules, unless there is anything repugnant in the subject or context,—

(a) “applicant” means the Chief Executive of a company, or the Director so authorized by, a registered Private Security Company;

(b) “Ordinance” means the Private Security Companies Ordinance, 2001.

**3. Procedure for grant and renewal of licence etc.-** (1) An applicant shall submit an application in the Form, own to those rule (Annex-) to the Licensing Officer for grant of licence to his Private Security Company has been registered with Securities and Exchange Commission of Pakistan under the Companies Ordinance, 1984, with the approval of the Ministry of Interior.

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\* Published in the Gazette of Pakistan, Extraordinary, Part III, dated 17th January, 2002, at pages 29-35.

(2) The applicant shall deposit ten thousand rupees with the Federal Government as registration fee.

(3) Licence fee of twenty five thousand rupees shall be deposited in the head of account of Islamabad Capital Territory Administration.

(4) Annual renewal fee of five thousand rupees the licence should be deposited in the head of account of the Islamabad Capital Territory Administration.

**4. Verification.-** (1) The Licensing Officer shall get the antecedents of the company verified through Islamabad Capital Territory Administration as he deems appropriate.

(2) If the applicant is an ex-armed forces employee the Licencing Officer, before grant of licence shall ensure that he has not been court martialled and convicted of an offence involving moral turpitude and has not been involved in anti-state activities or has not been convicted on charges of gross misconduct involving moral turpitude through appropriate channels.

(3) In case of civilian, they are not convicted by Civil Court on account of criminal acts involving moral turpitude including anti-state activities.

**5. Validity.-** A licence issued shall be valid for a period of one year only and shall be extended on payment of the fee specified in sub-rule (4) of rule 4 through any scheduled or post office. Application for renewal of a licence shall be submitted to the Licencing Officer before thirty days of its expiry.

**6. Employment of staff by the licensee.-** (1) The employment of security guards and staff recruited by the Private Security Company shall be governed by all relevant provisions of the Ordinance and shall be cleared from the concerned Special Branch of Police through Licencing Authority.

(2) A security guard employed by a Private Security Company must be properly trained in the use of arms and ammunition kept under a valid licence by the Private Security Company and medically fit and shall produce a certificate of fitness from a registered Medical Practitioner.

(3) The licensee shall arrange at least one week's training of security guards employed by him in the institutions recognized by the Federal Government. A security guard shall not be assigned guarding duty unless he has been imported formal security training.

(4) A security guard employed by a Private Security Company must at least middle standard academic qualifications. This condition shall, however, not apply to the existing security staff inducted before the commencement of these rules.

**7. Possession of arms and ammunition by the licensee.-** (1) A Competent Authority, a District Magistrate, Senior Superintendent of Police or an Officer authorized may inspect the Company's premises and arrangements made for the safe custody and use of arms and ammunition.

(2) The licensee shall submit the required information pertaining to possession or retainership of arms and ammunition issued to him to the Licensing Officer in such form as he may by order in writing, direct.

**8. Identification papers.-** The Security Guards shall display identification cards preferably computerized with security features containing the company's names, its licence number allotted by the licencing Officer, name of the card holder, his National Identity Card Number and photograph, issued by the Company. The Company shall deposit the specimen of identification card with the Special Branch of Police, Islamabad.

**9. Details of Private Security Company.-** The Private Security Company shall provide details of the guards and weapons possessed by them, number of vehicles and any change about its Directors to Islamabad Capital Territory Administration, soon after the change takes place.

**10. Change in procedure.-** (1) If any change is proposed about the Directors of the company, the same shall be communicated to the Ministry of Interior with proper justification of the change through the Security Exchange Commission of Pakistan for security clearance.

(2) The proprietorship of the company shall not be transferable to any other party except in case of death of a person licensed Ordinance. A member of the family of a deceased shall be entitled to continue the business provided he or she applies for grant of permission to the Licensing Officer to assume business in the event of the death of the original licensee.

**11. Uniform.-** Security Guards or supervisors of a Private Security Company shall wear a standard uniform as the Federal Government may notify and shall not be similar to the uniform of the Armed Force, Police or any Civil Armed Force.

**12. Armed guards.-** Armed guards either on static or escort duty shall carry with them the following documents, namely:—

- (a) copy of a valid arms licence duly attested by a Magistrate;
- (b) user company's authority letter authorising a guard by name to carry the arm and to keep it in his custody on behalf of the company; and
- (c) if detailed on mobile armed escort, in addition to documents mentioned above, armed guards shall carry company's letter of authority specifying nature of duty, its destination and approximate time of duty. While on escort duty guards shall in proper uniform. A company certificate to the effect the escort duty was scheduled for protection of genuine clients who were not involved in any criminal acts or protection was not intended to facilitate or shield any criminal act under the law of the land.

**13. Unauthorised Private Security Company.-** A Private Security shall be considered illegal if,—

- (a) it does not bear proper registration with the Securities and Exchange Commission of Pakistan;
- (b) its registration has been cancelled;
- (c) has been refused no objection certificate from the Ministry of Interior or licence from the Islamabad Capital Territory Administration; and
- (d) has failed to get renewal of its licence for the current year of its operation.

**14. Cash in transit.-** No Private Security Company shall undertake business of transportation of cash or valuable unless specifically authorised to do so by the Ministry of Interior.

**15. Appeal.-** Any person aggrieved by an order made by the Licencing Officer under rule 3 may, within thirty days, appeal against such order to the Secretary.

**APPLICATION FORM UNDER RULE [SEE RULE 3] 161 OF THE PRIVATE SECURITY COMPANY RULES, 2001**

1. Name of the Company.....
2. Addresses of the Company.....
  - (a) Head Office .....
  - .....
  - .....
  - (b) Office in ICT .....
  - .....
  - .....

3.	Names of Directors with NIC Nos.	Address		
			<i>Present</i>	<i>Permanent</i>
	(a) .....	.....	.....	.....
	(b) .....	.....	.....	.....
	(c) .....	.....	.....	.....
	(d) .....	.....	.....	.....

4. Local and other addresses of the Directors during the last 10 years, where they have stayed for more than six months:

<i>Address</i>	<i>From</i>	<i>To</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....

5. Membership of Clubs, Political Parties and Associations (Past and Present)  
(Name of Organization with date of joining and leaving):

<i>Name of Club Party</i>	<i>From</i>	<i>To</i>
a. ....	.....	.....
b. ....	.....	.....
c. ....	.....	.....
d. ....	.....	.....
e. ....	.....	.....

6. Names of addresses of at least two Gazetted Officers (BS-17 or above) in Pakistan, who can testify to the applicant, character and antecedents:-

<i>Name</i>	<i>Address</i>
.....	.....
.....	.....

7. If any FIRs is registered against any Director. Details of the FIRs and previous conviction if any:-

.....  
 .....

8. Finger prints:-

.....	.....	.....
(thumb)	(Fore-finger)	(Middle finger)
.....	.....	.....
(Ring-finger)	(Little finger)	

*Place*..... *Date*..... *Signature*.....

a. I..... Candidate for appointment to ..... hereby certify and solemnly affirm that may answers to the above questions are correct to the best of my knowledge and belief.

b. I fully understand that if the above statement is false in any material respect, or its any material information my security company licence may be cancelled.

*Signature*.....  
*Place*.....  
*Date*.....

9. Please tick if following documents are enclosed:-

1. Memorandum and Article of Associations. ....
2. Registration Certificate of SECP. ....
3. Photo-copies of N.I. Cards of the Directors. ....
4. Under taking on Stamp Paper. ....
5. Company's Office address in Islamabad. ....
6. Photographs of the Directors. ....
7. N.T.N. of the Directors. ....

## 8. Receipts:-

- (i) *Provincial/ICT Administration's Fee Rs. 25,000.*

"Head No. 300000-Deposit and Reserves, 3600000 Other Deposits, 3601010-Deposits made by Local Bodies to meet the claims of Contractor."

- (ii) *Federal Government's Registration Fee Rs. 10,000.*

"Major Head-1300000-Misc-Receipts. Minor Head 1390000- Other Receipts (NES). Detailed Head-1391200 Other Receipts-Fees Fines and forfeitures. Sub-Detailed Head (New)-1391213-Other Receipt-Registration Fees for Private Security Companies."

[No. F. \_\_\_\_\_.]

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY.

SULTAN KHAN,  
*Deputy Director (Admin).*



# **THE ISLAMABAD RENT RESTRICTION ORDINANCE, 2001**

## **C O N T E N T S**

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# **\*THE ISLAMABAD RENT RESTRICTION ORDINANCE, 2001**

(IV OF 2001)

[23rd January, 2001]

*An Ordinance to regulate the relations between the  
landlords and tenants of rented premises  
in the Islamabad Capital Territory;*

WHEREAS it is expedient to regulate the relations between the landlords and tenants of rented premises in the Islamabad Capital Territory and to provide for matters ancillary thereto or connected therewith;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order, 1999 (Order No. 9 of 1999), and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 23rd January, 2001, at pages 79 to 94.

## COMMENTS

## Synopsis

1. *Pagri*.

2. Applicability of C.P.C.

1. "*Pagri*". Provision of "*Pagri*" does not exist in the Islamabad Rent Restriction Ordinance, 2001. Thing given by the tenant for his advantage cannot be used against the interest of the landlord [2005 YLR 295].

2. **Applicability of C.P.C.** Provisions of the Civil Procedure Code, 1908 are not applicable to the proceedings before the Rent Controller [2012 MLD 1072].

1. **Short title, extent, application and commencement.-** (1) This Ordinance may be called the Islamabad Rent Restriction Ordinance, 2001.

(2) It shall extend to such urban area of Islamabad Capital Territory and apply to such buildings and rented lands as the Federal Government may, by notification in the official Gazette<sup>1</sup>, specify.

(3) It shall come into force at once.

## COMMENTS

**Enforcement of Ordinance.** Islamabad Rent Restriction Ordinance, 2001 had become effective on 23-1-2001; and on 19-7-2002, when the first S.R.O. (S.R.O. No. 83(KE)/02 was issued, urban area of Islamabad stood defined and all the buildings situated over the said area were within the territorial jurisdiction of the Rent Controller, Islamabad. S.R.O. No. 538(I)/2004, dated 24-6-2004 provides that the Ordinance shall extend to the urban areas specified in the earlier notifications and apply to all the residential and commercial buildings and rented lands situated in the said urban area. S.R.O. issued in the year 2004 was only for clarification. Contention that the S.R.O. in respect of the buildings was issued in 2004 and that from the year 2001 to the year 2004; the Islamabad Rent Restriction Ordinance, 2001 was not in force; is not correct. Ordinance has clearly provided that it shall come in force at once. Ejectment petition was filed in the year 2003, therefore, the Rent Controller had the jurisdiction to entertain the same. Constitutional petition was dismissed [2012 MLD 689; 2012 MLD 1002; PLD 2012 Isl. 6].

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

- (a) "Authority" means the Capital Development Authority established under the Capital Development Authority Ordinance, 1960 (XXIII of 1960);

<sup>1</sup> See S.R.O. 538(I)/2004 at Appendix XIX of this book.

- (b) "building" means any building or part thereof, together with all fittings and fixtures therein, if any, and includes any vacant land, garden, ground, godown and out-house attached or appurtenant thereto, but does not include any place of religious worship;
- (c) "commercial building" means a building constructed and used solely for the purpose of an office, business or trade;
- (d) "Controller" means a Controller of Rents <sup>2</sup>appointed by the Federal Government from amongst persons holding a judicial office and includes an Additional Controller of Rent under this Ordinance;
- (e) "fair rent" means the rent of any building determined by the Controller under this Ordinance.
- (f) "family" means spouse, dependent children and dependent parents;
- (g) "landlord" means the owner of the premises and includes any person for the time being authorized or entitled to receive rent in respect of any building or rented land, whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian or receiver, and or a tenant who, being authorized under the terms of his lease so to do, sublets the building and every other person for the time being deriving title from the landlord;

COMMENTS

**S.2(g)-Agreement to sell.** Mere agreement to sell even if it be assumed to have been executed by landlord would not bring to an end the relationship of landlord and tenant between the parties. Where it is admitted by tenant that he entered the premises as a tenant and there was no agreement between the parties that tenancy had ceased, and obligation of tenant to pay rent put to an end, the tenancy agreement would continue [2004 MLD 1104].

- (h) "rented land" means any land let separately for the purpose of being used principally for business or trade;

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<sup>2</sup> See Notification No. 11(1)-Admin/2000 at Appendix-XX of this book.

- (i) “residential building” means any building used for the purpose of residence, but does not include an office, a boarding house, hostel, or motel; and
- (j) “tenant” means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of a building or rented land by him or by any other person on his behalf, and includes,—
  - (i) any person who continues to be in possession or occupation after the termination of his tenancy; and
  - (ii) in the event of the death of the tenant, the members of his family who continue to be in possession or occupation of the building or rented land; and

#### COMMENTS

##### Synopsis

1. Expiry of lease of tenancy.

2. Death of tenant.

**1. Expiry of lease of tenancy.** Tenant will continue to fall within the definition of tenant who continues to remain in possession even after the termination of tenancy. There is nothing in Section 17 of this Ordinance to show that tenant can be ordered to be ejected from residential building merely on the ground of expiry of lease period. Section 6 of the Ordinance is not the overriding section it is subject to Section 17 after the expiry of the agreed period between landlord and tenant. The tenancy is not valid and the same will not be governed by the terms and conditions of the previous tenancy but it does not mean that a tenant who continue to be in possession or occupation after the expiry of the period will be subjected to ejection on the ground which does not find mention in Section 17 of the Ordinance. The Rent Restriction Ordinance being a special law being prevail over the ordinary law. The eviction of the tenant on the ground of efflux of time cannot be read into the section 17 of the Ordinance [2005 CLC 1119].

**2. Death of tenant.** Section 2(j)(ii) of the Ordinance provides that on account of death of the tenant only members of his family who continued to be in possession or occupation of the building, rented land, can be termed as a tenant and not of the legal heirs of the tenant, who are not in possession of the premises, as only legal heirs who are actually in possession or occupation of the premises after the death of tenant became statutory tenant [2012 SCMR 248]. According to section 2(j)(ii) of the Islamabad Rent Restriction Ordinance, 2001, in case of death of the tenant, members of his family who continued to be in possession or occupation of the premises in question would be considered as tenant [PLD 2012 Isl. 6].

- (k) "urban area" means such area or areas of the Islamabad Capital Territory as the Federal Government may, by notification in the official Gazette, specify.

**COMMENTS**

**Section 2(k)-SRO No. 83 (KE)/02, dated 19.7.2002.** This Notification has been issued under, Section 1 (2)(k), Islamabad Rent Restriction Ordinance, 2001 declaring such building and rented lands in Islamabad Capital territory to which the Ordinance would extend and whereby urban area within the meaning as defined under the said Ordinance was to be notified [2005 MLD 1493]. This Notification came up for consideration in the case reported as *Raja Hasan Ali Khan v. Additional District Judge* [2003 CLC 1819].

**3. Power to exempt.** The Federal Government may, by notification in the official Gazette, direct that all or any of the provisions of this Ordinance shall not apply to such building or buildings as are, or may be, used as Government offices:

Provided that such exemption shall not extend beyond the period of five years from the date of completion of construction of such building as certified by the Authority.

**4. Ordinance to override other Laws.** The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force, or in any instrument or document.

**5. Agreement between landlord and tenant.** (1) Every agreement for letting out a building or rented land shall be in writing and if such agreement is not compulsorily registerable under any law for the time being in force, it shall be attested by the Controller by signing and affixing his seal thereto or any Civil Judge or Magistrate of the 1st Class:

Provided that nothing in this section shall affect any agreement executed between the landlord and tenant and in force immediately before the commencement of this Ordinance.

(2) A certified copy of an agreement for letting out a building or rented land where such agreement is compulsorily registerable under any law or, where the agreement is not so registerable, the original deed duly attested under sub-section (1), shall be produced and accepted in evidence as a proof of the relationship of landlord and tenant.

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<sup>1</sup> See S.R.O.83(KE)/2002 at Appendix-XVIII of this book.

**COMMENTS**

**Written agreement.** Every lease agreement has to be in writing. Rent Controller has to invoke penalty where any provision of Islamabad Rent Restriction Ordinance, 2001 has been violated. Section 5 of Islamabad Rent Restriction Ordinance, 2001 is mandatory in nature. Scope and purpose of section 28 of Islamabad Rent Restriction Ordinance, 2001 is to curtail frivolous denial vis-à-vis relationship of landlord and tenant. Section 28 be invoked at the earliest while proceedings are pending before the Rent Controller. Landlord has not complied with section 28 of the Ordinance. Mere tendering a document in evidence does not prove the same. Party relying upon the document has to prove the same in accordance with law. Judgments of both the courts below were set aside by the High Court and matter was remanded to Rent Controller to ensure compliance of section 28 of Islamabad Rent Restriction Ordinance, 2001 and decide the case afresh on merits. Constitutional petition was accepted in circumstances [2016 YLR 405].

**6. Tenure of tenancy.-** Subject to the provisions of section 17, no tenancy shall be valid beyond such period as the landlord and tenant may, by mutual agreement, fix before or after the commencement of the tenancy:

Provided that a tenancy in force before the commencement of this Ordinance for which no period is fixed shall cease to be valid on the expiration of a period of two years from such commencement:

Provided further that a tenancy which comes into force after the commencement of this Ordinance and for which no period is fixed shall not be valid after expiration of period of six months from the date of the receipt by the tenant of a notice in writing given by the landlord terminating the tenancy.

**COMMENTS****Synopsis**

1. Expiry of lease agreement.

2. *Pagri.*

**1. Expiry of lease agreement.** The reading of Section 6. shows that it is subject to the provisions of Section 17 of the Ordinance. Ejectment of tenant can be sought only on the grounds given in Section 17, Islamabad Rent Restriction Ordinance, 2001 and there is nothing in Section 17 to show that the tenant could be ordered to be ejected from a residential building merely on the ground of expiry of the lease period. Section 6 of the Ordinance was not an overriding section and it was subject to Section 17 of the Ordinance. Tenant will continue to fall within the definition of "Tenant" who continued to remain in possession even after the termination of tenancy. After the expiry of the agreed period between the landlord and tenant the tenancy was not valid and the same would not be governed by the terms and conditions of the previous tenancy agreement but it did not mean that a tenant who continued to be in possession or occupation after the expiry of the period will be subjected to ejectment on the ground which did not find mention in Section 17 of the Ordinance. Ejectment of the tenant could be sought only on the grounds enumerated in Section 17 of the Ordinance [2005 CLC 1119].

Ejectment petition on ground of expiry of term fixed in lease agreement and personal need of premises by landlord. Maintainability. Words "subject to provisions of section 17" as used in Section



6 of Islamabad Rent Restriction Ordinance, 2001 signified that provisions of Section 17 thereof would continue to apply as grounds for eviction of tenant in addition to a further condition of existence of a valid tenancy agreement. Such words would not affect rights conferred upon parties by Section 6 of the Ordinance, but would mean conditional upon observance of provisions of Section 17 thereof. After expiry of term fixed by lease agreement, tenant would lose right to continue to occupy or hold over premises. Right of landlord, in such circumstances, to seek eviction of tenant on grounds specified in Section 17 of the Ordinance would remain unaffected. Ejectment application was accepted in circumstances [2009 SCMR 846; 2010 CLJ 22].

No benefit would be available to tenant under either of the first and second provisos where fixed tenure of 11 months of tenancy is provided in tenancy agreement [2010 CLJ 22].

**2. *Pagri*.** Provision of Section 6, Islamabad Rent Restriction Ordinance contemplates that landlord is not to claim any amount in excess of fair rent. Plea that landlord having receive amount as *Pagri* at a time of letting out shop to tenant, was debarred from seeking ejectment was repelled for that being a mutual arrangement between the parties would not debar landlord from instituting eviction proceedings on ground of bona fide personal need [2005 MLD 1493; 1987 SCMR 307].

**7. <sup>1</sup>Appointment of Rent Controller.-** (1) The Federal Government shall appoint one or more Rent Controllers for an urban area of the Islamabad Capital Territory.

(2) Where more than one Controller is appointed for urban area the Federal Government shall declare one of them to be the Senior Rent Controller.

(3) An application under this Ordinance shall be filed before the Controller having jurisdiction over the area where the building or rented land, in respect of which the application is made, is situated:

Provided that where there are more than one Controllers for an area, the application shall be made before the Senior Rent Controller who may either deal with it himself or make it over for disposal to other Controller.

**8. Landlord and tenant to get agreement registered.-** The landlord and tenant shall, through mutual agreement, fix initial rent of a building, residential or non-residential rented land and get it registered with Controller within a week of the signing of the agreement.

#### COMMENTS

**Unregistered document.** Any lease or tenancy created on the basis of an unregistered document has no lawful effect and could only be treated tenancy/lease for a period of less than one year, however, such document could only be taken into consideration as valid document for the purpose of deciding relationship between landlord and tenant [2011 MLD 226].

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<sup>1</sup> See Notification No. 11(1)-Admin/2000 at Appendix-XX of this book.

**9. Increase of rent in certain cases.-** (1) Where the rent of any building other than non-residential building or rented land has been determined by an agreement between the landlord and the tenant, no further increase in such rent shall, during the continuance of tenancy if it is less than three years, be permissible during the subsistence of the agreement except in cases where some addition, alteration or improvement has been carried out at the landlord's expense and on the request of the tenant in accordance with the by-laws of the Authority.

(2) The fair rent, as increased on the ground of some addition, alteration or improvement under sub-section (1) shall not exceed the fair rent payable under this Ordinance for a similar building or rented land in the same locality with such addition, alteration or improvement and it shall not be chargeable until such addition, alteration or improvement has been completed.

(3) Any dispute between the landlord and tenant in regard to any increase claimed on ground of some addition, alteration or improvement shall be decided by the Controller.

**10. Increase of rent of residential and non-residential buildings.-**

(1) The rent of residential as well as a non-residential building shall stand automatically increased at the end of every three years of its tenancy by twenty-five percent of the rent already being paid by the tenant.

(2) The first increase under sub-section (1) shall accrue on the completion of three years of tenancy in the case of a tenancy which has not been existing for three years on the commencement of this Ordinance.

(3) Where, during the period of three years, in cases mentioned in sub-section (2)—

- (i) the rent has already been increased by an amount less than twenty-five per cent of the total rent the amount of such increase shall be deducted from the increase under sub-section (1); and
- (ii) if the rent has already been increased by an amount equal to or more than twenty per cent of the total rent, no increase under sub-section (1) shall accrue until the expiry of three years from the date of such increase.

(4) The arrears becoming due as a result of the increase of rent under this section shall, unless paid earlier, be deemed to be rent due under clause (i) of

sub-section (2) of section 17, on the expiry of sixty days from the date of commencement of this Ordinance.

(5) Nothing in sub-sections (1) to (4) shall apply if a landlord and a tenant agree to increase the rent by an agreement in writing.

### COMMENTS

#### Synopsis

1. Scope and application.
2. Parties may agree to another rate.

**1. Scope and application.** Section 10 of Islamabad Rent Restriction Ordinance, 2001 is identical and *pari materia* to the provisions of Section 5-A as added by the Punjab Urban Rent Restriction (Amendment) Ordinance (XIII of 1990). Landlord not alleging that he had served with a notice and despite that the tenant fail to pay the increased rent. No notice placed on record. This being so, no order for ejectment can be passed under this section [2005 CLC 738].

Provisions of this section provides for automatic increase in the rent and it becomes the obligation of the tenant to pay the rent at the revised rate. The use of word "automatic" negates the contention that service of notice by landlord is necessary in order to avail of the benefit of this section. On the expiry of period mentioned in the section of the Ordinance, rent *ipso facto* stands enhanced and the tenant becomes obliged to pay the same to landlord [PLD 1996 Lah. 306]. Though increase of 25% in terms of this section is automatic, but seeking ejectment of tenant on the score of non-payment of enhanced rent, landlord has to allege that the tenant was given with a notice and despite notice tenant failed to increase rent [2000 CLC 126]. Tenant failing to increase rent after three years, despite legal notice, is liable to be ejected on the ground of default in payment of rent [2003 MLD 734]. Service of notice is not a pre-condition for statutory increase of rent. Such increase would become due on expiry of three years and would be deemed to be a rent due [2003 CLC 1684; PLJ 2004 Lah. 2001].

**2. Parties may agree to another rate.** Both parties may agree to another rate but in that case the agreement should be executed before the rent controller for that purpose no notice is required. The purpose is to exclude the possibility of false plea of agreement at a rate less than 25 per cent [PLD 1997 Lah. 99; 2000 CLC 1306].

**11. Landlord not to claim in excess of fair rent.-** The landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent and any agreement for payment of any sum in addition to rent in excess of such fair rent shall be void.

### COMMENTS

*Pagri.* Provision of Section 6, Islamabad Rent Restriction Ordinance contemplates that landlord is not to claim any amount in excess of fair rent. Plea that landlord having receive amount as *pagri* at a time of letting out shop to tenant, was debarred from seeking ejectment was repelled for that being a mutual arrangement between the parties would not debar landlord from instituting eviction proceedings on ground of *bona fide* personal need [2005 MLD 1493; 1987 SCMR 307].

**12. Fine or premium not to be charged for grant, renewal or continuance of tenancy.-** No landlord shall, in consideration of the grant, renewal or continuance of a tenancy of any building or rented land require the payment of any fine, premium or any other like sum in addition to the rent.

**13. Money which should not have been paid may be recovered.-** (1) Where after the commencement of this Ordinance any sum not payable by a tenant under this Ordinance has been paid by him, such sum may, without prejudice to any other mode of recovery, be deducted by the tenant from the rent payable by him to the landlord:

Provided that no such deduction shall be made by the tenant unless it has been allowed by the Controller on an application made by the tenant within six months of the payment of such sum.

(2) The Controller may, on an application made by the tenant within six months of his having made payment of any such sum as is referred to in sub-section (1), by order, direct the landlord to deposit the said sum within thirty days of the order for payment to the tenant.

**14. Landlord not to interfere with amenities enjoyed by the tenant.-** (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities such as electricity, gas or water enjoyed by the tenant.

(2) A tenant in occupation of a building or rented land may, if the landlord has cut off or withheld any of amenities in contravention of the provisions of sub-section (1), make a complaint to the Controller for restoration thereof.

(3) If the Controller on enquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities, or authorise the tenant to secure the same for himself and to incur such expenses thereon as the Controller may specify and any expenditure so incurred by the tenant shall be adjustable against the rent payable by the tenant in respect of that building or rented land as the case may be.

**15. Failure by landlord to make necessary repairs.-** \* (1) If a landlord fails to keep a building in a state of reasonable repair, or to make such repairs thereto, not being structural alteration as may, from time to time, be

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\* No sub-section (2) is given in the Gazette.

necessary, it shall be competent for the Controller to direct, on application by the tenant, and after such inquiry as the Controller may think necessary that such repairs may be made by the tenant and the cost thereof may be deducted from the rent payable by him:

Provided that nothing in this section shall enable the tenant to spend on repairs any amount in a year exceeding the rent of the building for two months unless the Controller, after making necessary inquiry, is satisfied that such repairs are essential to render the building fit for occupations:

Provided further that where, under the terms of the agreement of tenancy, a tenant is authorised to make repairs at the expense of the landlord, no application under this section shall be necessary:

Provided also that the amount to be deducted from the rent payable on account of repairs in a year shall not exceed the amount of two month's rent.

*Explanation.*- For the purpose of this section, a building shall be deemed to be in a state of reasonable repair when—

- (i) all floors, walls, pillars, arches and roofs are sound and watertight;
- (ii) all doors and windows are intact, properly painted or oiled and provided with proper hooks or bolts or other necessary fastenings;
- (iii) all rooms, out-houses and appurtenant buildings are properly colour-washed or white-washed; and
- (iv) all electric, water, gas and sanitary fittings, if any are properly maintained and are safe, sound and without leakage.

**16. Reimbursement of expenses incurred on repairs under order of authority.**- (1) Where the Authority, in the exercise of its powers, under any law for the time being in force, directs a landlord to make certain specified repairs to his building not exceeding the rent of the building for two months and the landlord fails to comply with the direction, the tenant may, on the direction of the Authority, make such repairs.

(2) Where a tenant makes any repairs in pursuance of a direction referred to in sub-section (1), he shall, within three months of the completion of

repair, submit to the Authority an account of the costs incurred by him on such repairs and the Authority shall, after due verification, certify such costs whereupon the tenant shall be entitled to deduct the amount of the certified costs from the rent payable by him.

**17. Eviction of tenant.-** (1) A tenant in possession of a building or rented land shall not be evicted therefrom except in accordance with provisions of this section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied that—

- (i) the tenant has not paid or tendered rent due by him in respect of the building or rented land, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord, or in the absence of any such agreement within sixty days from the period for which the rent is payable; or
- (ii) the tenant has without the written consent of the landlord—
  - (a) transferred his right under the lease or sublet the entire building or rented land or any portion thereof; or
  - (b) used the building or rented land for purpose other than that for which it was leased or has infringed any conditions on which the building or rented land is held;
- (iii) the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land; or
- (iv) the tenant has indulged in activities as are causing nuisance to the neighbours; or
- (v) the building or rented land is reasonable and in good faith required by the landlord for the re-construction or erection of a building or the landlord has obtained the necessary

sanction for the said reconstruction or erection from the Authority:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

*Explanation.*— For the purpose of clause,—

- (i) the rent remitted by money order or tendered to the landlord in such manner as may be agreed upon by the landlord and the tenant or deposited in the office of the Controller shall be deemed to have been duly tendered; and
- (ii) where water charges, gas charges or electricity charges are payable by the tenant to the landlord such charges shall be deemed to be rent.

(3) If, the Controller is not satisfied as provided in sub-section (2), he shall make an order rejecting the application.

(4) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession,—

- (a) in the case of residential building, if he requires it in good faith for his own occupation or of any member of his family and he or any member of his family, as the case may be, is not occupying any other residential building suitable for his needs at the time in the urban area:

Provided that he or the said member of his family has not vacated such building in the Islamabad Capital Territory without sufficient cause after the commencement of this Ordinance; and

- (b) in the case of a commercial building or rented land, if he requires it in good faith for his own use or for the use of any member of his family:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period:

Provided further that where the landlord has obtained possession of a residential or commercial building or rented land under clause (a) or clause (b), he shall not be entitled to apply again under the said clauses for the possession of any other building or rented land unless the building or rented land of which he had previously taken possession has become unsuitable for his needs.

(5) The Controller shall, if he is satisfied that the claim of the landlord under sub-section (4) is *bona fide*, make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and, if the Controller is not satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

(6) Where the landlord who has obtained possession of a building in pursuance of an order made under sub-section (5) does not himself, or where possession of the building or rented land has been obtained for any member of his family such member does not, occupy the building or rented land within one month of the date of obtaining its possession, or having obtained possession relets it within six months of the said date to any person other than the tenant, the tenant may apply to the Controller for an order directing that the possession of such building be restored to him and the Controller may make an order accordingly.

(7) Where a landlord has obtained possession of a building in pursuance of an order under clause (v) of sub-section (2) and does not have the building demolished within four months of the date of taking its possession, or does not reconstruct or erect the new building in accordance with Authority's regulations, unless he satisfies the Controller that he was prevented from having the building demolished or from reconstructing or erecting the building within the said period by reasons beyond his control, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(8) In proceedings under this section on the first date of hearing, or as soon thereafter as may be but before the issues are framed, the Controller shall direct the tenant to deposit in his office before a specified date all the rent due from him and also to deposit regularly till the final decision of the case before the fifteenth day of each month, the monthly rent which subsequently becomes due, and if there be any dispute as to the amount of rent due, the Controller shall determine such amount approximately.



(9) If the tenant fail to deposit the amount of rent before the specified date or, as the case may be, before the fifteenth day of the month, his application if he is an applicant shall be dismissed or his defence, if he is a respondent, shall be struck off, and the landlord shall be put in possession of the building without any further proceedings.

COMMENTS

Synopsis

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**1. Petitioner not taking objection as to jurisdiction.** Petitioner-tenant failing to take objection regarding jurisdiction before Rent Controller as well as before Appellate Court. But that by itself would not discharge onus of landlord of explaining as to how and why he approached wrong forum in the first place. Admittedly, no notification having been issued by the Federal Government and published in official gazette notifying area in question as urban area for the purpose of Islamabad Urban Rent Restriction Ordinance, 2001. Such objection being jurisdictional one going to the exercise of jurisdiction by the Rent Controller can be raised at any time. Act of the petitioner in not raising objection regarding jurisdiction would not amount to acquiescence or waiver as he would not gain any advantage by not taking such objection before Rent Controller [PLJ 2003 Lah 1430].

**2. Relationship of landlord and tenant.** Rent Controller, after going through pleadings of parties, passed tentative rent order for deposit of arrears of rent and future rent. Plea raised by tenant was that as he had denied relationship of landlord and tenant between the parties, therefore, Rent Controller should have framed preliminary issue and provided opportunity to adduce evidence. Validity. If any party had denied relationship of landlord and tenant, Rent Controller had to resolve the controversy before passing any tentative order for deposit of rent. Tenant had admitted in written reply, that he had entered premises as tenant and there was no agreement between the parties that tenancy had ceased and obligation of tenant to pay rent to landlord had been put to an end by way of any agreement or any other documentary evidence. Landlord, on the contrary had placed on record return of income tax and survey of business in which tenant himself had admitted to be in possession as tenant of the landlord. Tenant failed to produce any prima facie evidence in

support of his assertions that he was not tenant of the landlord. High Court declined to interfere with the order passed by Rent Controller as the same was legal and justified. Constitutional Petition was dismissed in circumstances [2008 CLC 1666].

**3. Denial of relationship of landlord and tenant.** Where the relationship of landlord and tenant was denied, Rent Controller was bound to treat such objection as a preliminary one and to tentatively determine that question in the light of the material brought on record by the parties or such material which the parties might produce [2008 CLC 547].

Mere non production of lease agreement with previous owner cannot be termed fatal to case of eviction petitioner because despite having possession of demised premises adverse title has not been set-up as defense and as such no other capacity of enjoying possession can be attributed. There is no cavil to proposition that defect on verification of title documents does not concern tenant in any manner and even most defective title of landlord does not entitle tenant to evade payment of rent and he cannot be presumed entitled to require inspection of title documents. Rent Controller would have framed issues in respect of eviction grounds *i.e.* default, *bona fide* personal need and expiry of lease agreement but default of tenant was made out during period when case was pending adjudication, if not from period mentioned in petition. Filing of eviction petition was sufficient notice and according to record, no rent has been tendered by petitioner/tenant which makes him a willful defaulter. Landlord and tenant relationship stand establishment and in same sequel default of petitioner upon his failure to tender rent during pendency of proceedings is evident, therefore, petitions were dismissed [PLJ 2016 Isl. 58 = 2016 CLC 474].

**4. Non-compliance of tentative rent order.** Under section 17(8) of Islamabad Rent Restriction Ordinance, 2001, arrears of rent under order of Rent Controller are to be deposited with court and same are not to be tendered to landlord. No justification is available with tenants to tender rent through cheque, as payment through cheque is not valid mode for deposit of rent. Tenant, in their affidavits, has admitted delay of two days in deposit of rent. Provision of section 17(9) of Islamabad Rent Restriction Ordinance, 2001 is mandatory, and no discretion is left with Rent Controller in case of default in payment of rent. Even if Rent Controller is on leave on the date when rent was tendered, duty judge is available, and courts are not closed. Impugned judgments of courts below were maintained. Constitutional petitions were dismissed in circumstances [2015 YLR 2405; PLJ 2016 Isl. 53].

Mere obtaining from bank pay order in landlord's name would be meaningless without alleging and proving delivery of pay order to landlord. Tenant failing to comply with order passed under section 17(8), defence rightly struck off [2004 YLR 1784].

Rent Controller passed order directing tenant to deposit past rent of premises under Section 17(8) of Islamabad Rent Restriction Ordinance, 2001. Tenant having failed to deposit rent in compliance of tentative rent order, defence of tenant was struck off. Validity. Order striking off defence of tenant for non-compliance of tentative order, being unexceptional, appeal against said order was rightly dismissed by Appellate Court. No ground to interfere in the well reasoned orders of both the courts below, having been made out, constitutional petition against order of Appellate Court, was dismissed [2007 CLC 601].

The consequence of non-deposit or non-compliance of the order of the Rent Controller are given in sub-section (9) where no discretion is left with the Rent Controller except to order the ejection

of the tenant without further proceedings. The language of sub-section (9) makes the order mandatory [PLJ 2009 SC 701; 2009 SCMR 1008].

Tenant having failed to comply with tentative rent order passed by Rent Controller, his defence was struck off and eviction order was passed. Validity. Rent Controller was fully competent to pass ejection order and strike off defence of tenant in case of non-compliance of order passed under Section 17(8) of Islamabad Rent Restriction Ordinance, 2001. Nothing was on record in support of version of tenant that he was not defaulter and he had been continuously paying rent. Both the courts below had given concurrent findings regarding non-compliance of order by tenant, which could not be disturbed while exercising powers in constitutional jurisdiction, when no illegality or irregularity had been pointed out. Nothing was on record to suggest that misreading and non-reading of evidence had been made by courts below. Tenant failed to satisfy that he had complied with the order of Rent Controller. Tenant having not complied with the order for deposit of rent due, the Rent Controller was fully competent to pass order under Section 17(9) of Islamabad Rent Restriction Ordinance, 2001, which was rightly maintained by Appellate Court. Orders passed by both the courts below were legal, having no illegality, irregularity or infirmity, and as such did not call for any interference. Constitutional petition was dismissed in circumstances [2009 CLC 52].

**5. Expiry of lease agreement.** Under Islamabad Rent Restriction Ordinance, 2001, expiry of lease is not a specific ground for eviction, however, under section 17(2)(ii)(b) of Islamabad Rent Restriction Ordinance, 2001 violation of terms and conditions of agreement is one of the grounds for seeking eviction of tenant and where the lease agreement, provided for expiry of lease and despite the same, tenant fails to hand over the possession, then tenant violates terms and conditions of said agreement [2015 MLD 1740; PLJ 2016 Isl. 1].

Under Section 17, "a tenant in possession of building or rented land shall not be evicted there from except in accordance with the provisions of this section." Meaning thereby that ejection of tenant can be sought only on the grounds given in Section 17, Islamabad Rent Restriction Ordinance, 2001 and there is nothing in Section 17 to show that the tenant could be ordered to be ejected from a residential building merely on the ground of expiry of the lease period. Section 6 of the Ordinance was not an overriding section and it was subject to Section 17 of the Ordinance. Tenant will continue to fall within the definition of "Tenant" who continued to remain in possession even after the termination of tenancy. After the expiry of the agreed period between the landlord and tenant the tenancy was not valid and the same would not be governed by the terms and conditions of the previous tenancy agreement but it did not mean that a tenant who continued to be in possession or occupation after the expiry of the period will be subjected to ejection on the ground which did not find mention in Section 17 of the Ordinance. Ejection of the tenant could be sought only on the grounds enumerated in Section 17 of the Ordinance. Tenant will continue to fall within the definition of tenant who continues to remain in possession even after the termination of tenancy [2005 CLC 1119].

Ejection petition on ground of expiry of term fixed in lease agreement and personal need of premises by landlord. Maintainability. Words "subject to provisions of section 17" as used in Section 6 of Islamabad Rent Restriction Ordinance, 2001 signified that provisions of Section 17 thereof would continue to apply as grounds for eviction of tenant in addition to a further condition of existence of a valid tenancy agreement. Such words would not affect rights conferred upon parties by Section 6 of the Ordinance, but would mean conditional upon observance of provisions of Section 17 thereof. After expiry of term fixed by lease agreement, tenant would lose right to

continue to occupy or hold over premises. Right of landlord, in such circumstances, to seek eviction of tenant on grounds specified in Section 17 of the Ordinance would remain unaffected. Ejectment application was accepted in circumstances [2009 SCMR 846].

No provision exists in the Islamabad Rent Restriction Ordinance, 2001 to allow eviction of tenant on ground of expiry of lease agreement. Ejectment petition was dismissed in circumstances [2010 YLR 1521].

**6. Registered firm.** Registered firm is a juristic firm, which can sue and be sued. Such principle applicable to Civil Courts can be pressed into service in proceedings before Rent Controller. Unregistered firm cannot file ejectment petition against tenant [2005 CLC 738; PLD 1965 S.C. 459; 1982 CLC 1241 relv.].

**7. Bona fide personal need.** Provision of Section 17(4) of Islamabad Urban Rent Restriction Ordinance, 2001 enabled a landlord to get building vacated on ground of his personal need and also that of his family [2007 MLD 1540]. Plea raised in the application was that one of the landlords wanted to establish his office in the demised premises. But the landlord while appearing as witness located his case by deposing that he wanted to establish hotel business in demised premises. Another landlord while appearing as witness admitted that landlords would extend lease agreement on payment of Rupees One lac as monthly rent. *Bona fide* personal need not proved [2005 CLC 738]. Temporary job by the landlord waiting vacation of the property is neither illegal nor it negatively reflects on the personal requirement [2005 YLR 295; 2005 MLD 1493 = PLJ 2006 Lah. 107]. Ejectment of tenant on ground of bona fide personal need of the landlord cannot be refused when statement of the landlord on oath is consistent with his averments in the ejectment petition and remained unshaken during the cross examination and otherwise not disproved in rebuttal by the tenant [PLJ 2006 Lah. 107 = 2005 YLR 295; PLD 1997 S.C. 564]. Failure of landlord to give details of the business to be started in the shop need by him, his experience in the business to be started and non disclosure of fund in that behalf are neither relevant factor nor those furnish a concrete basis for his exclusion to utilize his own property [PLJ 2006 Lah. 107 = 2005 MLD 1493; 1998 CLC 607]. Protection has been given to the tenant under section 17(6) to remove re-occupation of the rented premises in case the landlord fails to occupied it for his use [2005 MLD 1493 = PLJ 2006 Lah. 107].

It is prerogative of landlord to get his premises vacated for his personal need and the landlord cannot be deprived of his such right. However, in case, if it appears that tenant would be ejected from the rented premises or the building, or the premises not being used for the purpose, it was got vacated in any manner, he has to be re-inducted in the premises on making an application to the Rent Controller under section 17(6) [2012 CLC 1257].

Rights of the tenant had been safeguarded by section 17(6) of the Ordinance which provided that if the premises were not occupied by the landlord or any member of his family within six months of the tenant's ejection, the tenant would have a right to apply to the Rent Controller for restoration of the possession of the premises to the tenant. Mere statement of the landlord regarding bona fide personal need was, therefore, sufficient in passing an order of ejectment since in law right of the tenant had been safeguarded. Tenancy/Rent Agreement between the parties had expired and not been extended, therefore the tenant on such score too, was liable to be ejected. Constitutional Petition was dismissed [2012 MLD 1072].

Ejectment petition on ground of expiry of term fixed in lease agreement and personal need of premises by landlord. Maintainability. Words "subject to provisions of section 17" as used in Section 6 of Islamabad Rent Restriction Ordinance, 2001 signified that provisions of Section 17 thereof would continue to apply as grounds for eviction of tenant in addition to a further condition of existence of a valid tenancy agreement. Such words would not affect rights conferred upon parties by Section 6 of the Ordinance, but would mean conditional upon observance of provisions of Section 17 thereof. After expiry of term fixed by lease agreement, tenant would lose right to continue to occupy or hold over premises. Right of landlord, in such circumstances, to seek eviction of tenant on grounds specified in Section 17 of the Ordinance would remain unaffected. Ejectment application was accepted in circumstances [2009 SCMR 846; 2010 CLJ 22].

Ejectment of tenant on grounds of bona fide personal need, reconstruction and expiry of lease agreements. Ejectment petition had concurrently been allowed by the two courts below. Landlord in support of his oral version had placed on record documentary evidence as well which had revealed that he was carrying on business of sale and distribution of electronic components in rented premises; and he required the demised premises for his own bona fide personal use for establishing the said business in his own premises. Ejectment petitions filed by the landlord had been accepted mainly in view of his bona fide personal need. Other grounds taken by the landlord pertaining to the renovation of the shops and expiry of lease period were ancillary one. Validity. Landlord could not be non-suited merely on the ground that while filing the petition under section 17 of Islamabad Rent Restriction Ordinance, 2001 beside the ground of bona fide personal need he had also taken the ground of renovation of the demised premises and that the lease period had already been expired. Contentions of counsel for the tenants that expiry of the lease period was not a valid ground available for their eviction under section 17 of the Islamabad Rent Restriction Ordinance, 2001; and that the grounds of bona fide personal need of the landlord as well as the reconstruction of demised premises, could not be taken together as both were destructive to each other, carried no weight in the facts and circumstances of the case. In absence of any illegality or legal infirmity in the impugned judgments concurrently passed by the courts below, same could not be interfered with by the High Court in exercise of its constitutional jurisdiction. [2010 YLR 1490].

Ejectment order passed by Rent Controller against tenant was maintained by Lower Appellate Court. Validity. Statement of tenant revealed that landlord wanted suit shop for his personal use and the fact that he was working along with another person in another shop showed bona fide requirement of landlord. Landlord had another shop having tenancy agreement with the tenant of that shop but the same had not expired, hence the landlord could not gain possession of that shop. Findings of Lower Appellate Court were correct and according to law, which did not warrant any interference by High Court in its constitutional jurisdiction. Petition was dismissed in circumstances [2009 MLD 350].

Grounds of bona fide personal need of landlord and expiry of lease agreement. Proof. Landlord during his deposition did not give any detail of alleged bona fide personal need and could not give any plausible reason as to why he needed demised premises. Plea of landlord that he wanted demised premises for his two wives and four children, who could not live together under one roof, was not taken in ejectment petition or during his examination-in-chief. Landlord during cross-examination deposed that he owned another house, wherein he was living along with family; and that he had rented out a portion thereof to a tenant. No provision existed in Islamabad Rent Restriction Ordinance, 2001 to allow eviction of tenant on ground of expiry of lease agreement. Ejectment petition was dismissed in circumstances [2010 YLR 1521].

Both courts below had concurrently accepted ejectment application of landlords and passed ejectment order against the tenants, who had moved constitutional petition against concurrent judgments of the courts below. Tenants had assailed judgments of courts below on the ground that ownership of the property was controverted as the Capital Development Authority had claimed to be the owner and had cancelled the property from the names of the tenants. Tenancy agreement between the parties was not extended after its expiry. Ejectment application was filed by the landlords, who were wife and sister-in-law of one to whom the tenants had been paying rent of the premises. Ejectment application, in circumstances, was maintainable. Dispute between the landlord and Capital Development Authority had got no relevancy; at the most, it could be a dispute between landlord and Capital Development Authority. Once a tenant was always a tenant and no contradictory stand could be taken at the same time. Personal bona fide requirement of landlords had not been rebutted through cross-examination and landlords had got every right to get the premises vacated for personal bona fide use. Concurrent findings of courts below needed no interference in the constitutional jurisdiction of High Court. Constitutional petition was dismissed [2011 CLC 846].

Landlords filed ejectment petition against tenant on the ground of their bona fide personal need and expiry of lease agreement. Tenant contested petition on the ground that the alleged lease agreement was forever and the rent of the shop would be enhanced with the rate of 6% per annum upto five years. Rent Controller allowed ejectment petition on the ground of personal need and occupation. Appeal filed by tenant was dismissed by appellate court. Validity. Contention of the tenant that under lease agreement, the tenancy was perpetual tenancy and therefore, ejectment petition was not maintainable had no force. If any such lease or tenancy was created on the basis of an unregistered document same had no lawful effect and could only be treated tenancy/lease for a period of less than one year, however; such document could only be taken into consideration as valid document for the purpose of deciding relationship between landlord and tenant. Constitutional petition was dismissed [2011 MLD 226].

Contention of the tenant that disputed premises was not required by the landlords for their bona fide personal use and occupation and that the landlords were already in occupation of sufficient space in the property in their possession to enhance their business activities, therefore, the ground for personal bona fide need was just an excuse for pressurizing the tenant for enhancement of the rent. Validity. No evidence was brought on record by the tenant if any space available with the landlords was ever let out by them after getting vacated from the previous tenants or if any such space was available which was not used intentionally by the landlords. Contention of tenant was repelled and constitutional petition dismissed [2011 MLD 226].

Ejectment of tenant on ground of personal bona fide use and occupation and expiry of lease agreement. Petition was allowed by the Rent Controller and tenant was directed to hand over the vacant possession to landlords. Ejectment order passed by the Rent Controller had been maintained by Appellate Court. Validity. No evidence was on record to establish that after expiry of lease agreement which was executed for three years, was extended. After expiry of term fixed by lease agreement, tenant had lost right to continue to occupy or hold over premises. Right of landlord, in such circumstances, to seek eviction of tenant on ground as specified in section 17 of Islamabad Rent Restriction Ordinance, 2001, would remain unaffected. Evidence about the personal bona fide use and occupation by landlords had also not been successfully negated. Rent Controller, in circumstances, had no option, but to qualify the landlord for grant of eviction order. Appellate Court also rightly concurred with the findings of Rent Controller and maintained the eviction order. High Court, under its constitutional jurisdiction under Article 199 could dilate upon

strong law points or glaring illegalities only, which were not apparent on the face of record in the case. Impugned judgments were maintained and constitutional petition, was dismissed, in circumstances [2011 YLR 765].

Ejection of tenant on the ground of personal need cannot be refused when statement of the landlord on his need is consistent with his averments in the ejection petition and which has not been shaken in cross-examination are disproved in rebuttal by the tenant [2005 MLD 1493; 2000 SCMR 903].

**8. Adjustment of security towards rent.** Lease agreement provided for refund of security amount to tenant on termination of lease. Non-proving of payment of rent by tenant despite dishonouring of cheque given to landlord. Ejection order passed by Rent Controller upheld by Appellate Court. Plea of tenant that such security amount could be adjusted towards default. Validity. Security amount could be applied in manner provided in lease agreement and could not be adjusted towards rent. Adjustment of security amount towards rent would amount to change in the terms of lease agreement. High Court dismissed constitutional petition in circumstances [2009 YLR 917].

**9. *Pagri*.** Provision of Section 6, Islamabad Rent Restriction Ordinance contemplates that landlord is not to claim any amount in excess of fair rent. Plea that landlord having received amount as *Pagri* at a time of letting out shop to tenant, was debarred from seeking ejection was repelled for that being a mutual arrangement between the parties would not debar landlord from instituting eviction proceedings on ground of *bona fide* personal need [2005 MLD 1493; 1987 SCMR 307].

**10. Writ jurisdiction.** In absence of any illegality or legal infirmity in the impugned judgments concurrently passed by the Courts below, same could not be interfered with by the High Court in exercise of its constitutional jurisdiction [2010 YLR 1490].

High Court in its extraordinary Constitutional jurisdiction declined to interfere in cases having concurrent findings of fact unless it could be established that findings of fact by Courts below were result of misreading or non-reading of evidence or were perverse, arbitrary or fanciful. Tenant had failed to show that there had been misreading or non-reading of evidence on the part of Courts below. Tenant also could not establish that judgments passed by two Courts below suffered from any legal infirmity. Constitutional petition was dismissed in circumstances. [2011 CLC 652].

Interference of High Court in extraordinary jurisdiction can only be made when glaring misreading or non-reading of any material facts on the file [PLD 2011 Isl. 30].

**11. Service of Notice.** If no separate notice is given the ejection petition itself would be considered a sufficient notice for the purpose of Section 19 of Islamabad Rent Restriction Ordinance, 2001. Tenant having not deposited the rent and not willingly accepting the respondent as landlords would not be entitled to any discretionary relief [2004 SCMR 1852].

**12. Ejection on the basis of default.** Mere obtaining from bank pay order in landlord's name would be meaningless without alleging and proving delivery of pay order to the landlord. Tenant fail to comply with order passed under section 17(8) of Ordinance, 2001, defence rightly struck off [2004 YLR 1784].

Tenant failed to pay rent for 20 months, therefore, Rent Controller passed eviction order against tenant which was maintained by lower Appellate Court. Plea raised by tenant was that proceedings before Rent Controller were initiated prior to promulgation of Islamabad Rent Restriction Ordinance, 2001, and he did not deposit rent as there was no order for the deposit. Validity. Islamabad Rent Restriction Ordinance, 2001, had become effective on 23-1-2001 and when notification was issued, the urban area in Islamabad stood defined and all buildings situated over that area were within the territorial jurisdiction of Rent Controller. Tenant had not paid rent since 2008, as the case was filed in the High Court and there was no order regarding deposit of rent. Even if there was no order from the court for deposit of rent, that did not mean that tenant was absolved of his duty of paying the rent. Tenant could send rent through post or deposit the same in court. No evidence was available regarding payment of rent during pendency of eviction petition before Rent Controller and appeal before lower Appellate Court. Both the courts below had dealt with the issue regarding deposit of rent and evidence regarding the same could not be discussed in constitutional jurisdiction. High Court declined to interfere in concurrent findings of fact by two courts below. Petition was dismissed in circumstances [2012 MLD 689; 2012 MLD 1002].

**13. Ejectment of lessee of CDA.** Ejectment of lessee of CDA sought through Welfare Committee working within the Capital Development Authority as agent. It was directed by the High Court that the matter be referred to Welfare Committee who shall hear the petitioner afresh without prejudice to any past litigation for renewal of the said lease of the plot and shall take a decision on the question of renewal of the lease [2004 MLD 1644].

**14. Arbitration Act, 1940.** Grievance of tenant was that there was arbitration clause in the agreement between the parties and despite filing of application for invoking the arbitration clause, the Rent Controller did not stay the proceedings. Rent Controller was not a Civil Court but a quasi-judicial tribunal, such an application not maintainable [2005 CLC 882].

**15. Choice of landlord.** It is settled law that it is the prerogative of the landlord to choose premises for his personal need and no discretion in respect thereof can be given to the landlord [PLD 2011 Isl. 30]. Landlord would have privilege to choose anyone of his properties for self-use, considered by him suitable for his requirement, provided his need was not tainted with mala fide [1995 SCMR 1125; PLD 2011 Isl. 30]. It is for landlord to choose and make a choice as to which of his properties is suitable to meet his needs/requirements and tenant cannot dictate to landlord that he should occupy this property or that property or that he should move for eviction against this tenant or that tenant [NLR 1991 Civil 366; PLD 2011 Isl. 30].

**16. Statement of attorney.** It is settled law that landlord in order to prove personal bona fide need can get examined his attorney and there is no compulsion that he must have appeared in the witness box [PLD 2011 Isl. 30].

**17. Necessary party.** Tenancy was created by a person who was general power of attorney of the landlady and his power of attorney had been revoked prior to his creating tenancy in favour of the tenant. Plea raised by tenant was that the attorney was a necessary party to ejectment proceedings. Validity. After revocation of general power of attorney, he was neither landlord nor tenant in eviction petition. Previous attorney had no authority to lease out the premises, hence, he being a stranger, if had executed any lease agreement in respect of demise shop, was rightly not taken into consideration by Rent Controller. Status of the tenant was that of an unauthorized tenant. Tenancy created through a stranger could not be enforced by legal means, thus such tenant in the premises could not press any legal right and court could not come forward for his rescue [PLD 2011 Isl. 14].



**18. Tenancy created by stranger.** Where demised shop was not leased out by landlady to the tenant and no written consent of landlady was also available on record, in order to maintain the tenancy in favour of tenant. Then it was held that as the demised shop was not rented out by the landlady to the tenant, therefore, the tenant cannot seek any relief on the basis of the tenancy executed by a person who, prima facie, is not the landlord of demised shop. High Court declined to interfere in the concurrent findings of facts of two courts below which were arrived at after proper appreciation of material available on record. Petition was dismissed in circumstances [PLD 2011 Isl. 14].

**19. Ejectment petition filed by landlord company through unauthorized person.** Tenant (petitioner) assailed concurrent findings of the courts below ordering the ejectment of tenant from the premises. Contention of the tenant was that the landlord was a private limited company and the ejectment petition was filed through the Secretary of the company who had no authorization letter to move said ejectment petition. Validity. Landlord had filed ejectment petition, but along with said petition, no resolution passed by the Board of the landlord company was attached. Constitutional petition also did not mention as to through whom the ejectment petition was filed and that he was authorized by the Board of the landlord company through any resolution. Constitutional petition was not even signed by the person through whom the ejectment petition was filed. Authorization letter produced during the course of evidence, was actually issued by the person through whom the ejectment petition had been filed and on the basis of such letter he simply authorized a witness to give a statement in evidence during the proceedings. Said letter was not a resolution passed by the Board of landlord company. Ejectment petition being not maintainable, in circumstances, orders of the courts below were set aside. High Court, however, observed that the landlord would have right to file a fresh ejectment petition in accordance with the law, rules and procedure, and that the acceptance of the tenant's constitutional petition by the High Court would not come in the way of the landlord filing a fresh ejectment petition. Constitutional petition was allowed, accordingly [2012 CLC 825].

**20. Reconstruction of building.** Under section 17(2) of Islamabad Rent Restriction Ordinance, 2001 seeking property on ground of reconstruction is an independent ground and is not linked with personal bona fide need of landlord. Under section 17(7) of Islamabad Rent Restriction Ordinance, 2001 where a landlord has obtained possession of a building in pursuance of order under Clause (v) of section 17(2) of Islamabad Rent Restriction Ordinance, 2001 and does not have the property demolished within four months of taking over possession or does not reconstruct the same, landlord would be punished with imprisonment which may extend to six months or with fine or both [2015 MLD 1740].

**21. Consolidation of eviction petition and civil suit.** Apprehension of conflict findings exists in the cases pending between the parties on similar issues. Matters are at preliminary stage and same can be decided together by consolidation. No bar has been provided in relevant laws to proceed an eviction application by adopting procedure laid down under Civil Procedure Code, 1908. Civil court may not act as Rent Controller while proceeding with such a case. Trial in the eviction application is a sort of inquiry affording the parties an opportunity of hearing. Other procedure laid down in Islamabad Rent Restriction Ordinance, 2001 is summoning and enforcing the attendance of the witnesses and examining them on oath. Compelling the discovery and production of documents and other material evidence or issuing a commission for the examination of witnesses are powers already exercise by the civil court. If any other power is exercised while deciding eviction application for which no bar is provided by law then it would not make Islamabad Rent Restriction Ordinance, 2001 redundant. Scope of such law is not deemed to be inadequate if civil suit is tried together with the eviction application. Impugned order passed by the Trial Court is not

tenable under the law which is set aside. Application for consolidation of cases was accepted. Trial Court was directed to proceed with all the case after consolidation of cases and commence proceedings from the stage where the same were left. Revision was accepted in circumstances [2015 CLC 1383].

**18. Eviction of tenants where the landlord is a salaried employee, widow or minor orphan.-** (1) Notwithstanding anything contained in this Ordinance or any other law for the time being in force,—

- (a) in a case where the landlord has died; or
- (b) in a case where the landlord is a salaried employee and has retired or is due to retire or has proceeded or is due to proceed on leave preparatory to retirement within a period of six months,

a notice in writing may be given by such landlord or the widow or, minor child of the deceased landlord, as the case may be, to the tenant of a residential building informing him that he or she needs, the building for personal use and requiring him to deliver vacant possession of the building within a period of two months from the date of receipt of the notice:

Provided that no application under this section shall be maintainable if it is made after one year from the date of the death of the landlord or, in the case of the retirement of a salaried person, before one year from or after one year of the date of his retirement:

Provided further that in case where the landlord has died or salaried person has retired before the commencement of this Ordinance an application may be made within a period of one year from the date of such commencement.

*Explanation.-* In computing the period of one year from the date of the death of the landlord, or from the date of retirement of a salaried person, the period of notice mentioned in sub-section (1) shall be excluded.

(2) The right to seek ejection under sub-section (1) shall also be available to a landlord of a residential building who is the wife, husband or a minor child of a salaried employee referred to in sub-section (1).

(3) In the case of landlord referred to in sub-section (1), or sub-section (2), who happens to be a landlord of more than one residential building whether or not in the same locality, action as provided for in this section shall be competent in respect of one of such residential building only.

(4) A landlord referred to in clause (b) of sub-section (1), or in sub-section (2), who is in occupation of a residential building owned by him shall not be entitled to seek ejectment of a tenant from a residential building situated in the locality in which the building in occupation of the landlord is situated unless he offers the building in his occupation in exchange of the building in possession of the tenant on terms and conditions and on payment of such rent as may be determined by the Controller:

Provided that the benefit of exchange shall not be available to the tenant who refuses to accept the offer or the terms and conditions and the rate for rent agreed by the landlord and tenant:

Provided further that the tenancy in respect of the building given in exchange shall not extend beyond the period of tenancy fixed for the original building.

(5) A tenant who, on receipt of the notice referred to in sub-section (1), fails to deliver vacant possession of the building to the landlord, widow or minor orphan of the deceased landlord or to widow or minor child of the deceased landlord within the time allowed in the notice shall be liable to be ejected summarily by the Controller on an application being made to him in this behalf.

(6) On an application being made to him under sub-section (5), the Controller shall issue a notice to the tenant and, on being satisfied with the *bona fides* of the request of the landlord or the widow or minor orphan of a deceased landlord, as the case may be, order the summary ejectment of the tenant.

(7) A landlord or a widow or orphan of a deceased landlord referred to in sub-section (1) or sub-section (2), who, within one year of his having obtained possession of a building as provided for in sub-section (6), relets the building to any person other than the previous tenant shall be punishable with fine which may extend to five thousand rupees:

Provided that if the amount of the annual rent for which the building is so relet exceeds five thousand rupees the amount of fine shall be equal to the amount of annual rent.

(8) The notice referred to in sub-section (1) or sub-section (2) may, in the case of landlord who is a minor, be given by the guardian of such minor.

**19. Tenant to be informed in case of transfer of ownership.-** Where the ownership of a building or rented land in the possession of a tenant has been

transferred by way of sale, gift, inheritance or in any other mode or manner whatsoever, the new owner shall send an intimation of such transfer in writing by registered post to the tenant of such building or rented land and the tenant shall not be deemed to have defaulted in the payment of rent for the purposes of clause (i) of subsection (2) of section 17 if the rent due is paid within thirty days from the date when the intimation should, in the normal course, have reached the tenant.

#### COMMENTS

**Change of ownership.** In case of change of ownership either by way of sale, gift, inheritance or in any other manner, it is obligatory to send a notice to tenant through registered post and if on receipt of notice the rent due is paid within time specified therein, the tenant is not deemed to have committed any default in payment of rent. Word "owner" used in Section 19 has not limited meaning and encompasses all owners of property who stand in the position of landlord and thus even without formal transfer of property, the real sons and daughters of the owner are deemed to be the owners of the property. Petition for ejectment itself has been considered a sufficient notice for the purpose of this section [2004 SCMR 1852 = PLJ 2005 SC 7].

**20. Decisions which have become final not to be re-opened.-** The Controller shall summarily reject any application under sub-section (2) or sub-section (4) of section 17 which raises substantially the same issue as has been finally decided in any former proceedings under this Ordinance unless new grounds or circumstances have arisen after the final decision in such proceedings.

#### COMMENTS

**Second ejectment petition.** Under section 20 of the Islamabad Rent Restriction Ordinance, 2001 there is a restriction for filing a second application, however, where the earlier ejectment petition was not decided by the Rent Controller and there was no final order then second ejectment petition can be filed [2012 MLD 1072].

**21. Appeal.-** (1) Any party aggrieved by a final order of the Controller made under this Ordinance may, within thirty days of the date of such order, prefer an appeal to the District Judge.

(2) No appeal shall lie from an interlocutory order passed by the Controller.

(3) On such appeal being preferred, the District Judge may hear it himself or refer it for disposal to an Additional District Judge.

(4) The District Judge may, *suo motu* or on an application of any party to proceedings, for reasons to be recorded in writing, recall an appeal made over

by him to an Additional District Judge and either hear it himself or refer it for disposal to another Additional District Judge.

(5) The appellate authority may, pending final disposal of appeal, suspend the operation of the order appealed against.

(6) The appellate authority admitting an appeal for hearing shall have the same powers to direct tenant to deposit the rent as are vested in the Controller under this Ordinance and, if the tenant makes default in compliance with such an order, then if he is the appellant, his appeal shall be dismissed summarily and if the respondent, his defence shall be struck off.

(7) The appellate authority shall after perusing the record of the case and giving the parties an opportunity of being heard and, if necessary, after making such further inquiry, as it thinks fit, either personally or through the Controller, make an appropriate order which shall be final.

(8) The order of the Controller, subject to the result of appeal, shall be final.

#### COMMENTS

##### Synopsis

1. Tentative rent order.
2. Constitutional petition not maintainable.
3. Dismissal of appeal *in limine*.
4. Relationship of landlord and tenant.

**1. Tentative rent order.** Petitioner/ tenant had challenged tentative rent order passed by the Rent Controller whereby petitioner was directed to pay monthly rent upto specified date. Counsel for the landlady had raised preliminary objection that impugned order was interlocutory in nature and Rent Controller was competent to change and modify it finally; and on that basis said order was not open for decision in constitutional jurisdiction of High Court. Validity. Objection of landlady had force. Impugned order was tentative in nature and had to be merged in the final order, which would be appealable under Section 21 of Islamabad Rent Restriction Ordinance, 2001. Petitioner had to wait for it to question same before Appellate Court. Impugned order, being provisional in nature, was not assailable in constitutional jurisdiction of the High Court [2008 CLC 547]. Order passed by Rent Controller for deposit of tentative rent was assailed by tenant before High Court in appeal. Validity. Any appeal against interlocutory orders of Rent Controller which had not disposed of the entire case before it, was specifically barred under Section 21(2) of Islamabad Rent Restriction Ordinance, 2001. Intention of legislature could be gathered from the provisions of Section 21(2) of Islamabad Rent Restriction Ordinance, 2001, that same was to avoid delay in disposal of cases by Rent Controller, a specific bar had been imposed to challenge interlocutory orders passed by Rent Controller. Tenant could not be allowed to circumvent the legislative intent by filing Constitutional petition against interim order. Constitutional Petition was dismissed in circumstance [2008 CLC 1666].

**2. Constitutional petition not maintainable.** Petitioner having an adequate remedy by filing an appeal under Section 21 of Islamabad Rent Restriction Ordinance, 2001, Constitutional petition filed by him was not competent [2009 YLR 648].

**3. Dismissal of appeal *in limine*.** While exercising jurisdiction under Section 21(7) of Islamabad Rent Restriction Ordinance, 2001 Appellate Court was not required to send for the record and it would depend on facts of each case that if Appellate Court felt it necessary, after perusing the record, it could give the parties an opportunity of being heard and decide the appeal which would mean that there were two categories of cases which would come before the Appellate Court; first category being where the facts were simple and were not disputed, the first appeal was generally dismissed in limine and examination of record of the Rent Controller was not necessary while second category of cases was that, if the facts were not simple or disputed first appeal was not generally dismissed in limine; in that case Appellate Court would send for record, provide an opportunity of being heard to the appellant; and in that case Appellate Authority would not dispose of appeal without first sending for record from the Rent Controller and hearing parties; and further if necessary making such further inquiry as it deemed fit. Duty to call for record in the first instance was imperative and in the latter case Appellate Authority could not dismiss the appeal in limine [2007 CLC 601].

**4. Relationship of landlord and tenant.** On filing ejection application by landlord, tenant despite admitting that he had been a tenant under landlord, in his written statement had denied relationship of landlord and tenant between the parties contending that he had purchased shop in dispute vide agreement allegedly executed by landlord, in his favour. Mere agreement to sell even if it be assumed to have been executed by landlord. Would not bring to an end the relationship of landlord and tenant between the parties. Where the tenancy is admitted, the Rent Controller should frame issues on merits and proceed to decide ejection application in case tenant complied with the order for deposit of rent according to tentative rent order passed by the Rent Controller [2004 MLD 1104; PLD 1999 S.C. 1101; PLD 2003 S.C. 231 ref.].

**22. Transfer of case.-** On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion, without such notice—

- (a) the District Judge may at any stage withdraw any application pending with a Controller subordinate to him and transfer the same for disposal to any other Controller subordinate to him and competent to try or dispose of the same; and
- (b) the High Court may at any stage withdraw any appeal pending with any District Judge and transfer the same for disposal to any other District Judge subordinate to it and competent to try or dispose of the same.

**23. Execution of orders.-** Every order made under section 14, section 17, section 18 and every order passed in appeal under section 21, shall be executed by the Controller as if it were a decree of a Civil Court. The provisions of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Act V

of 1908) shall, so far as may be, apply to the execution of orders made under this Ordinance.

**24. Procedure and power of Controller.-** (1) Unless otherwise provided in this Ordinance, no order under sections 9, 14, 15, 17 or 18 shall be made by the Controller except after holding an inquiry and affording to the parties an opportunity of being heard.

(2) For the purposes of holding an inquiry of execution of orders under this Ordinance, the Controller shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit or executing a decree in respect of the following matter, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the discovery and production of any document and other material evidence; and
- (c) issuing a commission for the examination of witness.

#### COMMENTS

Section 24 of the Ordinance explicates that no orders in respect of increase of rent, or interference with the amenities enjoyed by the tenant, or order for carrying out necessary repairs, or eviction of tenant are to be made by the Controller except after holding an inquiry and affording to the parties an opportunity of hearing. Without effecting service as required, order passed by the Rent Controller for ejection of the petitioner would, therefore, be violative of the provisions of section 24 *ibid*. It was held that the petitioner was not served by the Rent Controller in the prescribed manners and, therefore, the *ex parte* order of ejection passed by the Rent Controller without affording reasonable opportunity of hearing to the petitioner would not sustain [2012 CLC 1973].

**25. Service of summons and production of witnesses.-** (1) Service of summons once effected on a party shall be sufficient for the purposes of the entire proceedings before the Controller.

(2) The production of witnesses shall be the responsibility of the parties and the Controller shall not summon a witness unless he is satisfied that the witness is a servant of the Federal Government, a Provincial Government, local authority or a corporate body and that he has to produce official record of such Government, local authority or corporate body as the same may be.

(3) Except for sufficient reasons to be recorded in writing, the Controller shall finally dispose of an application under this Ordinance as expeditiously as

possible but not later than four months of the date of the first hearing after the service of summons on the respondent.

(4) The proceedings of every inquiry shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

(5) The Controller shall be deemed to be a Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

#### COMMENTS

**Service through a publication of limited circulation newspaper.** Where newspaper was a publication of limited circulation and not normally read and seems to be aimed at accomplishing the formality of effecting service then same cannot be termed as service effected as required under section 25 of the Ordinance. The proceedings held thereafter cannot be, therefore, considered to have been held after affording opportunity of hearing [2012 CLC 1973].

**26. Compensation for frivolous applications and defence.**- If in the opinion of the Controller or, as the case may be, the appellate authority any party to the proceedings under this Ordinance is found guilty of abuse of the process of law by filing frivolous or vexatious application or by taking pleas in defence which are false or intended to prolong the proceedings unnecessarily he or, as the case may be, it shall, while passing the final order, award compensation to the other party which shall not be less than five thousand rupees or more than ten thousand rupees.

**27. Landlord and tenant to furnish particulars.**- Every landlord and every tenant of building or rented land shall furnish to the Controller, or any person authorised by him in that behalf, such particulars in respect of such building or rented land as he may, by order, direct.

**28. Penalties.**- (1) Whoever contravenes, or fails to comply with, any provision of this Ordinance or the rules made thereunder shall, if no other penalty is provided in this Ordinance for such contravention or failure, be punishable with fine which may extend to five thousand rupees.

(2) No Court shall take cognizance of an offence under this section except upon—

- (a) a complaint of facts which constitute such offence filed with the sanction of the Controller in writing; and



(b) a report in writing of such facts made by the Controller.

**29. Indemnity.-** No suit or other legal proceedings shall lie against the Federal Government or the Controller or any authority or person in respect of anything which is in good faith done or intended to be done under this Ordinance.

**30. Power to delegate.-** The Federal Government may delegate all or any of its powers under this Ordinance to such of its officers as it may deem necessary.

**31. Power to make rules.-** The Federal Government may, by notification in the official Gazette, make rules for the purpose of carrying out the purposes of this Ordinance.

**32. Repeal and savings.-** (1) The West Pakistan Urban Rent Restriction Ordinance, 1959 (W.P. Ord. VI of 1959), to the extent of the Islamabad Capital Territory, is hereby repealed.

(2) Nothing contained in this Ordinance shall be deemed to apply to suit or appeals falling within the jurisdiction of the Controller, or the applications relating thereto, which were pending before any court immediately before the commencement of this Ordinance and such suits, appeals or applications shall continue to be heard and disposed of in accordance with the law applicable to them before such commencement.

# THE JUVENILE JUSTICE RULES, 2001

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## **\*THE JUVENILE JUSTICE RULES, 2001**

[6th December, 2001]

**S.R.O. 867 (I)/2001.-** In exercise of the powers conferred by section 15 of Juvenile Justice System Ordinance, 2000 (XXII of 2000), read with Justice Division's Notification No. F-17 (2)/80-Pub, dated 31-12-1980 issued in pursuance of (Article 2 of 1980) and all other powers relating in that behalf the Government of Pakistan, ICT Administration is pleased to make the following rules, namely:—

### **PART I**

#### **PRELIMINARY**

**1. Short title, commencement and application.-** (1) These rules may be called [as] The Juvenile Justice Rules, 2001.

(2) They shall come into force at once.

(3) They shall extend to the whole of the Islamabad Capital Territory.

**2. Definitions.-** (1) In these rules, unless there is something repugnant\*\* in the subject or context.—

(a) "Incharge" means a person appointed by the [Provincial Government] as incharge of the Borstal Institution.

(b) "inmate" means all those juveniles who are placed and detained in [a] borstal institution;

(c) "juvenile" means a person who at the time of commission of an offence has not attained the age of eighteen years [or

\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 11th December, 2001, at pages 2905-2910.

\*\* Added by this Administration.

a child as defined in the Juvenile Justice System Ordinance, 2000];

- (d) "Parole Officer" means a person appointed by [the Provincial] Government to perform the function of Parole Officer in the Reclamation and Probation Department under the Good Conduct Prisoners Probation Release Act, 1926 (Act X of 1926) and other rules framed and enforced for the time being.
- (e) [He and its derivatives are hereinafter used for any juvenile whether male or female.]
- (f) [The words importing singular number include plural number and the words importing plural number include singular number.]

2. "Words and expression" used but not defined shall have the same meanings as assigned in the respective laws.

3. **Legal Assistance.**- (1) Where it appears to a juvenile court that a legal practitioner appointed by the State to conduct a case of juvenile is not competent or diligent, the court may direct to engage any other legal practitioner for the purpose at the state expense.

(2) A panel of legal practitioners shall be constituted by the Sessions Judge for the purpose of providing legal assistance to the Juveniles at state expense. [Whereas,] a legal practitioner shall not be appointed for more than two cases of the juveniles at the same time.

(3) The legal practitioner, appointed to defend the case of a juvenile, shall be entitled to receive fee determined by the Sessions Judge subject to [the] minimum [limit] of [Rs. 5000/- (Rupees five thousand)] and not [exceeding] [Rs.10,000/- ten thousand].

(4) The cases of juveniles shall not be dealt by the same legal practitioner successively at the state/expense unless otherwise asked for by the juvenile court.

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**PART II**

**INSTITUTIONAL TREATMENT**

**4. Establishment of borstal institutions.-** (1) [The Provincial Government] shall establish and maintain [at least] one borstal institution in ICT to keep and accommodate [the juveniles] [therein.]

(2) All arrangements to impart education and training with respect to their mental, physical, moral and physiological development shall be provided within the borstal institutions.

**5. Accommodation for juveniles.-** (1) The borstal institutions shall provide accommodation to the juveniles with reasonable facilities such as toilets, bath rooms, cleanliness [and sanitation.]

(2) The juveniles shall be provided, if possible, with cellular accommodation for the purpose of their separation [from their] inmates at night.

**6. Juveniles to be sent to borstal institution.-** If the juvenile court on the conclusion of an enquiry or trial, finds that the juvenile has committed the offence, the court may make an order directing the juvenile to be sent to a borstal institution until he attains the age of eighteen years or for such period of imprisonment as awarded to him by the court whichever is earlier.

**7. Juveniles to be admitted in borstal institution.-** (1) No juvenile shall be admitted to a borstal institution except under a lawful warrant or an order issued by a juvenile court having jurisdiction into the matter addressed to the Incharge of the borstal institution.

(2) On admission to a borstal institution, the Incharge, responsible to receive the juveniles shall record the requisite information regarding each juvenile such as name, parentage, complete address, education, section of law charged, first information report number, police station, address of the court concerned, date of production in court, if any, and the term of his detention in the borstal institution.

(3) On admission to a borstal institution, every juvenile shall be examined by the District Health Officer, who shall record his age, weight, height, identification marks and health report of every such juvenile so admitted in the borstal institution.

(4) The District Health Officer shall take appropriate steps for

treatment of the sick juveniles.

(5) On admission to the borstal institution, a female juvenile shall be dealt only by the female staff in all matters relating to the female juvenile.

**8. Thorough search of every juvenile.-** (1) On admission to a borstal institution, every juvenile shall be thoroughly searched.

(2) No juvenile shall be allowed to keep any prohibited article prohibited in any law or rule relating to detention of the offenders for the time being in force.

**9. Transfer of juvenile.-** (1) All juveniles already ordered to be detained under any of the laws pertaining to the juveniles, shall immediately be transferred to the borstal institution.

**10. Detention of female juveniles.-** (1) Female juveniles shall be detained in a separate enclosure of the borstal institution exclusively established for the purpose.

(2) In case there is no such enclosure as mentioned in section (1) above, they shall immediately be transferred to any care home as ordered by the court.

(3) Female juveniles shall in no case be kept in a police lock up or prison.

**11. Facility of meeting of juveniles.-** (1) Every juvenile shall be allowed reasonable facilities of seeing or communicating with his relatives, friends and legal adviser in connection with his family affairs or judicial matters and shall be allowed to have meetings with them at least twice a week.

**12. Release of juveniles.-** (1) On receipt of written release order from the juvenile court, the juvenile shall immediately be released from the legal custody after due satisfaction into the validity of the release order.

(2) On release of every juvenile, he shall be provided with a certificate as to his character, health, Education and [the training received] by him during his detention in the borstal institution by the Incharge of the institution which may be helpful in his adjustment in the society.

**13. Health, hygiene and medical care.-** (1) A Medical file of every juvenile shall be maintained in the borstal institution alongwith his

previous medical history, if any.

(2) There shall be regular medical check up of the Juvenile detained in the borstal institution after every three months and they shall be advised properly by the District Health Officer to maintain their health and hygiene satisfactory.

(3) All types of the [necessary medicines/medical facilities] shall be arranged within the borstal institution including the arrangements for their necessary medical tests.

(4) Cases of patients of Tuberculosis, Asthma, Chronic Bronchitis, Hepatitis H&C, HIV /AIDS, Cancer, Epilepsy Leprosy and any other serious disease shall be forwarded to the juvenile court for bail etc. by the Incharge of the borstal institution alongwith latest medical reports.

(5) Less serious patients may be treated in isolation from their inmates within the hospital of the institution.

**14. Moral treatment.-** (1) All juveniles shall be given careful individual attention to develop their moral conduct and attitude in order to make them disciplined citizens.

(2) [Special treatment programmes shall be arranged with respect to religious] education upto the high school level [alongwith] industrial/ vocational/ technical training under proper supervision.

**15. Technical training.-** (1) Every juvenile shall be allowed to choose any of the industrial trainings to be imparted in the institution and shall be encouraged to receive the training of his choice or the training compatible with his preference, profession or circumstances, as far as possible].

(2) If [a juvenile] shows no special inclination or aptitude [in any of the training programme as discussed earlier], the head of the institution may decide the industry [which he should be taught giving full consideration to his hereditary calling and the pursuit which he would follow after his release for the borstal institution under the circumstances in order to enable him to earn respectable livelihood in the society].

(3) The services of [the] juveniles may be utilized in the [field] of architecture [as well].

**16. Physical training sports and recreation.-** (1) [Facilities] [of] physical drill, gymnastics, [scouting and] indoor/outdoor games shall be provided

to the [juveniles detained in the borstal] [institutions].

(2) Instructions in first-aid and sanitation shall also be imparted regularly.

(3) A spacious playground shall be provided in every borstal institution.

**17. Psychological development of juveniles.-** (1) All possible steps shall be taken to improve the mental calibre of the juveniles and in this connection, their natural instincts and skills shall be [identified], developed and promoted.

(2) Juveniles shall not be allowed to waste [their] time [in the borstal institution].

(3) Juveniles shall be encouraged to play their role, both individually and collectively, in the area of national reconstruction and development.

**18. Complaints and requests by juveniles.-** (1) Each and every complaint and request made by the juveniles shall be properly attended [to] by the Incharge [of] the borstal institution and every [such] grievance [shall] be redressed [as is necessary for the purposes of the Juvenile Justice System within the] shortest possible time.

(2) [Any] false [or] malingering report made by [a] juvenile may, however, be discouraged for the sake of maintained of [the] institutional order and discipline.

**19. Discipline and punishment.-** \* (1) Discipline and order shall be maintained with firmness, but with no more restriction [and force] than is necessary for safe custody of the Juveniles and maintenance of peace and order within [the borstal] institution.

**20. No stigmatization.-** \* (1) No juvenile shall be stigmatized in any of the matters relating to arrest, inquiry, court proceedings, prosecution, probation and conviction unless specifically authorized by the [juvenile] Court. /

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY

\* No sub-rule (2) is given in the Gazette.



**\*THE ISLAMABAD CAPITAL  
TERRITORY (TAX ON SERVICES)  
ORDINANCE, 2001**

[18th August, 2001]

ORDINANCE No. XLII OF 2001

*AN  
ORDINANCE*

*to provide for levy of sales tax on the services rendered  
or provided in the Islamabad capital Territory*

WHEREAS it is expedient to provide for levy of sales tax on the services rendered or provided in the Islamabad Capital Territory and for matters ancillary thereto or connected therewith;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Islamabad Capital Territory (Tax on Services) Ordinance, 2001.
- (2) It extends to the whole of Islamabad Capital Territory.
- (3) It shall come into force at once.

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 18th August, 2001, at pages 923-926.

**2. Interpretation.-** In this Ordinance, unless there is anything repugnant in the subject or context, the words and expression used but not defined shall have the same meaning as in the Sales Tax Act, 1990.

**3. Scope of tax.-** (1) Subject to the provisions of this Ordinance, there shall be charged, levied and paid a tax known as sales tax at the <sup>1</sup>[rates specified in column (4) of the schedule to this Ordinance] of the value of the taxable services rendered or provided in the Islamabad Capital Territory.

(2) The tax shall be charged and levied on the services specified in <sup>2</sup>[column (2) of] the Schedule to this Ordinance in the same manner and at the same time, as if it were a sales tax leviable under sections 3, 3A or 3AA, as the case may be, of the Sales Tax Act, 1990.

(3) All the provisions of the Sales Tax Act, 1990, and rules made and notifications, orders and instructions issued thereunder shall, *mutatis mutandis*, apply to the collection and payment of tax under this Ordinance in so far as they relate to-

- (a) manner, time and mode of payment;
- (b) registration and de-registration;
- (c) keeping of records and audit;
- (d) enforcement and adjudication;
- (e) penalties and prosecution; and
- (f) all other allied and ancillary matters.

#### COMMENTS

**Legality.** Petitioners through Constitutional petition challenged the Punjab Sales Tax Ordinance, 2000 and Islamabad Capital Territory (Tax on Services) Ordinance, 2001 on the ground that the said enactments were un-Constitutional. One of the contentions of the petitioners was that since no tax on services was envisaged by the Federal and Concurrent Legislative Lists in the Constitution, therefore, said enactments were void, as the Federal Legislature had no lawful authority to make a law taxing the services. Validity. Examination of Federal and Concurrent Lists with reference to Article 70(4) of the Constitution revealed that legislation regarding services or tax on services was not catered for in the said lists. Article 142(d) of the Constitution conferred exclusive powers upon the Federal Legislature to make laws with respect of matters not enumerated in either of the said

<sup>1</sup> Subs. by the Finance Act 2015 (Act No. V of 2015), s. 8(1)(a).

<sup>2</sup> Subs. by the Finance Act 2015 (Act No. V of 2015), s. 8(1)(b).

***The Islamabad Capital Territory (Tax on Services) Ordinance, 2001* 553**

lists for such areas in the Federation as were not included in any Province. Article 1(2) of the Constitution that defined the territory of Pakistan, Islamabad Capital Territory was named, but was not included in any Province. Both the conditions imposed by Article 142(d) of the Constitution, firstly, for the exercise of exclusive powers vesting in the Federal Legislature to make laws and secondly, for the area not included in any Province were fulfilled in the present case. Constitutional petition was therefore, liable to be dismissed, in circumstances [2004 PTD 1987].

One of the contentions of the petitioners was that the registration of the petitioners was being sought under the Sales Tax Act, 1990 and this was illegal as the Constitution did not provide for imposition of sales tax on services. Validity. Tax on sale, in the present case, had not been imposed within the meaning of Sales Tax Act, 1990. What had been made chargeable, leviable and payable was a tax on the value of taxable services specified in the Schedule of Islamabad Capital Territory (Tax on Services) Ordinance, 2001. Simply stating a tax as a sales tax did not make it a tax on sale. Procedure, however, for charging, levying and payment of tax was adopted with reference to the provisions of Sales Tax Act, 1990. Federal Legislature through the impugned Ordinance, in exercise of powers under Article 142(d) of the Constitution, had made taxable the services rendered by the petitioners within the Islamabad Capital Territory. Mere adoption of procedure in the Sales Tax Act, 1990, thus would not be derogatory of the scope of tax defined in Sections 3(1) & 3(2) of the impugned order. Constitutional petition was dismissed, in the circumstances [2004 PTD 1987].

**<sup>1</sup>[THE SCHEDULE**

[See section 3(2)]

S. No.	Description	PCT Heading, if applicable	Rate of Tax
(1)	(2)	(3)	(4)
1	Services provided or rendered by hotels, motels, guest houses, marriage halls and lawns (by whatever name called) including "pandal" and "shamiana" services, clubs deluding race clubs, and caterers.	9801.1000 9801.3000 9801.4000 9801.5000 9801.6000	Sixteen per cent
2	Advertisement on television and radio, excluding advertisements—	9802.1000 and 9802.2000	Sixteen per cent
	(a) sponsored by an agency of the Federal or Provincial Government for health		

<sup>1</sup> Subs. by the Finance Act, 2015 (Act No. V of 2015), s. 8(2), with effect from 1<sup>st</sup> July, 2015.

- education;
- (b) sponsored by the Population Welfare Division relating to educational promotion campaign;
- (c) financed out of funds provided by a Government under grant-in-aid agreement; and
- (d) conveying public service messages, if telecast on television by the World Wide Fund for Nature (WWF) or United Nations Children's Fund (UNICEF)
- 3 Services provided by persons authorized to transact business on behalf of others—
- |                         |               |                  |
|-------------------------|---------------|------------------|
| (a) stevedore;          | 9805.2000     | Sixteen per cent |
| (b) customs agents; and | 9805.4000 and |                  |
| (c) ship chandlers.     | 9805.8000     |                  |
- 4 Courier services and cargo services by road provided by courier companies;
- |                         |           |                  |
|-------------------------|-----------|------------------|
| (a) stevedore;          | 9808.0000 | Sixteen per cent |
| (b) customs agents; and | 9804.9000 |                  |
| (c) ship chandlers.     |           |                  |
- 5 Construction services, excluding:
- |   |                            |                  |
|---|----------------------------|------------------|
| (i) construction projects (Industrial and commercial) of the value (excluding actual and documented cost of land) not exceeding Rs. 50 million per annum. | 9824.0000 and<br>9814.2000 | Sixteen per cent |
| (ii) the cases where sales tax is otherwise paid as property developers or promoters.   |                            |                  |

(iii) Government civil works including Cantonment Boards.		
(iv) construction of industrial zones, consular buildings and other organizations exempt from income tax.		
(v) construction work under international tenders against foreign grants-in-aid.		
(vi) Residential construction projects where the covered area does not exceed 10,000 square feet for houses and 20,000 square feet for apartments.		
6 Services provided by property developers and promoters (including allied services) excluding the actual purchase value or documented cost of land.	9807.0000 and respective sub-headings of heading 98.14	Rs.100 per square yard for land development, and Rs.50 per square feet for building construction
7 Services provided by persons engaged in contractual execution of work, excluding:	9809.0000	Sixteen per cent
(i) annual total value of the contractual works or supplies does not exceed Rs.50 million;		
(ii) the contract involving printing or supplies of books.		
8 Services provided for personal care by beauty parlours, clinics and slimming clinics, body massage centres, pedicure centres; including cosmetic and plastic surgery by	9810.0000 9821.4000 and 9821.5000	Sixteen pe cent

such parlours/clinics, but  
excluding:

(i) annual turnover does not  
exceed Rs.3.6 million; or

(ii) the facility of air-conditioning  
is not installed or available in  
the premises.

9	Management consultancy services	9815.4000, 9819.9300	Sixteen per cent
10	Services provided by freight forwarding agents, and packers and movers.	9805.3000, 9819.1400	Sixteen per cent or Rs. 400 per bill of lading, whichever is higher
11	Services provided by software or IT-based system development consultants.	9815.6000	Sixteen per cent
12	Services provided by technical, scientific and engineering consultants.	9815.5000	Sixteen per cent
13	Services provided by other consultants including but not limited to human resource and personnel development services; market research services and credit rating services.	9815.9000 9818.3000 9818.2000	Sixteen per cent
14	Services provided by tour operators and travel agents including all their allied services or facilities (other than Hajj and Umrah).	9805.5100 9805.5000 9803.9000	Sixteen per cent
15.	Manpower recruitment agents including labour and manpower supplies.	9805.6000	Sixteen per cent

*The Islamabad Capital Territory (Tax on Services) Ordinance, 2001 557*

16	Services provided by security agencies.	9818.1000	Sixteen per cent
17	Services provided by advertising agents.	9805.7000	Sixteen per cent
18	Share transfer or depository agents including services provided through manual or electronic book-entry system used to record and maintain securities and to register the transfer of shares, securities and derivatives.	9805.9000	Sixteen per cent
19	Business support services.	9805.9200	Sixteen per cent
20	Services provided by fashion designers, whether relating to textile, leather, jewellery or other product regimes, including allied services, marketing, packing, delivery and display, etc.	9819.6000	Sixteen per cent
21	Services provided by architects, town planners and interior decorators.	9814.1000 9814.9000	Sixteen per cent
22	Services provided in respect of rent-a-car.	9819.3000	Sixteen per cent
23	Services provided by specialized workshops or undertakings (auto-workshops; workshops for industrial machinery, construction and earth-moving machinery or other special purpose machinery etc; workshops for electric or electronic equipments or appliances etc. including computer hardware; car washing or similar service stations and other workshops).	98.20	Sixteen per cent

24	Services provided for specified purposes including fumigation services, maintenance and repair (including building and equipment maintenance and repair including after sale services) or cleaning services, janitorial services, dredging or de-silting services and other similar services etc.	98.22	Sixteen per cent
25	Services provided by underwriters, indenters, commission agents including brokers (other than stock) and auctioneers.	9819.1100, 9819.1200, 9819.1300 and 9819.9100	Sixteen per cent
26	Services provided by laboratories other than services relating to pathological or diagnostic tests for patients.	98.17	Sixteen per cent
27	Services provided by health clubs, gyms, physical fitness centres, indoor sports and games centres and body or sauna massage	9821.1000 and 9821.2000 9821.4000	Sixteen per cent
28	Services provided by laundries and dry cleaners.	9811.0000	Sixteen per cent
29	Services provided by cable TV operators.	9819.9000	Sixteen per cent
	Technical analysis and testing services.	9819.9400	Sixteen per cent
30	Services provided by TV or radio program producers or production houses.	-	Sixteen per cent
31	Transportation through pipeline and conduit services.	-	Sixteen per cent
32	Fund and asset (including	-	Sixteen per cent



investment) management services.

33	Services provided by inland port operators (including airports and dry ports) and allied services provided at ports and services provided by terminal operators including services in respect of public bonded warehouses, excluding the amounts received by way of fee under any law or by-law.	-	Sixteen per cent
34	Technical inspection and certification services and quality control (standards certification) services.	-	Sixteen per cent
35	Erection, commissioning and installation services.	-	Sixteen per cent
36	Event management services.	-	Sixteen per cent
37	Valuation services (including competency and eligibility testing services).	-	Sixteen per cent
38	Exhibition or convention services.	-	Sixteen per cent
39	Services provided in respect of mining of minerals, oil & gas including related surveys and allied activities.	-	Sixteen per cent
40	Services provided by property dealers and realtors.	-	Sixteen per cent
41	Call centres.	-	Eighteen and a half per cent
42	Services provided by car/automobile dealers.	-	Sixteen per cent.]

## THE ISLAMABAD TRANSFUSION OF SAFE BLOOD ORDINANCE, 2002

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# **\*THE ISLAMABAD TRANSFUSION OF SAFE BLOOD ORDINANCE, 2002**

(LXXIII OF 2002)

[15th October, 2002]

## *AN ORDINANCE*

*to regulate transfusion of safe blood and  
blood products in the Islamabad Capital Territory*

WHEREAS it is expedient to regulate transfusion of safe and healthy blood and blood products free from viruses and infective agents in the Islamabad Capital Territory and to provide for matters connected therewith and incidental thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**- (1) This \*\* Act may be called the Islamabad Transfusion of Safe Blood Ordinance, 2002.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 15th October, 2002, at pages 1309-1315.

\*\* The word should be "Ordinance".

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

- (a) “Authority” means the Islamabad Blood Transfusion Authority established under section 5;
- (b) “blood bank” includes private, Government or Armed Forces blood banks maintained for the purpose of receiving, preserving, storing, analyzing and processing blood and blood products;
- (c) “incharge” means the owner of a blood bank and in case of company or other body corporate; its chief executive or a person declared as such at the time of registration;
- (d) “prescribed” means prescribed by the rules made under this Ordinance;
- (e) “safe blood” means human blood which is healthy and free from human immunodeficiency (HIV), Hepatitis B and C viruses or infective agent like material parasites and *Treponema pallidum* (syphilis) or such other viruses or infective agents as the Federal Government may, by notification in the official Gazette, specify; and
- (f) “Schedule” means the schedule to this Ordinance.

**3. Transfusion of safe blood.-** Every physician, surgeon, medical practitioner or any other person transfusing blood or blood products to any patient shall, before such transfusion, ensure that the blood or, as the case may be, blood products, is healthy and has been certified by the blood bank, as screened for any virus or infection specified in clause (e) of section 2.

**4. Registration of blood banks.-** No blood bank shall receive or supply blood unless it is registered with the Authority and a licence is issued to it by the Authority in the manner and subject to payment of such fee as may be prescribed.

**5. Establishment of Islamabad Blood Transfusion Authority.-** As soon as may be, after the commencement of this Ordinance, the Federal Government may, by notification in the official Gazette, establish an Authority to be known as the Islamabad Blood Transfusion Authority and consisting of such

technical experts in haematology, transfusion medicine, representative of the Armed Forces and from private sector and other stake-holders, possessing such qualification and experience as may be prescribed, by the Federal Government.

**6. Functions of the Authority.-** (1) The functions of the Authority shall be to—

- (a) implement the approved national policy;
- (b) register and issue the licences to blood banks;
- (c) allow renewal of licence issued to blood banks annually on payment of such fee after satisfying that instructions issued by it for safe blood transfusion were being followed by the blood banks;
- (d) prescribe registration and licence fees;
- (e) ensure implementation of the national safety standards;
- (f) fix service charges of the blood and blood products;
- (g) ensure that bio-safety measures specified in the Schedule are strictly adhered to by the blood banks;
- (h) ensure that the blood banks are managed and run by qualified professionals having postgraduate qualifications in blood transfusion or haematology recognized by the Pakistan Medical and Dental Council established under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962); and
- (i) monitor the working of the blood banks and carry out periodical inspections, where necessary.

(2) For furthering the functions of the Authority, the Federal Government, as and when it considers necessary, issue directives to the Authority on matters of Policy, and such directives shall be binding on the Authority. If a question arises whether any matter is a matter of Policy or not, the decision of the Federal Government shall be final.

**7. Appointment of officers and staff.-** (1) To carry out the purposes of this Ordinance the Authority may, from time to time, employ such officers and

servants, or appoint such experts or consultants, as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit.

(2) Within the finances available to it, the Authority shall prepare a permanent Schedule of establishment showing the officers and servants of various categories and submit to the Federal Government which may sanction and approve the same with or without amendment.

**8. Funds of Authority.-** (1) A non-lapsable fund vesting in the Authority known as the "Islamabad Blood Transfusion Authority Funds", to be utilized by the Authority to meet operational charges in connection with its functions under this Ordinance including the payment of salaries and other remuneration and allowances to the persons engaged and employed for the performance of duties and service of the Authority.

(2) The Islamabad Blood Transfusion Authority Fund shall be kept in a scheduled bank and shall be operated according to rules and regulations of the Federal Government.

(3) To the credit of the Islamabad Blood Transfusion Authority Fund shall be placed all funds received by the Authority and the Fund shall consist of,—

- (a) grants made by the Federal Government including an initial grant of two million rupees;
- (b) income from users fees, licence fees and income from supply of blood;
- (c) funds provided by the Federal Government;
- (d) foreign aids, grants and loans negotiated and raised by the Authority with the prior approval of the Federal Government;
- (e) all other sums received by the Authority, such as fees, damages costs, refunds, forfeitures, sale proceeds, lease money, rentals and fines, renewal and fees;
- (f) income from the sale of assets or vehicles; and
- (g) royalty and income from sale proceeds of published research work;

contributions and donations.

**9. Accounts of Authority.-** (1) The Authority shall maintain complete and accurate books of accounts of its actual expenses and receipts in such manner as the Federal Government may, in consultation of the Controller-General of Accounts, determine.

(2) The accounts of the authority shall be audited annually by the Auditor-General Pakistan.

**10. Responsibilities of blood banks.-** Every blood bank shall—

- (a) have a separate department, staff and equipment for the purpose of blood donations and for selection, handling, care and safety of the donors;
- (b) select donors of blood in accordance with the instructions issued by the Authority;
- (c) cause the donated blood and blood products to be screened, examined and tested in accordance with the instructions issued by the Federal Government for detection of any communicable diseases;
- (d) possess equipment required for haemoglobin estimation, blood grouping, cross matching, anti-bodies detection and screening of infectious agents, such as human immunodeficiency, hepatitis viruses, malaria and syphilis;
- (e) equip itself with proper refrigeration of blood and blood products and make arrangements for un-interrupted power supply for refrigeration;
- (f) observe standard operating procedures approved by the Authority and specified in the Schedule;
- (g) not accept blood from professional blood donors; and
- (h) submit periodical reports in respect of donations of the blood received by it with breakup of blood groups, detection of anti-bodies and screening of infectious agents.

**11. Penalty for contravention.-** (1) Any person contravening any provision of this Ordinance shall be punished with imprisonment for a term which

may extend to one year, or with fine which may extend to hundred thousand rupees, or with both.

(2) For purpose of this section, the incharge of a blood bank shall personally be held responsible for any contravention taking place in the blood bank.

**12. Cognizance of the contravention.-** (1) No Court shall take cognizance of any contravention under this Ordinance except on a complaint in writing made by the Chairman of the Authority or a person authorized by him in this behalf.

(2) Notwithstanding anything in the Code of Criminal Procedure, 1898 (Act V of 1898),—

- (a) no court other than a Magistrate of the first class shall try an offence under this Ordinance; and
- (b) it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this Ordinance.

**13. Power to make rules.-** (1) The Authority may, with the prior approval of the Federal Government may by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) Without prejudice to the foregoing powers, such rules may provide for—

- (a) procedure for registration, licensing, renewal of registration of blood banks and fees to be paid for registration, renewal of registration and monitoring of blood Banks;
- (b) quality assurance in maintenance of an effective Anti-HIV, hepatitis-B, hepatitis-C, Malaria, Syphilis and other viruses and infective agents screening;
- (c) standards operating procedures for evolving quality system of blood and blood products;
- (d) safety measures to be adopted in blood banks and laboratories;
- (e) and screening and examination of blood and blood products for detection of infectious agents.



**THE SCHEDULE**

[See section 6(g)]

**BIO SAFETY MEASURES**

- (1) Hands to be washed before and after each procedure, between each patient, before and after using gloves.
- (2) No work inside the laboratory shall be carried with exposed skin, cuts and lesions.
- (3) Blood shall be drawn through new disposable, properly sterilized syringes and needles:
- (4) Blood shall not be pipetted by mouth.
- (5) A freshly prepared solution of 01% sodium hypochlorite should always be available in the blood bank for sterilization of re-usable equipment *e.g.* pipettes, scissors, beakers, flasks and other equipment.
- (6) Needles and other sharp instruments shall always be kept in rigid plastic, glass or metallic containers.
- (7) Needles shall be properly capped.
- (8) Decontaminated material shall be autoclaved or burnt and buried at a scientific landfill site.
- (9) Contaminated laboratory and other clothing be autoclaved before sending them for washing.
- (10) Work surfaces shall be decontaminated with 10% sodium hypochlorite solution, bleach and soap at the end of each day.
- (11) At the end of work, hands shall be washed with soap or disinfectant.

# THE ISLAMABAD CAPITAL TERRITORY AGRICULTURAL PRODUCE MARKETS ORDINANCE, 2002

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**\*THE ISLAMABAD CAPITAL  
TERRITORY AGRICULTURAL PRODUCE  
MARKETS ORDINANCE, 2002**

ORDINANCE NO. CXVIII OF 2002

[11th November, 2002]

*AN ORDINANCE  
to provide for regulation of purchase and sale of  
agricultural products in the Islamabad Capital Territory*

WHEREAS it is expedient to provide for better regulation of purchase and sale of agricultural products and for that purpose to establish markets for agricultural products in the Islamabad capital Territory;

AND WHEREAS the President is satisfied that circumstances exist which renders it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the \*\*Provincial Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance: -

**1. Short title, extent and commencement.-** (1) This Ordinance may be called the Islamabad Capital Territory Agricultural Produce Markets Ordinance, 2002.

(2) It extends to the whole of the Islamabad Capital Territory.

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\* Published in the Gazette of Pakistan, Extraordinary, Part I, dated 11th November, 2002, at pages 1820-1847.

\*\* The word should be "Provisional".

(3) It shall come into force at once.

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

- (a) “agriculture Produce” means:-
- (i) barley and its *atta, sattu, bhusa*;
  - (ii) *bujra* (grains) and its *atta*;
  - (iii) cotton unginned (*phutti*), cotton ginned (lint), cotton waste;
  - (iv) chillies (green, dry and ground);
  - (v) fodders, viz, *senji, lucern, shaftal, berseem, shalgham, guara, chari, bajra, maize, javi, barley, wheat, jowar* (green and dry) and their seeds *methi, metha, swank, oats, ajwain*;
  - (vi) fruits and vegetables (fresh and dry) and their squashes, jams, pickles, cordials, marmalades, chuntnies, sauce, jellies;
  - (vii) firewood and tanning bark;
  - (viii) gram (whole and split) and its *chollia, atta, kera, surri, bura, wanda*;
  - (ix) jute (seed and fibre);
  - (x) *jowar* (grains) and its *atta*;
  - (xi) poultry including turkeys (dressed or otherwise), fish and livestock products, viz, beef, mutton, hides and skins (dry and wet), bones, bone meals, feeds, wool, hair, eggs, cheese, butter, *desi ghee*, milk and curd (*dehi*);
  - (xii) *mehndi* (leaves and powder);

- (xiii) maize (grains), maize cobs (dry and green) and its *atta*, starch, sugar (glucose), gluten, meals and wastes;
- (xiv) oilseeds, viz, cotton seed, linseed, *sarson*, *raya*, *toria*, *taramira*, soyabean, sunflower, til, groundnut, castor, palm and their oils, oil cakes, hulls, meals feeds, vegetable ghee;
- (xv) pulses (whole and split), viz, *moong*, *mash*, *masoor*, *moth*, *raj mash*, *arhar*, *lobia*, gram and other beans;
- (xvi) rice (paddy), rice (cleaned), rice (broken) *phak*, *parali*, hulls, husks (rice silver);
- (xvii) sugarcane and its products, viz, *gur*, *shakkar*, sugar (desi and refined), molasses, sugarcane juice;
- (xviii) tobacco leaves, tobacco cured and its snuff or *naswar* and *guraku*; and
- (xix) wheat and its *atta*, *maida*, *suji*, *dalia*, *starch*, *chokar*, *bran*, *bhusa*;

any other commodity that may hereafter be declared by notification to be agricultural produce for the purposes of this Ordinance;

- (b) 'dealer' means any person who within the notified market area sets up, establishes, uses or allows to be used any place for the purchase or sale of the agricultural produce;
- (c) "Director of Agriculture" means the Director of Agriculture, Industries and Labour Welfare, Islamabad Capital Territory;
- (d) "Deputy Commissioner" means the Deputy Commissioner of the district within the boundaries of which the notified market area concerned is situated;
- (e) "Extra Assistant Director Agriculture" means the Extra Assistant Director of Agriculture concerned;

- (f) "grower" means a person who by himself or through tenants or otherwise grows, rears, produces, manufactures or processes agricultural produce but shall not include a person, other than a member of a society registered under the Co-operative Societies Act, 1912 (II of 1912), who works as a dealer or broker either individually or as a partner of a firm of dealers or brokers or is otherwise engaged in the business or disposal, storage or processing of agricultural produce;
- (g) "Government" means the Federal Government;
- (h) "market" means a building, block of buildings, enclosure or other area which may be so notified in accordance with the rules made under this Ordinance;
- (i) "market committee" means a market committee established under section 7 of this Ordinance;
- (j) "notified market area" any area notified under section 4 of this Ordinance;
- (k) "prescribed" means prescribed by rules or bye-laws made under this Ordinance;
- (l) "Secretary market committee" means the secretary of the market committee concerned;
- (m) "trade allowance" means such allowance as may be prescribed under the rules or may be specified in the bye-laws of a market committee; and
- (n) "warehouseman" includes a person who stores any agricultural produce not belonging to himself and charges rent therefor in any form, from the persons at whose instance the said produce is so stored.

**3. Notification of intention of exercising control over purchase and sale of agricultural produce in specified area.-** Government may, by notification, declare its intention of exercising control over the purchase and sale of such agricultural produce and in such area as may be specified in the notification and such notification shall state that all objections or suggestions,

which may be received by the Deputy Commissioner through Extra Assistant Director of Agriculture within a period to be specified in the notification will be considered:

Provided that such period shall not be less than thirty days from the date of issue of the notification.

**4. Declaration of notified area.-** (1) After the expiry of the period specified in the notification under section 3 and after considering such objections and suggestions as may be received before the expiry of the specified period, the Government may; by notification and in any other manner that may be prescribed declare the area notified under section 3 or any portion thereof to be notified market area for the purposes of this Ordinance and the agricultural produce over which control is to be exercised in that area.

(2) Government may, at any time by notification, declare its intention to exclude any area which is already declared as a notified market area and also to include or re-include any area and in so doing the procedure laid down in section 3 and sub-section (1) of this section shall be followed.

(3) After the date of issue of such notification and on the establishment of market committee under section 7, no local authority, notwithstanding anything contained in any other law entitling such local authority to establish a market and no person for himself or on behalf of the an other person unless exempted by rules made under this Ordinance, shall, within the notified market area, set up, establish or use any place for the purchase or sale of the agricultural produce or purchase such agricultural produce except under, and in accordance with, the terms and conditions of a licence granted under the provisions of this Ordinance:

Provided that a licence shall not be required by a grower who either himself, or through a *bonafide* agent, sells his own agricultural produce or the produce of his tenant or by a person who purchases any agricultural produce for his private or domestic use:

Provided further that in the case of a market committee established for the first time under this Ordinance, no person shall be deemed to have violated this provision if he has made an application to the market committee for grant of a licence.



(4) No person shall, within the market, store, purchase, sell or in any other manner deal in any commodity which is not declared as agricultural produce.

**5. Market committee to issue and renew license.-** Subject to such rules as the Government may make in this behalf, the market committee concerned shall be the authority to issue licence to a dealer under this Ordinance and to renew such a license.

**6. Application for licence fee to be paid and cancellation or suspension of licenses.-** (1) Any person who wishes to work as a dealer in a notified market area may apply on the prescribed form to the market committee concerned for a licence or for the renewal of the licence which shall be granted for such period, in such form, on such conditions and on payment of such fee not exceeding one thousand rupees per annum as may be prescribed:

Provided that no fee shall be charged from a dealer who is a cooperative society registered under the Co-operative Societies Act, 1925 (Sind Act VII of 1925).

(2) License under this Ordinance shall not be granted to a person who-

- (a) is a minor; or
- (b) is found to be of unsound mind by a Court of competent jurisdiction; or
- (c) is a declared insolvent; or
- (d) has been found guilty of criminal misappropriation or criminal breach of trust or cheating or any other offence involving moral turpitude or an abetment of or attempt to commit any such offence by a Court of competent jurisdiction, provided that this disqualification will not operate if a period of three years has elapsed since the completion of the sentence imposed on any person in respect of any such offence.

(3) If any person carrying on business of a dealer in a notified market area on the date of issue of notification under section 4 fails to apply for a licence within thirty days from the date of issue of such notification, the market

committee may refuse to grant him a licence unless he deposits late fee as specified below in cash with the market committee: -

(i)	Up to 3 months	Rs.1,000.00
(ii)	Up to 6 months	Rs.2,000.00
(iii)	Exceeding 6 months	Rs.3,000.00

(4) The market committee may, on being satisfied that there has been a breach of any of the conditions of a license, by an order in writing cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding four months for a first breach and not exceeding nine months for a second or subsequent breach as may be specified in that order:

Provided that no such order shall be passed without giving the licensee an opportunity to show cause within fifteen days from the date of issue of the show cause notice.

(5) Any person aggrieved by an order passed under sub-section (4) may, at any time within one month of the passing of the order, appeal to the Extra Assistant Director of Agriculture of the district against such order. The order of the Extra Assistant Director of Agriculture passed after providing an opportunity of being heard to the appellant, if confirmed by the Director of Agriculture, shall be final.

**7. Establishment of market committees.-** (1) The Government shall by notification establish a market committee for every notified market area.

(2) The market committee constituted and established under the Agricultural Produce Market Act, 1939 (V of 1939) and the Islamabad Capital Territory Local Government Ordinance, 1979 (VI of 1979) shall be deemed to have been constituted under this Ordinance.

**8. Constitution of the market committee.-** (1) A market committee shall consist of ten or seventeen members as Government may in each case determine.

(2) Of these members one may be appointed by Government from amongst the employees of the Agriculture Department.

(3) Subject to such rules as may be made by the Government in this behalf, the remaining members shall be elected from amongst growers, dealers, functionaries under section 10(3) and consumer that is to say: -

- (a) if the committee is to consist of ten members, there shall be elected,-
  - (i) five members from growers of the notified market area concerned;
  - (ii) two members from persons licensed under section 6 and one member from persons licensed under section 10 and working as a weigh man, broker or *palledar* in the notified market area concerned; and
  - (iii) one member from amongst the consumers resident in the notified market area concerned who is not a dealer or a grower;
- (b) if the committee is to consist of seventeen members, there shall be elected,—
  - (i) nine members from growers of the notified market area concerned; and
  - (ii) five members from persons licensed under section 6 and one member from persons licenced under section 10 and working as a weighman, broker or *palledar* from the notified market area concerned; and
  - (iii) one member amongst the consumers resident in the notified market area concerned who is not a dealer or grower;
- (c) for the election, the Electoral college shall be,—
  - (i) in the case of grower members, all the elected members of Union Councils in the notified market area concerned;

- (ii) in the case of dealer members, all the licensees under section 6 of the notified market area concerned;
- (iii) in the case of member in respect of functionaries mentioned in sub-section (3) of section 10, all the licensees under section 10 of the notified market area concerned; and
- (iv) in the case of consumer member elected under clause (i), (ii) and (iii).

(4) If any question arises as to whether any person is or is not a grower for the purposes of this Ordinance the decision of the Director Agriculture shall be final:

Provided that the decision shall not be made without providing an opportunity of being heard to the person to be affected thereby.

(5) No more than one person related to each other as father, son, brother, uncle, brother-in-law, son-in-law and their ascendants and descendants shall be elected as a member of the same market committee.

(6) A person shall be eligible as a member of a market committee for two consecutive terms, but shall not be re-elected thereafter unless two consecutive terms have expired before such re-election.

(7) No act done by a market committee shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the market committee.

**9. Oath of office.-** A member, vice-chairman, chairman shall before taking his seat make and subscribe to an oath in such form as may be prescribed.

**10. Duties of the market committee.-** (1) The market committee shall enforce the provisions of this Ordinance and the rules and bye-law made thereunder in the notified market area and, when so required by the Government, shall establish a market therein providing such facilities for persons visiting it in connection with the purchase, sale, storage, weighing, pressing and processing of agricultural produce as the Government may from time to time direct.

(2) Subject to such rules as Government may make in this behalf, the market committee shall issue licences to brokers, weighmen, measurers, surveyors, warehousemen, changers, *palledars*, *boriotas*, *tolas*, *tokrewalas* for carrying on their occupation in the market area in respect of agricultural produce and to renew suspend or cancel such licences.

(3) No broker, weighman, measurer, surveyor, warehouseman, changer, *palledar*, *boriota*, *tola*, *tokrewala* and *rehriwala* shall unless duly authorized by licence carry on his occupation in a notified marked\* area in respect of agricultural produce.

**11. Period of office of members.-** Subject to the provisions of section 14, every member shall hold office for a period of two years from the date of his making oath of office and if on the expiry of this period no person is elected to succeed him, such member shall, unless the Government otherwise directs, continue to hold office until his successor is elected.

**12. Removal of members.-** The Government may, at any time by notification, after providing him an opportunity of being heard remove any member if such member has, in their opinion, been wrongly or improperly elected or has lost the qualification on the strength of which he was elected or whose continuance as a member in the opinion of Government is not desirable.

**13. Election of chairman and vice-chairman.-** Every market committee shall elect from amongst its members a chairman and vice-chairman:

Provided that a member who is not a grower shall not be eligible for election as chairman:

Provided further a member who is not a grower shall also not be eligible for election as vice-chairman of a market committee consisting of seventeen members.

**14. Vote of no-confidence.-** (1) A chairman or a vice-chairman shall vacate office if a vote of no-confidence is passed against him in the manner prescribed by two-third majority of total number of members of the market committee electing him,

(2) A motion of no-confidence against a chairman or vice-chairman shall not be moved before the expiry of six months from the date of his assumption of the office and a second or subsequent motion shall not be moved

\* The word should be "market".

except with an interval of six months between the first and second motion or any two subsequent motions.

(3) A motion of no-confidence shall not be competent after the expiry of thirty days beyond every interval of six months provided under sub-section (2) and in such a situation it shall be deemed to have been moved and rejected for purposes of sub-section (2):

Provided that a member who is not a grower shall not be eligible for election as chairman.

**15. Filling of vacancies.-** If any vacancy of a member of a market committee occurs due to his death, resignation, transfer or retirement or is caused by the removal of any member in accordance with the provisions of section 12, such vacancy shall be filled in accordance with the provisions of section 8:

Provided that term of office of the member so elected shall expire on the same date as the term of office of the vacating member would have expired had the latter held office or the full period allowed under section 11 unless there be delay in electing a new member to succeed the member first mentioned above in which case it shall expire on the date on which his successor is elected.

**16. Committee to be a corporate body.-** Every market committee shall be a body corporate by such name as the Government may specify in the notification establishing and it shall have perpetual succession and a common seal, may sue and be sued in its corporate name and shall, subject to the provisions of section 28, be competent to acquire and hold property, both moveable and immovable and to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose for which it is established:

Provided that no market committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting specially convened for the purpose by a majority of not less than three-fourth of the members of the market committee:

Provided further that no market committee shall be competent to exercise any power with regard to immovable property without approval or special or general directions of the Government or a person authorized by Government in that behalf.

**17. Sub-committee and its powers.-** (1) The market committee may appoint two or more of its members to be a sub-committee for the conduct of any work or to report on any matter.

(2) The market committee may delegate to, or withdraw from, any one or more of its members, or sub-committee, such of its powers, or duties and in such manner as may be prescribed.

**18. Appointment and salaries of officers and servant of market committee.-** (1) Subject to such rules as may be made by the Government in this behalf, a market committee may employ such persons as may be necessary for the management of the market including seasonal and part-time staff may pay such persons such salaries and wages as it may think fit and shall have power to control, remove and punish them. The market committee may also in such manner as may be prescribed, grant to its employees such leave, allowances, pensions, gratuities or compassionate allowances as it deems proper; and may contribute to any provident fund which may be established for the benefit of such employees.

(2) The Government may constitute a market committee employees cadre for such employees and on such terms and conditions of service as may be prescribed.

(3) Subject to such rules as may be made by the Government, every employee of a market committee shall be liable to be transferred for service in any market committee of the Islamabad Capital Territory.

(4) The committee shall, in the case of any Government servant whom it employs, pay to Government such contribution towards pension and leave allowances of such servant as may be payable under the regulations applicable to that Government servant.

**19. Employees to be deemed to be public servants.-** Every person employed by a market committee and every member thereof shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

**20. Execution of contracts.-** (1) Every contract entered into by a market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two members or, if for any reason, the chairman is unable to act, by the vice-chairman and two members of the market committee and shall be sealed with the common seal of the market committee.

(2) No contract other than a contract executed in the manner provided in sub-section (1) shall be binding on a market committee.

**21. Levy of fees.-** A market committee may, subject to such rules as may be made by Government in this behalf levy fees, not exceeding the maximum rates prescribed, on the agricultural produce bought or sold by or through a dealer in the notified market area.

Provided that no fee shall be leviable—

- (a) in respect of any transaction in which delivery of the agricultural produce bought or sold is not actually made;
- (b) on a person who is not a party to a transaction; and
- (c) in respect of any subsequent transaction of sale or purchase within the same notified area of an agricultural produce extracted after being subjected to manufacturing processing.

**22. Market committee funds.-** (1) All moneys received by a market committee shall be deposited into a fund to be called the market committee fund. All expenditure incurred by a market committee under or for the purposes of this Ordinance shall be defrayed out of the said fund and any surplus remaining after meeting such expenditure shall be invested in such manner as may be prescribed.

(2) Every market committee shall, out of its fund, pay to the Government the cost of any special or additional staff employed by the Government in consultation with the market committee for giving effect to provisions of this Ordinance in the notified market area.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more market committees than one, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

(4) Every market committee shall, out of its fund pay to the Government such percentage of its income as may be prescribed to be credited to a fund maintained and operated upon by the Government for purposes common to or in the overall interests of the market committees.



**23. Purposes for which the fund may be expended.-** Subject to the provisions of section 22 the market committees fund shall be expended for the following purposes only, namely:-

- (a) acquisition of land for the establishment of market or markets;
- (b) maintenance and improvement of the markets including construction of storages, platforms small pullies, culverts and roads;
- (c) construction and repair of buildings which are necessary for the purposes of establishing such markets and for the health, convenience and safety of the persons using them;
- (d) collection and dissemination of information regarding all matters relating to marketing in respect of the agricultural produce and propaganda in favour of agricultural improvement and thrift;
- (e) providing comforts and facilities such as light, sanitation, shelter, shade, parking, accommodation and water for the persons draught cattle, vehicles and pack animals coming to the market and similar other purposes;
- (f) provision of facilities such as cleaning sets, plants for grading, standardization, packing and processing of agricultural produce;
- (g) construction of cold storages, warehouses and godowns for the benefit of growers;
- (h) establishment of feeder markets;
- (i) provision and maintenance of standard weights and measures;
- (j) pay, leave, compassionate and medical allowances, gratuities, pensions, honoraria and contributions towards leave allowances or provident fund of the persons employed by market committee;

- (k) payment of interest on loans that may be raised for purposes of the market and the provision of sinking fund in respect of such loans.
- (l) expenses incurred in auditing the account of market committee;
- (m) payment of traveling allowances to the members and employees of market committees and members of the Board of Arbitrators as prescribed;
- (n) payment of allowances and honoraria to the Administrator of the superseded market committee;
- (o) contribution towards the market committees fund subject to rules framed thereunder;
- (p) payment of property tax and house tax;
- (q) payment of other taxes as covered by appropriate Act or Ordinance;
- (r) engagement of a lawyer;
- (s) subject to previous sanction of the Government -
  - (a) purchase of load carrying vehicles for bringing agricultural produce of farmers to the market; and
  - (b) agricultural implements and machinery to be distributed amongst growers of the market area;
- (t) holding of agriculture *melas*, fairs, exhibitions and shows for agriculture publicity and propaganda amongst farmers for improved production;
- (u) advance of loans on interest to other market committees in the district for carrying out development projects with the previous sanction of the Government;
- (v) training of members and staff of market committees and members of the Board of Arbitrators;

- (w) purchase or sale of essential agricultural commodities;
- (x) any other purpose that may be declared by notification by the Government for improvement of agriculture and agricultural marketing, which is calculated to promote the general interest of the farmer; and
- (y) for the conduct of elections.

**24. Levy of surcharge on loss.-** (1) Every person shall be liable for the loss, waste or misappropriation of any money or property belonging to a market committee, if such loss, waste or misappropriation is proved to the satisfaction of the Deputy Commissioner or any other officer specially empowered in this behalf to the Government to be the direct consequence of such person's neglect or misconduct in the performance of his duties while being a member of the market committee.

(2) The person against whom an order under sub-section (1) is made may within one month of the issue of such order, appeal to the Government, which shall have the power of confirming, modifying or setting aside the order.

**25. Trade allowance.-** No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Ordinance shall be made or received in a notified market area by any person in any transaction in respect of agricultural produce and no civil court shall, in any suit or proceeding arising out of any such transaction recognize any trade allowance not so prescribed.

**26. Board of Arbitrators.-** (1) The Government may, by notification, direct that all or any of the disputes, other than a dispute to which all the parties are dealers, arising in notified market area, and relating to such matters connected with agricultural produce as may be prescribed shall be referred to a Board of Arbitrators constituted under this Ordinance in such manner, for such period and subject to such provisions as may be prescribed.

(2) The Board shall receive and record evidence and shall have power to administer oaths to parties and witnesses and on requisition in writing signed by the Chairman of the Board, the Magistrate authorized by the District Magistrate in this behalf shall issue necessary processes for the attendance of witnesses and the production of documents and material objects required by the Board and may enforce the said processes as if they were processes for attendance and for production before himself.

(3) No member of the Board, who has a direct interest in the matter under reference shall take part in the consideration or discussion of, or vote on any question with respect to the said matter.

(4) The decision of the Board of Arbitrators shall be in accordance with majority of votes.

(5) If a majority of votes is not in favour of any proposed decision, the opinion of the Chairman of the Board shall prevail.

(6) The decision of the Board of Arbitrators shall, -

(a) be enforced by a civil court having jurisdiction as if it were a decree of that court; and

(b) be final and shall not be questioned in any Court.

**27. Bar on suit in absence of notice.-** (1) No suit shall be instituted against any market committee or any member or employee thereof or any person acting under the direction of any such market committee, member, or employee for anything done or purporting to be done under this Ordinance, until the expiration of two months next after a notice in writing stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a market committee, delivered or left at its office and in the case of any such member, employee or person as aforesaid, delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered, or left:

Provided that if any such suit is filed without delivering or leaving such notice as aforesaid or before the expiration of the said period of two months or where the plaint does not contain a statement that such notice has been so delivered or left the plaintiff, shall not be entitled to any cost.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the cause of action.

**28. Power to borrow.-** (1) A market committee may, with the sanction of the Government raise money required for carrying out the purposes for which it is established on the security of any property vested in and belonging to the market committee and of any fees leviable by the market committee under this Ordinance.

(2) A market committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing a market, and for the proper discharge of the duties and functions imposed on it by or under this Ordinance, obtain a loan from the Government or from any other market committee on such conditions, and subject to such rules as may be prescribed.

**29. Power annual proceedings.-** (1) The Government may, by order in writing call for the record and annul any proceeding of a market committee or its sub-committees which it considers not to be in conformity with law or rules or bye-laws and may do all things necessary to secure such conformity or may suspend any resolution which it considers likely to lead to breach of peace or to cause injury or annoyance to public or to any class or body of person, or is likely to affect adversely the interest of the market committee or of growers or dealers transacting business in agricultural produce or of any class of functionaries working in the notified market area:

Provided that no action under sub-section (1) shall be taken by the Government without providing an opportunity of being heard to the market committee or its sub-committee.

(2) An officer authorized by Government may, by order in writing, suspend within the limits of the notified market area, the execution of any resolution or order of a market committee or its sub-committee or prohibit the doing within those limits of any act which is being done or is about to be done in pursuance of or under cover of this Ordinance or any rule or bye-law made thereunder, if in his opinion the resolution, order or act is in excess of the powers conferred by law or is likely to lead to breach of peace or to cause injury or annoyance to public or to any class or body of persons, or is likely to affect adversely the interests of the market committee or growers or dealers transacting business in agricultural produce or of any class of functionaries working in the notified market area concerned.

(3) The officer making an order under this section, shall forthwith forward a copy thereof, with a statement of his reasons for making it and the explanation, if any, of the market committee concerned, to the Government who may thereupon rescind the order or direct that it shall continue in force with or without modification, permanently, or for such period as it thinks fit.

**30. Supersession of market committee.-** (1) If, in the opinion of the Government a market committee is incompetent to perform or persistently makes default in performing the duties imposed on it by or under this Ordinance or

abuses its powers, the Government may, by notification supersede such committee:

Provided that before issuing a notification under this sub-section the Government shall give a reasonable opportunity to the market committee for showing cause against the proposed supersession and shall consider the explanations and objections, if any, of the market committee.

(2) Upon the publication of a notification under sub-section (1) the following consequences shall ensue—

- (a) all the members including the Chairman and Vice Chairman of the market committee shall, as from the date of such publication, be deemed to have ceased to be members of the market committee; and
- (b) all assets of the market committee shall vest in Government and the Government shall be liable for all the legal liabilities of the market committee subsisting at the date of its supersession up to the limit of the said assets.

(3) The Government may, at its discretion, by order, constitute either a new market committee as provided under section 7 or such other authority for the carrying out of the functions of the market committee as the Government may deem fit.

(4) When the Government have made an order under sub-section (3) the assets and liabilities defined in clause (b) of sub-section (2) vesting in the Government at the date of such order shall be deemed to have been transferred on the date of such order to the new market committee or authority constituted as aforesaid.

(5) Where the Government, by order under sub-section (3), have appointed an authority other than a new market committee for the carrying out of the functions of the superseded market committee, the Government may by notification determine the period not exceeding ninety days for which such authority shall act:

Provided that the term of office of such authority may be terminated earlier if the Government for any reason considers it necessary.

(6) At the expiry of the term of office of such authority, a new market committee shall be constituted.

(7) Upon such an order being made the assets and liabilities vesting in the authority thereby superseded, shall be deemed to have been transferred by such order to the new market committee.

(8) Whenever the assets of a market committee vest in the Government and no new market committee or authority is appointed in its place, the Government shall employ the balance of the assets remaining after the discharge of the subsisting legal liabilities of the said market committee for any object of public utility in the area specified in the notification issued under sub-section (1) of section 4.

**31. Dissolution of the market committees.-** (1) Notwithstanding anything contained in the Ordinance, where a general election to the National assembly is announced and the Government is satisfied that it is in the public interest to prevent the Market Committees from using their funds or influence for political purposes, the Government may, by notification, dissolve the market committee.

(2) On the publication of the notification under sub-section (1)—

- (a) all the members including the Chairmen and Vice-Chairmen of the market committees shall, as from the date of such publication, cease to be members of the market committee;
- (b) all powers and functions of the market committees shall be exercised and performed by such officer as the Government may appoint in this behalf as Administrator; and
- (c) all assets of the market committees shall vest in the Government and the Government shall be liable for all the legal liabilities of the market committees subsisting on the date of their dissolution upto the limit of the said assets till such time new market committees are constituted under section 8.

(3) The market committees dissolved under sub-section (1) shall be reconstituted as soon as possible after the constitution of the Federal Cabinet as a result of the said general election.

**32. Acquisition of land.-** Where any land is required by a market committee for carrying out any of its functions under this Ordinance, it shall obtain the prior approval of the Government before approaching the collector of the district concerned for acquisition of land under the Land Acquisition Act, 1894 (I of 1894).

**33. Encroachments.-** (1) If any person makes an encroachment, moveable or immovable on over or under a road, drain, *thara* or open space belonging to a market committee without its written permission, the market committee, in addition to instituting criminal proceedings against him, may, by notice, require the person responsible for any such encroachment to remove the same in a period of seven days, and if the encroachment is not removed within such period the market committee may cause the encroachment to be removed through its own agency, and the cost incurred thereon by the market committee shall be recoverable as arrears of land revenue:

Provided that no action shall be taken without providing an opportunity of being heard to the person to be affected thereby.

(2) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or caused to be removed under this section.

**34. Training institute.-** (1) The Government may set up a training institute for the training of members and the staff of market committee dealers, processors and other market functionaries and for the promotion of research in agricultural marketing and allied subjects and may by rules provide—

- (a) for the administration of training institute;
- (b) for the compulsory training of members and staff;
- (c) for the courses to be studied; and
- (d) for the holding of examinations and the award of diplomas and certificates to successful trainees.

(2) Every market committee shall pay towards the cost and maintenance of the institution set up under sub-section (1) such amount as the Government may from time to time determine.



**35. Recovery of dues.-** (1) All sums due from a market committee to the Government may be recovered in the same manner as arrears of land revenue.

(2) Any amount due to a market committee shall be recoverable as arrears of land revenue.

**36. Emergency powers.-** If at any time Government is satisfied that a situation has arisen in which the purposes of this Ordinance cannot be carried out in accordance with the provisions thereof, Government may by notification—

- (a) declare that the functions of the market committee shall, to such extent as may be specified in the notification, be exercised by Government or such officer as it may direct; and
- (b) assume to itself all or any of the powers vested in or exercisable by any market committee; and such notification may contain such incidental and consequential provisions as may appear to Government to be necessary or desirable for giving effect to the objects to the notification.

**37. Penalties.-** (1) Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand rupees and in case of a continuing contravention, with a fine which, in addition to such fine as aforesaid may extend to one hundred rupees for every day, after the date of first conviction, during which the contravention is continued.

(2) Whoever contravenes the provisions of sub-section (3) of section 10, shall be punishable with fine which may extend to one hundred rupees and in the case of continuing contravention with fine which, in addition to such fine as aforesaid, may extend to ten rupees for every day, after the date of first conviction, during which the contravention is continued.

(3) Whoever contravenes the provisions of section 21 and 25 shall be punishable with fine which may extend to one thousand rupees.

**38. Power to make rules.-** (1) The Government may, either generally or specially for any notified market area or areas, make rules consistent with this Ordinance, for carrying out all or any of the purposes thereof.

(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) election and removal of members of market committees;
- (b) power to be exercised and the duties to be performed by the market committees;
- (c) election of the Chairman and Vice-Chairman of market committees and their powers and term of office;
- (d) filling of casual vacancies in the office of members or in the office of Chairman or Vice Chairman of market committees;
- (e) time, place and manner in which a contract between buyer and seller is to be entered into and money is to be paid to the seller;
- (f) management of the market, maximum fee which may levied by market committees in respect of agricultural produce bought or sold by licensees in the notified market areas; and the recovery and disposal of such fee;
- (g) issuance by market committees of licenses to brokers, weighmen, measurers, surveyors, warehouseman, changers, *palledars*, *boriotas*, *tolas tokrawala* and *rehriwalas* the form in which and the conditions under which, such licenses shall be issued or renewed and the fee if any to be charged thereof;
- (h) the place or places at which agricultural produce shall be weighed, the kind and description of the scales, weights and measures which alone may be used in transaction in agricultural produce in a notified market area;
- (i) inspection, verification, regulation, correction and confiscation of scales, weights and measures in use in a notified market area;

- (j) trade allowances which may be made or received by any person in any transaction in agricultural produce in a notified market area;
- (k)
  - (i) constitution, powers and functions of Board of Arbitrators;
  - (ii) procedure to be followed by Board of Arbitrators in the disposal of references under this Ordinance;
  - (iii) transfer of matters and cases from one Board of Arbitrators to another and the transfer of money in such cases;
  - (iv) representation in proceedings before Board of Arbitrators of parties who are minors or of unsound mind or are unable to make an appearance;
  - (v) regulation of the scale of costs which may be allowed in proceedings before a Board of Arbitrators;
  - (vi) prescribing and determining the amount of the fee payable in respect of any proceedings before a Board of Arbitration; and
  - (vii) maintenance, by Board of Arbitrators, of registers and records of proceedings before such Board and for the inspection of such registers and records;
- (l) prohibition of brokers from acting in the same transaction on behalf of both the buyer and the seller of agricultural produce;
- (m) provision of accommodation for storing any agricultural produce brought into the market;
- (n) preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of market committees, and the grant of sanction to such plans and estimates;

- (o) form in which the accounts of a market committee shall be kept, audit and publication of such accounts and the charge if any to be made for such audit;
- (p) management and regulation of provident fund which may be established by a market committee for the benefit of its employees;
- (q) preparation and submission for sanction of annual budget reports and returns to be furnished by a market committee;
- (r) investment and disposal of surplus funds of market committees;
- (s) prescribing any matters in respect of which fee shall be payable under this Ordinance, and fixing the amount of such fee and the mode of payment and recovery thereof;
- (t) exemption of persons or classes of persons from the obligation of obtaining licenses under section 6;
- (u) traveling expenses that may be paid to the members and employees of market committees;
- (v) settlement of any question as to whether any person is or is not in power;
- (w) appointment of members of market committee;
- (x) submission of a panel of growers non-official members and persons licensed under section 6 and 10;
- (y) imposing on persons licensed under section 6, the duty of making return to market committee at regular intervals of transactions of sale and purchase affected by them, or at their place of business and of producing accounts for inspection and furnishing information when called upon by an authority duly empowered and prescribing the form and mode of verification of, and the particulars to be entered in such returns as well as the nature of such information; and

- (z) (i) conditions of service of the employees of market committees and their grades of pay;
- (ii) schedule of the staff that may be employed by the market committees;
- (iii) rules to be followed in making appointments to various posts under market committees and their appointing authorities;
- \* (iii) method for the holding of inquiries in disciplinary cases against servants of market committees, penalties to be imposed and appeals against orders imposing penalties; and
- \*\* (iv) matters relating to transfer, retirement, training pension, gratuities, medical aid, travelling and other allowances, leave, conduct of servants, terms and conditions.

(3) The Islamabad Capital Territory Agricultural Produce Markets Rules, 1940, shall remain operative to the extent they are consistent with this Ordinance till such time new rules are made under this Ordinance.

**39. Bye-laws.-** (1) Subject to this Ordinance and rules made by the Government under section 38, a market committee may in respect of the notified market area under its management, make bye-laws for,-

- (a) regulation of business;
- (b) conditions of trading;
- (c) delegation of powers, duties and functions of sub-committees if any, provided by section 17;
- (d) remunerations of different functionaries and specifically mentioned in this Ordinance working in the notified market area and rendering any service in connection with the sale or purchase of agricultural produce;
- (e) appointment and punishment of its employees ; and

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\* The clause should be "(iv)".

\*\* The clause should be "(v)".

(f) such other matters as are in the opinion of the Government necessary or expedient to be provided for; and may provide that contravention thereof shall be punishable on conviction with a fine which may extend to rupees five hundred.

(2) The power to make bye-laws under this Ordinance is subject to the condition of the bye-laws being made after the previous publication, in such manner as may be prescribe.

(3) The bye-laws shall be submitted to the Government for confirmation and shall not be valid unless and until approved by the Government.

(4) The Government may modify the bye-laws or return the same to the market committee for reframing.

(5) The bye-laws as approved by the Government, shall be published in the official Gazette and shall take effect from the date of such publication.

(6) The Government may cancel the bye-laws of market committee and thereupon the bye-laws shall cease to have effect.

**40. Trial of offences.-** (1) No offence punishable under this Ordinance or any rule or bye-laws made thereunder shall be tried by a Court not inferior to that of Magistrate of the First Class.

(2) Prosecutions under this Ordinance may be instituted by a person duly authorized by a resolution of the market committee in this behalf.

(3) All fines recovered shall be credited to the market committee fund.

(4) A market committee may by a resolution compound any offence and may exercise this power at any time before directing prosecution, or where a prosecution has been instituted before the case is finally disposed of by the trial Court.

**41. Authorities and officers.-** Notwithstanding anything contained in this Ordinance, all authorities and all officers who immediately before the commencement of this Ordinance were exercising functions of market committees under any other law shall continue to exercise their respective functions under this Ordinance till the market committees are re-constituted:

Provided that the Government may withdraw all or any of the functions from such authorities or officers as it may deem necessary.

# **<sup>1</sup>THE ISLAMABAD CAPITAL TERRITORY COOPERATIVE SOCIETIES ELECTION RULES, 2004**

[6th May, 2004]

**No. I(19)-Law/2004.-** In exercise of the powers conferred by Section 71 of The Cooperative Societies Act, 1925 (Act VII of 1925) read with Presidential Order No. 18 of 1980, Islamabad Capital Territory Administration Order 1980 and all powers enabling him in that behalf, the Chief Commissioner, Islamabad Capital Territory is pleased to enforce the following rules for election of the Managing Committees of the Cooperative Societies in the Islamabad Capital Territory.

## **1. SHORT TITLE**

The instant rules may be called "The Islamabad Capital Territory Cooperative Societies Election Rules, 2004".

## **EXTENT**

The instant rules shall apply to the election of the Managing Committees of the Cooperative Societies registered with the Cooperative Societies Department, Islamabad Capital Territory, Islamabad under Section 10 of The Cooperative Societies Act, 1925.

## **COMMENCEMENT**

The instant rules shall come into force with immediate effect.

## **2. DEFINITIONS**

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part III, Islamabad, dated 10th May, 2004, at pages 1333-1350.

- (i) in the instant rules, unless the context otherwise requires, the words and expressions used shall have the same meanings assigned to them in the Cooperative Societies Act 1925 and the Cooperative Societies Rules 1927 and the following are defined as:
- (a) "Act" means The Cooperative Societies Act 1925
  - (b) "Rules" means The Cooperative Societies Rules 1927.
  - (c) "Instant Rules" means The Cooperative Societies Election Rules 2004.
  - (d) "Election Commission" means the Election Commission of the Society to be constituted under the instant rules.
  - (e) "Candidate" means any member of a Society meeting the criteria laid down in sub-rule 2 (i) (g) and rule 3 below and desiring to contest the election of the Committee of the society.
  - (f) "Voter" means the person entitled to cast vote for the election of the Committee under the instant rules.
  - (g) "Member" for the purposes of the instant rules means a member of a Society who is either a plot holder in the Society or has deposited at least one installment for a plot in the Society.
  - (h) "Authority" means Registrar Cooperative Societies or any other person or employee of the Provincial Government declared as such.
  - (i) Committee for the purposes of the instant rules means Managing Committee of the Society.
  - (j) Term for the purposes of the instant rule mean the term of the Committee of the Society.



- (k) Gender: The pronoun “he” and its derivatives for the purposes of the instant rules refer to any person whether male or female.
- (ii) Expressions used but not defined in the instant rules but defined in the Act or the Rules shall have the meanings respectively assigned to them in the Act or the Rules as the case may be:

### **3. ELIGIBILITY FOR CONTESTING THE ELECTIONS**

No person shall be eligible to contest the election to become an office bearer of the Managing Committee of the Society who:—

- (a) is under 18 years of age;
- (b) has been declared insolvent or has applied for the same or is found to be acting in such a manner or is legally disabled to contract;
- (c) has been declared of unsound mind;
- (d) has been sentenced by a criminal court for an offence punishable with imprisonment of not less than 6 months or the offence involving moral turpitude and such sentence has not been subsequently reversed or quashed by any superior court.
- (e) has been made subject to any action by the Authority under the provisions of the Act or the Rules made thereunder or the instant rules unless relieved or discharged from the liability by the Authority competent to do so.
- (f) holds any office of profit under the Society or is related to any such person or has entered into any contract with the Society for monetary benefit in any manner whatsoever or is related to such person.

*Explanation.*— For the purpose of this rule, a person shall be deemed “related” to the other, if he is either related to such person through a common ancestor not more than a grandfather (paternal or maternal), or is married to the person or a person who is so related to such other person.

- (g) is defaulter to the Society

*Explanation.*—For the purpose of this rule, defaulter means a person who has failed to pay any amount or installment payable towards the Society being member of the same or otherwise unless he clears his liability to the satisfaction of the Authority.

- (h) acts for the society for any honorarium or profit or salary or is a borrower of the society unless he has cleared his liability or has relinquished the position for a period of at least 2 years immediately preceding the schedule for the elections.

- (i) has ceased to be a member of the Society under its registered bye-laws.

*Explanation.*—“Registered” includes registered after any amendment required by the Authority as per law relating to the Cooperative Societies.

- (j) loses his interest in the colony of the Society by way of sale etc. or otherwise.

- (k) does not meet the criteria of membership laid down in sub-rule 2 (i) (g) of the instant rules.

- (l) has remained an office bearer of the Society for a term unless again nominated by at least 10% members of the Society meeting the criteria laid down in sub rule 2(i) (g) ante.

*Explanation.*—This clause is meant to create an additional measure to protect the interests of the members of the Society from its office bearers whose performance is not up to the mark or who intend to remain affiliated with the affairs of the Society for their Personal/ ulterior motives.

- (m) Being an office bearer of the existing Committee of the Society accounts for all of the affairs of the Society in black and white before the Circle Registrar in order to contest the election of the committee of the Society for the second time or more.

**4. Eligibility to cast vote**

Any member of the Society meeting the criteria laid down in sub rule 2 (i) (g) ante shall be eligible to cast vote in the election of the Committee of the Society.

**5. Election Commission**

- (i) The term of a Managing Committee of the Society shall be 3 years.

*Explanation.*— (1) For the purposes of the instant rules, if the term of a Committee of the Society is likely to expire before next 120 days of the date of enforcement of the instant rules, the term of the Committee shall be deemed to be so extended so as to make it 120 days.

- (2) The term of 3 years shall be construed from the date on which the election of the Committee is held.

- (ii) An Election Commission shall be constituted by the Authority to hold election of the Committee at least 90 days prior to the expiry of its term. It shall consist of an Election Commissioner from the Cooperative Societies Department of the ICT Islamabad and two members from amongst the members of the Society meeting the criteria laid down in sub rule 2 (i) (g) ante. The members of the Commission shall be other than the existing office bearers of the Society and the candidates contesting the election and shall act under the direction of the Election Commissioner in all matters relating to the election.

*Explanation.*—If a member of the Election Commission opts to contest the election and file his nomination papers or otherwise declines from the membership of the Commission, he shall immediately cease to be a member of the Election Commission in which case any other member of the Society shall be substituted in his place by the Authority.

- (ii) The Election Commission shall make all arrangements for the election.

- (iv) The election programme alongwith instructions shall be conveyed to all the members of the Society through a general circular to be delivered by Registered Post A.D and through a National Daily (Newspaper) at least 60 days before the expiry of the terms of the Committee of the Society. The programme shall specify all details relating to the election (Annexure-A I-3).
- (v) It shall be the duty of the committee of the Society to provide the original/attested record of its membership to the Circle Registrar 90 days before the expiry of its term *i.e.* before the constitution of the Election Commission for the Society. The record shall also indicated the members meeting the criteria laid down in sub rule 2 (i) (g) ante.

#### **6. Nomination Papers**

- (i) Nomination papers in the forms to be specified by the Election Commission shall be made available to all members of the Society at its office.
- (ii) The number of vacancies to be filled shall also be intimated to the members of the society meeting the criteria laid down in sub rule 2 (i) (g) ante alongwith the election programme in the manner as mentioned in sub rule 5(iv) ante.

#### **7. Scrutiny and withdrawal of nomination papers**

- (i) The candidates desiring to contest the election shall file their nomination papers duly filled, proposed and seconded by the members of the Society, meeting the criteria laid down in sub rule (2) (i) (g) ante at least 45 days before the end of the term of the Committee of the Society. In case an office bearer of the Committee is desirous of contesting the election for the second time or more then his nomination papers shall be supported by at least 10% membership of the Society, meeting the criteria laid down in sub rule 2 (i) (g) ante.

*Explanation.*—An office bearer of the Committee desiring to contest election for second time or more shall be having sufficient time to obtained support of 10% members of the

Society meeting the criteria laid down in sub rule 2 (i) (g) ante as he will not only be aware of the instant rules in this regard but also will be in touch with the election process since it inception.

- (ii) All nomination papers filed under sub-rule 7(i) shall be scrutinized and verified by the Election Commission with such assistance as it may deem necessary, in the manner prescribed in sub-rule 5(iv) ante. The result of verification shall be announced in the presence of the candidates or their duly nominated representatives and a final list of the validly nominated candidates shall be circulated in the manner prescribed in Rule 5(iv) ante at least 30 days prior to the end of the term of the Society (Annex-II).

*Explanation.*—The process of announcement adopted by way of Registered Post and National Daily (Newspaper) for the purposes of the instant rules with due record available in the Circle Registrar Office shall be sufficient proof of the compliance with the requirements of the instant rules or to acquaint the members with a fact/act/omission.

- (iii) All candidates shall submit election process fee to the Election Commission at the rate determined by it alongwith their nomination papers as mentioned above.
- (iv) an appeal against the rejection or acceptance of the nomination papers shall be preferred to the Authority within 5 days of the rejection of the papers and his decision thereon shall be final.
- (v) The validly nominated candidates may withdraw their candidature by giving written intimation to the Election Commission in this respect at anytime before 20 days of the expiry of the term of the Committee of the Society.
- (vi) The final list of the candidates after the withdrawals under sub-rule 7(v) ante etc. shall be placed on the Society's notice board by the Election Commission 15 days before the expiry of the term of the Committee of the Society.

*Explanation.*—In case of any casual (Public or Local) holiday, the very next working day shall be deemed to be

included in the limitation prescribed for any act/omission in the instant rules.

## **8. Admission to the polling station**

- (i) Admission of each voter to the polling station shall be regulated through the Society's membership slips and National Identity Cards of the Members/voters. Each voter shall enter his name, membership number, I.D. Card number and signatures in token of his attendance and participation in the election on the Register meant for marking attendance of the voters during the hours on the day of voting fixed by the Election Commission (Annex-V).

*Explanation.*—The register kept for recording the election process of each Society shall be printed, bound and its pages shall be serially numbered. Each page of the register shall be signed by the Registrar or his duly authorized nominee (Annex-I to V).

- (ii) Ballot paper shall be issued to each individual voter by the Election Commissioner on the day of election after verification of the voter's antecedents through the documents mentioned in rule 8(i) ante.
- (iii) Votes shall be cast by the voters during the hours on the day fixed for voting and announced by the Election Commission in the Election Programme.

## **9. Quorum**

- (i) A general meeting shall be held before voting by the members of the Society in attendance, at the time and the place on the day specified by the Election Commission for the election in the aforesaid election programme.
- (ii) The quorum for the general meeting to elect the office bearers of the Society shall be at least 15% of the total membership of the Society in accordance with sub-rule 2(i) (g) ante.
- (ii) In case of lack of quorum, the election shall be repeated on some subsequent date. In this regard, intimation to the

members of the Society as aforesaid shall be made in the manner as required and prescribed by sub-rule 5(iv) of the instant rules.

- (iii) In case of a subsequent election, the result regardless of the requirements as to the quorum as laid down in rule 9(iii) ante shall be final unless the Authority decides, for good reasons, otherwise.

#### **10. Mode of Election**

Election shall be held by secret ballot in Islamabad at any convenient place arranged by the Election Commission. The right of vote shall be exercised by the voters in person on the day, time and the premises fixed and announced by the Election Commission in the Election Programme.

#### **11. Ballot papers**

The Ballot papers shall be in such form as may be specified by the Election Commission and shall bear the seal of the Society and the Circle Registrar before distribution to the voters.

#### **12. Other Issues**

All other questions relating to the conduct of elections shall be decided by the Election Commissioner in accordance with the Act, the Rules, and the instant rules and the decision of the Election Commissioner shall be final (Annex-III).

#### **13. Result of the Elections**

Candidates obtaining the largest number of votes shall be declared as elected and in case of equality of votes between two or more candidates, the Election Commission shall decide the matter by a draw to be conducted in presence of the candidates or their duly nominated representatives (Annex-IV).

#### **14. Appeal.**

- (i) An appeal by a candidate or a member, as the case may be, shall lie with the Authority within 5 days of the decision of the Election Commission in respect of:—
  - (a) Qualification or disqualification of a candidate.
  - (b) Eligibility of a member.

- (c) Election procedure.
  - (d) Result of the Election.
  - (e) Any other issue relating to the election.
- (ii) The decision of the Authority, on appeal, shall be final and conclusive.
  - (iii) The decision of the Authority declaring the election of any member or members as invalid shall not affect the business conducted by the Committee with the participation of such member or members, during the pendency of the appeal, unless in the opinion of the Authority, the same prejudices the interest of the members or the Society or defeats any provision of the law relating to the Cooperative Societies.
  - (iv) Re-election of any member or members of the Society shall be made in accordance with the procedure laid down above.

#### **15. Saving**

- (i) Bye laws of all Societies shall be amended in accordance with the instant rules within 30 days of the date of their enforcement.
- (ii) Any act or omission on the part of the Election Commission not defeating the ends of justice shall be considered merely an irregularity and not illegality unless declared so by the Authority.
- (iii) Nothing contained in the instant rules shall apply to the Committee of a newly constituted Society unless it has completed or is likely to complete its first term at the commencement of the instant rules.



**ELECTION PROGRAMME**

*See Rule 5 (IV)*

Name of the Society: \_\_\_\_\_

1. Election Commission Constituted *vide* No. \_\_\_\_\_ dated \_\_\_\_\_  
by the Authority consists of:

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

2. Intimation of the election to the members uptill \_\_\_\_\_

3. Filing of nomination papers uptill \_\_\_\_\_

4. Result of verification of nomination papers uptill \_\_\_\_\_

5. Filing of appeals against rejection or acceptance of nomination papers uptill: \_\_\_\_\_

6. Withdrawal of candidature uptill: \_\_\_\_\_

7. Affixation of final list of the candidates in Society's office uptill: \_\_\_\_\_

8. Date of Election: \_\_\_\_\_

9. Time of the Election: \_\_\_\_\_

10. Place of the Election: \_\_\_\_\_

11. Inception time: \_\_\_\_\_

12. Time of the General Meeting of the Members: \_\_\_\_\_

13. Quorum: \_\_\_\_\_

14. Members Eligible to

participate in the Election: \_\_\_\_\_

15. Next date of Election  
(in case of lack of quorum): \_\_\_\_\_

16. Closing time: \_\_\_\_\_

17. List of vacancies : (a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

(e) \_\_\_\_\_

(f) \_\_\_\_\_

(g) \_\_\_\_\_

18. Election process fee: \_\_\_\_\_

**ELECTION INSTRUCTIONS**

1. No voter shall be allowed to cast vote if he does not bring his Identity Card and the Society's membership slip.
2. Only those members of the Society are eligible to cast vote who are either plot holder or have paid at least one installment of a plot in the Society.
3. In case of any casual holiday including public local ones, next working day shall be the day for any act omission mentioned in the Election Schedule.
4. In the matters relating to the election, decision of the Election Commissioner shall be final.
5. Appeal on any issue relating to the election may be filed before the Authority within 5 days after the election.
6. In case of lack of quorum, the election shall be repeated, in which case, only date, time and the place of the election shall be intimated only to the members eligible to cast vote.
7. Quorum for election is attendance of 15% membership eligible to cast vote, in the general meeting, on the day, time and place of the election.
8. Existing office bearers of the Committee of the Society who are desirous of contesting the election for 2nd time or more, are required to show support of nomination by at least 10% membership of the Society meeting the criteria laid down in sub rule 2(1) (g) of the Cooperative Societies Election Rules 2004, at the time of filing their nomination papers.
9. Appeal against acceptance or rejection of any nomination papers may be filed within 5 days of the date of decision.

10. All candidates are required to submit election process fee alongwith their nomination papers.
11. General guidelines for contesting the election are that no person shall be eligible to contest the election to become an office bearer of the Managing Committee of the Society who :—
  - (a) is under 18 years of age;
  - (b) has been declared insolvent or has applied for the same or is found to be acting in such a manner or is legally disabled to contract;
  - (c) has been declared of unsound mind;
  - (d) has been sentenced by a criminal court for an offence punishable with imprisonment of not less than 6 months or the offence involving moral turpitude and such sentence has not been subsequently reversed or quashed by any superior court;
  - (e) has been made subject to any action by the Authority under the provisions of the Act or the Rules made thereunder or the instant rules unless relieved or discharged from the liability by the Authority Competent to do so;
  - (f) holds any office of profit under the Society or is related to any such person or has entered into any contract with the Society for monetary benefit in any manner whatsoever or is related to any such person.

*Explanation.*—For the purpose of this rule, a person shall be deemed “related” to the other, if he is either related to such person through a common ancestor not more than a grandfather (paternal or maternal), or is married to a person who is so related to such other person.

- (g) is defaulter to the Society:

*Explanation.*—For the purpose of this rule, defaulter means a person who has failed to pay any amount or installment payable towards the Society being member of

the same or otherwise unless he clears his liability to the satisfaction of the Authority.

- (h) acts for the society for any honorarium or profit or salary or is a borrower of the society unless he has cleared his liability or has relinquished the position for a period of at least 2 years immediately preceding the schedule for the elections.
- (i) has ceased to be a member of the Society under its registered bye-laws.

*Explanation.*— “Registered” includes registered after any amendment required by the Authority as per law relating to the Cooperative Societies.

- (j) loses his interest in the colony of the Society by way of sale etc. or otherwise.
- (k) does not meet the criteria of membership laid down in such rule 2 (i) (g) of the instant rules.
- (l) has remained an office bearer of the Society for a term unless again nominated by at least 10% members of the Society meeting the criteria laid down in sub rule 2 (i) (g) ante.

*Explanation.*—This clause is meant to create an additional measure to protect the interests of the members of the Society from its office bearers whose performance is not up to the mark or who intend to remain affiliated with the affairs of the Society for their personal/ulterior motives.

- (m) Being an office bearer of the existing Committee of the Society accounts for all of the affairs of the Society in black and white before the Circle Registrar in order to contest the election of the committee of the Society for the second time or more.

**ELECTION PROCEEDINGS**

[See rule 8 to 13]

1. Name of the Society : \_\_\_\_\_
2. Date of Election : \_\_\_\_\_
3. Time of the Election : \_\_\_\_\_
4. Place of the Election : \_\_\_\_\_
5. Inception time : \_\_\_\_\_
6. Time of the General Meeting of the Members : \_\_\_\_\_
7. Quorum : \_\_\_\_\_
8. Members Eligible to participate in the Election : \_\_\_\_\_
9. Next date of Election (in case of lack of quorum) : \_\_\_\_\_
10. Closing time : \_\_\_\_\_
11. Election Commission: : (a) \_\_\_\_\_  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_

**CONTESTING CANDIDATES**

[See rule 7 (II)]

<b><u>S. No.</u></b>	<b><u>Name</u></b>	<b><u>Parentage</u></b>	<b><u>For Designation</u></b>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			





**RESULT OF THE ELECTION**

[See rule 13]

**I. Votes**

- (a) Number of votes admitted : \_\_\_\_\_
- (b) Number of votes rejected : \_\_\_\_\_
- (c) Number of votes polled : \_\_\_\_\_

**II. Elected Candidates**

- (a) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (b) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (c) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (d) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (e) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (f) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (g) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (h) \_\_\_\_\_ as \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes

**III. Losing Candidates**

- (a) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (b) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (c) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (d) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (e) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (f) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (g) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes
- (h) \_\_\_\_\_ for \_\_\_\_\_ received \_\_\_\_\_ votes, rejected \_\_\_\_\_ votes

**IV. RESULT IN CASE OF DRAW**

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**Witnessed by**

**Election Commission**

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

**ATTENDANCE SHEET FOR THE MEMBERS**

[See rule 8]

<u>S.No.</u>	<u>Name</u>	<u>ID Card No.</u>	<u>Membership No.</u>	<u>Signature</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____
23.	_____	_____	_____	_____
24.	_____	_____	_____	_____
25.	_____	_____	_____	_____

## **THE ISLAMABAD TRANSFUSION OF SAFE BLOOD RULES, 2005**

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# **<sup>1</sup>THE ISLAMABAD TRANSFUSION OF SAFE BLOOD RULES, 2005**

[5th April, 2005]

**S.R.O. 307(I)/2005.-** In exercise of the powers conferred by section 13 of the Islamabad Transfusion of Safe Blood Ordinance, 2002 (LXXIII of 2002), the Islamabad Blood Transfusion Authority, with the prior approval of the Federal Government, is pleased to make the following rules, namely:—

**1. Short title and commencement.-** (1) These rules may be called the Islamabad Transfusion of Safe Blood Rules, 2005.

(2) They shall come into force at once.

**2. Definitions.-** (1) In these rules, unless there is anything repugnant in the subject or contest<sup>2</sup>,—

- (a) “Appendix” means Appendix to these rules;
- (b) “Authority” means the Islamabad Blood Transfusion Authority established under section 5 of the Ordinance;
- (c) “Chairman” means the Chairman of the Authority;
- (d) “Committee” means committee constituted under these rules;
- (e) “Existing Blood Bank” means a blood bank existing on the date of commencement of these rules;
- (f) “Form” means a form appended to these rules;

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 11th April, 2005, at pages 864-874.

<sup>2</sup> The word should be “context”.

- (g) "Licence" means a licence granted to a blood bank registered under rule 5;
- (h) "Licensee" means the blood bank to whom a licence is granted;
- (i) "Manual" includes Standards and Guidelines for Blood Transfusion services, 1999, BTS-(Pakistan)/01/99, First Edition, published by Ministry of Health;
- (j) "Meeting" means a meeting of the Authority;
- (k) "Ordinance" means the Islamabad Transfusion of Safe Blood Ordinance, 2002 (LXXIII of 2002); and
- (l) "Secretary" means the Secretary of the Authority.

(2) The words and expressions used but not defined in these rules shall have the meanings as assigned to them under the Ordinance.

**3. Application for registration.-** (1) For the purposes of section 4 of the Ordinance, a blood bank shall be registered and granted licence in accordance with these rules.

(2) Any person intending to establish a blood bank shall make an application to the Authority in the form as set out in Appendix "A" along with non-refundable fee of rupees fifteen thousand in the name of the Authority.

(3) Subject to making an application as provided under sub-rule (2), an existing blood bank may continue to function without registration for a period not exceeding ninety days from the commencement of these rules.

(4) Every blood bank or its branch running under the same name or management at different premises shall be registered and granted licence separately.

**4. Registration of blood bank.-** (1) The Authority may, on receipt of an application under rule 3, constitute a committee to make enquiry whether the applicant fulfils and complies with the conditions specified in section 10 of the Ordinance.

(2) The Authority may, subject to considering the report of the committee in a meeting and making such further enquiry as it considers necessary, grant or reject the application.

(3) The Authority shall record reasons for rejecting the application.

**5. Licence.-** (1) The blood bank of whom the application has been accepted shall be granted a licence for registration in the form as set out in Appendix "B" to these rules on payment of non-refundable licence fee of rupees ten thousand in the name of the Authority.

(2) The licence unless cancelled earlier shall be valid for one year from date of its commencement.

(3) The Authority shall maintain a register containing such particulars of the blood banks which are registered and granted licence.

(4) The licensee shall be responsible for due compliance of the provisions of the Ordinance, these rules, the terms and conditions of licence and orders or instructions issued from time to time by the Authority.

**6. Renewal of licence.-** (1) An application for renewal of registration shall be submitted to the Authority in the form as set out in Appendix "A" at least one month before expiry of the license along with non-refundable fee of rupees ten thousand in the name of the Authority.

(2) The procedure for registration and grant of licence shall *mutatis mutandis* apply to the renewal of registration and grant of licence.

(3) The blood bank of whom the application has been accepted shall be granted renewal of licence for one year from the date of expiry of the licence granted earlier.

**7. Monitoring and inspection.-** (1) The working of the licensee shall be subject to monitoring by the Authority and for that purpose the Authority or any person authorized by it may inspect the blood bank to satisfy itself if it is functioning satisfactorily in accordance with the Ordinance and these rules.

(2) The licensee shall allow inspection of the blood bank with or without notice.

(3) The Authority or any person authorized by it may, after inspection, pass orders about the inadequate discharge of responsibilities by the blood bank as

given in section 10 of the Ordinance and the orders so passed shall be complied with the licensee.

**8. Cancellation or suspension of licence.-** (1) Where the Authority is satisfied that the licensee is not working properly, it may, after giving an opportunity of being heard to the licensee, suspend or cancel the licence:

Provided that where the default is capable of being rectified, no order shall be passed unless an opportunity is provided to the licensee to rectify such default within the specified period.

(2) On the cancellation or suspension of the licence, the Authority shall issue orders in writing.

**9. Meetings.-** (1) All business of the Authority shall be disposed of in its meetings.

(2) A meeting shall be held as often as may be necessary but at least once in three months.

(3) The Secretary shall, under the instructions of the Chairman, convene meeting on such date and time as may be fixed by the Chairman.

(4) A meeting shall be held in the office of the Authority but the Chairman may, if he so thinks fit, hold meeting at any other place.

(5) Not less than two days advance notice accompanied by an agenda shall be given for each meeting.

(6) The secretary shall cause the agenda prepared in the following order, namely:—

- (a) confirmation of minutes of the previous meeting;
- (b) all matters deferred in the previous meeting;
- (c) business to be transacted at the meeting including the direction of the Government, if any; and
- (d) reports of the committee.

(7) The Chairman shall preside over every meeting and in his absence by the member elected by the members present at the meeting from amongst

themselves and the person so elected shall exercise all the powers of the Chairman under these rules.

(8) Unless otherwise directed by the Chairman, no meeting shall be adjourned till the agenda is disposed of.

(9) Any expert or advisor may attend a meeting on special invitation but he shall not be entitled to cast a vote.

**10. Quorum.-** (1) The quorum of a meeting shall be one half of the total number of members, fraction being counted as one.

(2) If the meeting lacks quorum, the Chairman shall adjourn the meeting to such date and time as he may fix.

**11. Proceedings of the meeting.-** (1) Minutes of each meeting shall be drawn by the Secretary.

(2) The minutes shall comprise of the names of members present at the meeting, the number of agenda items and their brief notes and the decisions taken in the meeting.

(3) On submission, the Chairman shall approve and sign the minutes and a copy thereof shall be supplied to every member.

(4) A copy of approved minutes of each meeting shall be recorded in a minute's book maintained for the purpose by the Secretary.

**12. Decisions.-** (1) All decisions in a meeting shall be taken by majority of votes by show of hands. In the case of equal voting, the Chairman shall have a casting vote.

(2) Action on the decisions shall be taken after confirmation of the minutes of the meeting, save in exceptional cases where the Chairman may by an order in writing otherwise direct.

**13. Committee.-** (1) The Authority may constitute any number of committees as may appear to it to be necessary for advice on matters referred to and perform such other functions as may be assigned to them by the Authority.

(2) The business of a committee shall be conducted in such manner as it may decide.



(3) A committee shall be headed by a convener appointed by the Chairman.

(4) In the absence of the convener, the members of a committee shall elect one of the members present to preside over the meeting and the member so elected shall exercise all the powers of the convener.

(5) A committee shall, within fifteen days of the assignment of the task, submit its report to the Chairman for placing before the Authority.

**14. Quality assurance in maintenance of an affective anti-HIV, hepatitis-B, hepatitis-C, Malaria, Syphilis and other viruses and infective agents screening.-** For the purposes of clause (b) of sub-section (2) of section 13 of the Ordinance, a registered blood bank shall follow the instructions given at Annexure 3 (Specifications for Laboratory Tests Procedures) to the manual.

**15. Standard operating procedures for evolving quality system of blood and blood products.-** For the purposes of clause (c) of sub-section (2) of section 13 of the Ordinance, a registered blood bank shall follow the general instructions given for evolving quality system of blood and blood products in Chapters 3 and 4 of section 1 and Chapters 1, 2, and 3 of Section-2 of the manual.

**16. Safety measures to be adopted by the blood banks and laboratories.-** For the purposes of clause (d) of sub-section (2) of section 13 of the Ordinance, a registered blood bank shall nominate a responsible person under intimation to the Authority to,

- (a) demonstrate the biosafety measures specified in the Schedule to the Ordinance, to all staff members;
- (b) inform and explain all members, on periodical basis, the hazards of blood banking and of working in the laboratory and the necessary precautions to be taken;
- (c) give instructions regarding cleaning of different areas and disposal of refuse;
- (d) Record any accidents or incidents involving possible escape of potentially infective material even if there has been no personal injury in a register maintained specially for that purpose; and

- (e) Make arrangements for the safe and documented disposal of infectious waste.


**17. Screening and examination of blood and blood products for detection of infectious agents.-** For the purposes of clause (e) of sub-section (2) of section 13 of the Ordinance, a blood bank registered with the Authority shall follow the instructions given at Annexure 3 (Specifications for Laboratory Tests Procedures) to the manual.

**18. Supply of copies of manual and instructions.-** (1) The blood bank to whom the Authority issues a licence shall be provided with at least two copies of the manual.


(2) On reviewing the instructions under rules 14, 15 and 17 from time to time, the Authority shall provide the revised instructions to the licensee who shall be responsible for due compliance thereof.

**19. Annual report.-** The licensee shall furnish to the Authority each year a report on annual audit and accounts on the activity of the licensee during the preceding year and such information relating to its activities as may be required by the Authority.

(Appendix-A)

 <p>ISLAMABAD BLOOD TRANSFUSION AUTHORITY</p>		
<b>Application for Registration of Blood Banks(*)</b>		
(*) under section 2(b) of the Islamabad Transfusion of Safe Blood Ordinance, 2002, "blood bank" includes private, Government or Armed Forces blood banks maintained for the purpose of receiving, preserving, storing, analyzing and processing blood and blood products.		
<b>Section-I</b>		
New applicant <input type="checkbox"/>		Renewal <input type="checkbox"/>
If renewal then please endorse previous license number		
Name of the Facility		
Address/location... ..		
Telephone No.	Fax No.	E-mail
Type of facility (please tick one):	(a) Part of laboratory	<input type="checkbox"/>
	(b) Part of hospital service	<input type="checkbox"/> if so please indicate number of Beds.....
	(c) Independent blood bank	<input type="checkbox"/>
<b>Section-II</b>		
Name of Supervisor/Director/Incharge		
Qualifications (Please check certificate/degrees)		
PMDC Registered (Please check registration certificate)	No:	
	Last Renewal:	
	Expiry:	
<b>Certificate by the Blood Bank Incharge(*)</b>		
Under section 2(c) of the Islamabad Transfusion of Safe Blood Ordinance, 2002, "incharge" means the owner of a blood bank and in case of company or other body corporate, its chief executive or a person declared as such at the time of registration.		
I, Dr... .. s/o—d/o—w/o... .. do hereby solemnly affirm that I am working as the officially designated supervisor/or am the owner of Blood Bank... .. located at... ..		
		(Name of facility)
(Address of applicant facility)		



<i>Affiliated Blood Donor Organizer(s)/Volunteer Worker(s) (Please attach list)</i>		
Name of the Incharge		
Established since (date/ month/ year)		
Address		
Telephone:	Fax:	E-mail
<b>SECTION-III</b>		
Space or designated areas available (please tick appropriately)		
Registration room		
Counter and examination space		
Quarantine room and screening		
Product making lab		
Cross matching lab & distribution area		
List of Equipment available:		
i. Please mention about the specifications and working status)		
ii. Please use additional sheets, if require so		
Blood Bank refrigerator		
Blood Bank freezer		
Refrigerated centrifuge		
Platelet agitator		
 <p><b>Application Proforma for Blood Bank's Registration with Islamabad Blood Transfusion Authority</b></p>		
Screening lab. equipment		
Uninterrupted power supply source		
Expressors ad electric sealer		
Centrifuges		
Cell washer		
Water bath		
Microscope		

<b>Others (Please use additional sheets)</b>			
<b>Reagents used (Please specify methodology and company):</b>			
Grouping sera			
Haemoglobin reagent			
Antigen red cell			
Albumin/LISS			
Leishman stain/Giesma stain			
Reagents for screening of Hepatitis B			
Reagents for screening of Hepatitis C			
Reagents for screening of HIV			
Reagents for screening of Syphilis			
Reagents for screening of Malaria			
<b>Others (Please specify and use additional sheets)</b>			
<b>Consumables used</b>			
Blood lancets			
CPDA triple blood			
CPDA single blood bags			
Gloves			
Pilot tubes for screening tests			
Glass slides			
<b>Others (Please specify and use additional sheets)</b>			
<b>Section-IV</b>			
Expected workload/Blood Bags per year (please indicate at least 500 above your load)*			
Please tick (✓) in the appropriate box <input type="checkbox"/> below.			
Up to 500 donors	501-1000	1001-2000	2001-3000
3001-4000	4001-6000	6001-8000	8001-10000
No. of mobiles or camps intended to be held			

**AFFIRMATION**

(1) I/We do hereby solemnly affirm that the information provided is true and the blood bank is working utilizing the above equipment, reagents and consumables.

(2) I/We further commit myself/ourselves to abide by the Islamabad Transfusion of Safe Blood Ordinance, 2002 and the rules and regulations framed for giving effect to its provisions.

(3) I/We shall abide by the Authority's instructions issued from time to time and open my/our facility to inspection by the Authority whenever so directed. It is formally requested that my/our facility may accordingly be registered, licensed and/accredited allowing me/us to practice blood banking in the Islamabad Capital Territory.

Signature with Date by the Incharge of Blood Bank.

Signature with Date by the Head of the Hospital.

**Please do no write below this segment**

**FOR OFFICE USE ONLY**

Date of application received:	Renewal Case .....
New applicant.....	Old license No. ....
Identification Code No.	
Charges received.	Rupees
Charges received for the purpose	
Charges received by:	
Bank challan/Bank draft No.	
Inspection Date	
Name(s) of the Inspector(s)	
Date of inspection Report's submission	
Date of meeting of Authority to consider the Application No. ....	
Decision of the Authority on the Application No. ....	

(Appendix-B)

**ISLAMABAD BLOOD TRANSFUSION AUTHORITY****LICENCE TO OPERATE BLOOD BANK**

According to the powers vested under section 6-1(b) of the Islamabad Transfusion of Safe Blood Ordinance, 2002, the Islamabad Blood Transfusion Authority, hereby allows the \_\_\_\_\_ Blood Bank to conduct the following Blood Banking operations for a period of one (01) year, starting with effect from \_\_\_\_\_

Collection		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Preserving		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Storing		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Analyzing		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Processing blood and blood products		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Issuing of blood and blood products				

2. The licensee shall function in accordance with the Islamabad Transfusion of Safe Blood Ordinance, 2002 and rules framed there under and the instructions issued from time to time by the Authority.

3. This Licence will expire on \_\_\_\_\_ and the Blood Bank shall have to obtain fresh Licence to operate.

Secretary  
Islamabad Blood Transfusion Authority

Dated \_\_\_\_\_



# **THE ISLAMABAD LAND DISPOSAL REGULATION, 2005**

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# **\*THE ISLAMABAD LAND DISPOSAL REGULATION, 2005**

[13th July, 2005]

**S.R.O. 711(I)/2005.-** In exercise of the powers conferred by section 51 of the Capital Development Authority Ordinance, 1960 (Ord. No. XXIII of 1960), read with section 49 thereof, the Capital Development Authority has been pleased to make the following Regulation, as being expedient:-

## **CHAPTER I**

### **PRELIMINARY**

**1. Short title, extent and commencement.-** (1) This regulation may be called the Islamabad Land Disposal Regulation, 2005.

(2) It extends to the land acquired by the Authority in the Islamabad Capital Territory under the Capital Development Authority Ordinance, 1960 (Ord. No. XXIII of 1960).

(3) It shall come into force at once.

**2. Definitions.-** (1) In this Regulation, unless there is anything repugnant in the subject or context:

- (a) **“AFFECTEE”** means a person affected by the acquisition of his land under the Ordinance.
- (b) **“AGENCY”** means any department or organization of the Federal or Provincial Government and includes a corporation, or other autonomous or semi-autonomous body set up by the Federal or Provincial Government.

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 14th July, 2005, at pages 1943-1953.

- (c) **“ALLOTTEE”** means a person who has been allotted a plot of land by the Authority, and includes a lessee and transferee of such plot.
- (d) **“AUTHORITY”** means the Capital Development Authority established under Section 4 of the Ordinance.
- (e) **“BOARD”** means the Board constituted under Section 6 of the Ordinance.
- (f) **“CDA Employees”** mean all regular employees of CDA including deputationists.
- (g) **“CHAIRMAN”** means the Chairman of the Authority.
- (h) **“ELEGIBILITY CERTIFICATE”** means the certificate of eligibility issued by the Authority for allotment of land to them in the Provinces of the Punjab and Sind under their Colonization schemes.
- (i) **“FAMILY”** means the spouse, children and parents, dependent upon and ordinarily residing with the person concerned.
- (j) **“FEE”** or **“TRANSFER FEE”** means the amount prescribed by the Authority from time to time for mutation of allotment/ rights in plots.
- (k) **“House”** means a separate dwelling for human habitation for a family.
- (l) **“HOUSING FOUNDATION”** means the Federal Government Employees Housing Foundation.
- (m) **“ORDINANCE”** means the Capital Development Authority Ordinance, 1960 (Ord. No. XXIII of 1960).
- (n) **“PLOT,”** means a tract of land allotted by the Authority.
- (o) **“PRESCRIBED”** means as prescribed by the Board from time to time.
- (p) **“SCHEME”** means a planning or development scheme.

<sup>1</sup>[(q) **“DEVELOPED SECTOR”** the sector where the development contract has been completed for the provision of basic infrastructure services including electricity, sewerage, water supply, sui gas by the Authority as certified by engineering wing.]

(2) All other terms not defined in the Regulation shall have the same meanings as assigned to them in the Ordinance.

## CHAPTER II

### CLASSIFICATION OF PLOTS

3. **Classification of Plots.**- The plots in Islamabad shall be classified as under:

(1) *Residential Plots.*- Plots meant only for houses.

(2) *Commercial and Business Plots.*- Plots for any kind of commercial activity having profit as a primary aim, and include plots earmarked for shops, showrooms, markets, departmental stores, hotels, motels, guest houses, marriage halls, restaurants, cafes, banks, insurance companies, petrol/CNG filling and/or service stations, sites for multi-storeyed building meant for shops, offices and/or residential apartments, sites for multi-storeyed parking, and offices connected with industrial and commercial enterprises.

(3) *Community Buildings and Facilities Plots.*- These include plots for religious and educational institutions, hospitals, dispensaries, maternity homes, libraries, art-galleries, museums, cinemas, theatres, public services, amenity buildings, police-stations, gymnasiums, amusement parks, transport terminus, etc.

(4) *Administrative and Public Sector Plots.*- These Plots include all plots for allotment to Ministries, Government agencies and autonomous/ semi-autonomous organizations of the Government.

(5) *Industrial Plots.*- These plots shall cater for the following:—

(i) Very light industry and trading associated with residential areas, e.g., laundries, repair shops, bakeries, etc.

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<sup>1</sup> Amended by S.R.O. 786(I)/2013, dated 19th August, 2013.

- (ii) Light manufacturing and servicing industries essential for the needs of the city at large and those created for the constructional works to be carried out in the areas as may be specified by the Authority.
- (iii) Extractive industries, mining, quarrying and crushing and brick-kilns in areas as may be specified by the Authority.
- (6) *Diplomatic Plots.*- Plots meant for foreign Missions, and residences of foreign representatives.
- (7) *Public Parks, Playing Fields, Graveyards and incidental Open Spaces.*- Plots planned, developed and maintained as public parks, playing fields, graveyards and incidental open spaces.
- (8) *Agro-Farming and Agro-Industry Plots.*- Plots planned by the Authority for farming and for processing agriculture produce.
- (9) *Plots in Model Villages and Sub-Urban Centers.*- Plots in the rural areas of Islamabad developed as Model Villages and Sub-Urban Centers.

*Note.*- The classification includes such ancillary incidental usages as permitted by CDA Board.

#### COMMENTS

**Categorization of plots and taxation.** Regulations, 1993 replaced by Islamabad Land Disposal Regulations, 2005 are made for purpose of laying down procedure for disposal of different categories of lands in Islamabad Territory by CDA. Object of categorization under Regulations, 1993 and 2005 is to provide different modes for disposal of each category of land and not for purpose of taxation. Capital Development Authority has power to make its own categorization of plots for purpose of taxation, which may be different than classification provided under Regulations, 1993 and 2005. Plot classified as residential in Regulations, 1993 and 2005 may be brought in category of commercial for purpose of taxation. Capital Development Authority for purpose of taxation provided categorization in the impugned notifications issued in exercise of its powers under section 15-A of Capital Development Authority Ordinance, read with sections 33 and 34 of Municipal Administration Ordinance, 1960. Petitioner was a profit making concern and located in a non-commercial area. Inclusion of petitioner in tax net for being based on nature of its activities could not be termed unreasonable. Petitioner had been brought at par with other private hospitals located in commercial areas already subjected to tax at commercial rates. Constitutional petition was dismissed in circumstances [2010 SCMR 1110].

**CHAPTER III**

**DISPOSAL OF PLOTS**

**4. Disposal of Plots.-** The plots shall be sold or leased out by the Authority according to the provisions given for each category of plots and the allotment shall be subject to the terms and conditions contained in the respective allotment letters or, as the case may be, in the Conveyance or Lease Deeds executed by the Authority in respect of plots:

*Provided that* CDA Board may decide to enter into joint ventures with any private or public sector agency regarding property vested in it for any specific project.

*Provided further that* in respect of matters not provided for in this Regulation, other Regulations and Instructions of the Authority, as may be in force from time to time, shall apply.

**5. Residential Plots.-** (1) All residential plots in developed Sectors shall be allotted through open auction. The residential plots in other Sectors shall be disposed of in the following manner:

- i. Through open balloting at prevalent market price 75%
- ii. Federal Government Servants including employees of Federal autonomous, Semi-autonomous bodies 10%
- iii. Defence Services Personnel including Civilians paid out of Defence Estimates 5%
- iv. Deprived Group including, widows, orphans, destitutes, handicapped persons, and persons needing compensation 5%
- v. CDA Employees 5%

(2) Notwithstanding anything contained in clause (1) the Authority may reserve any land for the residences of Govt. employees including employees of CDA, autonomous and semi-autonomous bodies and for the Affectees of Islamabad.

(3) Plots for the persons falling in clause 5(1)(ii) shall be allotted by the CDA Board as per criteria to be laid down by it.

(4) Plots for the persons falling in Clause 5(1)(iii) shall be allotted on the recommendations of the Ministry of Defence.

(5) The applications for allotment of plots to persons falling in Clause 5(1)(iv) shall be scrutinized and disposed off by the CDA Board as per prescribed criteria.

(6) Plots to the CDA Employees falling in Clause 5(1)(v) shall be allotted in accordance with the criteria to be laid down by the CDA Board.

#### COMMENTS

**Deputationist.** A deputationist cannot claim allotment as employee of the Capital Development Authority. Considering deputationist to be having equal status of regular employees of the Authority is a door of corruption and is not backed by the Constitution [2013 MLD 935]. Deputationists can claim allotment of plots out of 80% remaining quota reserved for employees of Federal Government [2013 MLD 1538].

**6. Commercial and Business Plots.-** (1) All Commercial and Business plots shall be sold or leased out through open auction as commercial plots, or for one of the specific activities mentioned in Clause 3(2):

*Provided that* plots meant for any activity as determined by CDA Board may be disposed of through auction amongst pre-qualified parties. Criteria for requalification and plot-specific conditions of allotment shall be publicized.

(2) Plots auctioned as commercial plots may be used for any of the activities falling within the scope of commercial plots as defined in clause 3 (2) and also for activities such as hospitals, clinics, maternity homes, gymnasiums, art-galleries, amusement centers, clubs, museums, libraries, educational institutions, research centers and community centers:

*Provided that* no plot auctioned as Commercial plot shall be used for construction of petrol/ CNG filling station and/or service station, 5 star hotels, marriage hall and for religious purposes.

(3) Plots already sold or leased out specifically for any of the activities in clause 3(2) may be put, with the prior approval of the Authority and subject to restrictions imposed by the Proviso to clause (2) to a different commercial activity on payment of conversion fee at the rates as may be fixed for different commercial activities by the CDA Board from time to time:



*Provided that* plots specifically allotted for construction of and use as hospital, wholesale market, petrol/ CNG filling and/ or service station, hotels, 5 star hotels, marriage halls, sites for multi-storeyed building allotted exclusively for residential apartments, religious purposes and community centers will not be allowed any conversion.

**7. Community Building and Facilities Plots.- Public Sector:** (1) Plots for Primary Schools shall be made available to the Federal Government free of cost and for Secondary and Higher Education at amenity rates.

(2) Land for mosques, churches and other places of worship and deeni madrassas established for free religious education shall be allotted free of cost.

(3) Plots for other community buildings and facilities shall be allotted to Government organizations at amenity rates.

*Private Sector.-* (4) Plots earmarked for educational institutions in private sector shall be allotted after inviting applications and as per criteria to be laid down by the CDA Board.

(5) Plots for other private institutions, including plots for hospitals, maternity homes, clinics, art galleries, gymnasiums, amusement parks, etc., shall be sold/ leased by auction:

*Provided that* CDA Board may decide to dispose of certain plots in this category through auction amongst pre-qualified parties.

(6) Large scale, social sector projects, involving large tracts of land, like a private university, may be considered for special dispensation by the Federal Cabinet on a case-to-case basis.

#### COMMENTS

##### Synopsis

1. Allotment of plot without advertising.
2. Cancellation of allotment.

**1. Allotment of plot without advertising.** According to Regln. 7(4) of Islamabad Land Disposal Regulations, 2005, allotment could be made after inviting applications. Application could not be invited without publicizing plot in newspaper. Board had to lay down criteria after receiving applications for allotment. Neither suit plot had been publicized nor on basis of criteria mentioned in such advertisement any plot finding mention therein could be allotted to a person not running school in Islamabad. Chairman, CDA in his affidavit filed in Court had admitted allegations made in constitutional petition except allegation regarding nepotism after undertaking to allot suit plot in accordance with law and criteria laid down. Respondent-allottee by filing in Court his affidavit

gave up his claim regarding suit plot. High Court accepted constitutional petition and directed CDA to proceed with allotment of suit plot in accordance with law and procedure [2011 CLC 814].

**2. Cancellation of allotment.** Capital Development Authority Board approved 30% quota for educational institutions from outside Islamabad and remaining 70% for schools running in the Capital Territory. No other document was available with the Authority to establish that the Board had not approved policy to allot 30% of plots to educational institutions not established in Islamabad. When Capital Development Authority itself received application of petitioner, scrutinized it, entertained it and approved it by allotting plot in question to petitioner to establish school, received huge amounts from petitioner, put petitioner in possession of disputed plot, issued possession certificate to petitioner and approved its building plan, then the Authority could not assert that some other policy was formulated. High Court declared the order of cancelling allotment and return of pay orders to petitioner to be null and void and set aside cancellation order. Petition was allowed in circumstances [2015 CLC 779].

**8. Administrative and Public Sector Plots.-** These Plots shall be allotted to the respective Ministries, Government agencies and autonomous/ semi autonomous organizations of the Government by the Board at such rates as may be determined by it from time to time:

*Provided that* these plots may also be allotted to International and Regional Organizations of which Pakistan is a member, on the recommendation of the Federal Government at such rates as the Authority may determine from time to time.

**9. Industrial Plots.-** Industrial plots shall be sold or leased through open auction. Plots for extractive industries will, however be given only on license terminable on 3 months notice and on payment of such periodical license fee as may be prescribed.

**10. Diplomatic Plots.-** These plots shall be allotted to foreign Governments for their diplomatic missions or for the residences of their representatives on the recommendation of the Ministry of Foreign Affairs:

*Provided that* subject to availability of land, plots in Diplomatic Enclave may also be allotted to International and Regional Organizations of which Pakistan is a member, on the recommendation of the Federal Government at such rates as the Authority may determine from time to time.

**2[11. Public Parks.-** (1) Public Parks, playing fields and graveyards, shall be planned, developed and maintained by the Authority. However, the Authority may license/rent out some sites or the portions of public parks, playing

<sup>2</sup> Subs. by S.R.O. 225(I)/2007, dated 31st January, 2007.

fields or open spaces to private sector on agreed terms and conditions for recreational purposes, sports facilities and ancillary usages.

(2) Playing fields and open spaces may be categorized for sports purposes as under:—

- (a) Cricket, hockey, football.
- (b) Basket ball, Volley ball, badminton, tennis and open gymnasiums.
- (c) Adventure sports:—
  - (i) Rock climbing, dirt bike tracks, mountain bike cycling, horse riding, etc.
  - (ii) Entertainment projects like Go Carts, Archery, Water sports and amusement parks, etc.

(3) Category (a) and (b) of (2) above will be managed as follows:—

- (i) Grounds managed by professional sports organizations.
- (ii) Multi-purpose sectoral grounds managed by Directorate of Sports and Culture through Sector Management Committees.

(4) The allotment for category (c) of (2) above will be considered on following criteria:—

- (a) Type of project.
- (b) The best offer received in terms of rent;
- (c) The Size of Investment;
- (d) Commercial potential; and
- (e) Area, location and specific land use.]

**12. Agro-farming and Agro-Industries Plots.-** These plots shall be sold or leased through open auction:

*Provided that* Agro-farming plots may be allotted at reserve price to be fixed by the Authority from time to time to all the genuine Affectees of various areas of Islamabad who have lost in acquisition to the Authority, cultivable land not less than 100 kanals in area, in accordance with the Islamabad Displaced Persons Rehabilitation Policy, 1996:

*Provided further that* no allotment shall be made to the affectee applying through or pursuing for allotment through attorney.

**13. Plots in Model Villages and Sub-Urban Centers.-** Residential plots in Model Villages and Sub-Urban Center will be allotted as under:—

- (a) 50% to the eligible Affectees of Islamabad whose land had been acquired by the authority prior to 1st January 1996, in accordance with the rehabilitation policy of the authority as may be in force from time to time.
- (b) 50% through open auction:

*Provided that* the left over plots against the reserved quota for the Affectees of Islamabad shall also be disposed of through open auction.

**14. Auction Committee.-** For the auction of different categories of plots, the Authority shall constitute a committee/committees of not less than three persons. A Member of the Board shall be the Chairman of the auction committee.

**15. Sale Price/ Mode of Payment.-** (1) The price of auctioned plot shall be its bid as finally approved by the Authority and will be payable as per terms and conditions prescribed for its auction.

(2) The price of plot and mode of payment in other case shall be such as may be determined by the CDA Board from time to time.

#### CHAPTER IV

#### CONSTRUCTION PERIOD

**16. Construction period.-** The allottees shall have houses/ buildings constructed and industries commissioned on their plots or farms developed within the time as indicated below from the date of possession or deemed possession whichever is earlier:

- (1) Residential plots including residential plots in Model Villages & Sub-Urban Centers. • 3 Years.

- (2) (a) Commercial and Business plots • 2 Years for single storey structure;
- (b) Community Building & Facility plots. (*Where more than one storeys are permitted by CDA*)
- (c) Public Sector Plots.
- (d) Diplomatic Plots. • 3 years for 2-3 storeys structure.
- 4 years for more than 3 storeys structure
- (3) Industrial plots. • 3 years for the establishment of specific industry.
- (4) Agro-Farming, Agro-Industries plots. • 3 years for the development of the farm

17. **Extension in construction period.**- Extension in the construction/ establishment or development period may be granted by the Authority on the merits of each case subject to payment of extension surcharge at such rates as may be prescribed by the Authority from time to time.

## CHAPTER V

### TRANSFER OF PLOTS

18. **Transfer of plots.**- (1) Subject to the provisions of the succeeding subparagraphs, plots of all categories, except Diplomatic plots shall be transferable on payment of transfer fee as may be prescribed. Transfer of plots allotted through Housing Foundation will be regulated in accordance with the policy of the Housing Foundation.

(2) In case of transfers within family, token fee shall be charged as may be prescribed by the Authority from time to time.

(3) In case of death of the allottee the plot shall be mutated in favour of the legal heirs, on payment of the prescribed token fee and on production of the prescribed documents.

(4) For each case of change of title of property after execution of Conveyance/ Sale Deed, transfer fee, as may be prescribed, shall be charged.

(5) Plots allotted for social welfare projects shall not be transferable except with the prior permission of the Authority in exceptional cases strictly for the same purpose for which they were allotted. In the alternative, the plot will revert to the Authority together with structure thereon.

(6) Applications for transfer of plots shall be submitted on prescribed forms obtainable from the Authority and in such manner and along with such documents as may be required by it.

(7) In every case of transfer, the allottee and the transferee shall be required to indemnify the Authority against any possible loss to them or any future claim of title to the plot by any other person.

## CHAPTER VI

### CANCELLATION OF PLOTS

**19. Cancellation of Plots.-** The allotment of plots shall be liable to cancellation on account of following:

- (a) Non-payment of dues within the specified period.
- (b) Non-completion of building within the specified period.
- (c) Violation of other terms and conditions of allotment, e.g. non-conforming use, sub-division, amalgamation of plots etc.
- (d) Violation of Municipal Bye-laws and Building, Zoning and other Regulations and instructions of the Authority.

**20. Restoration.-** (1) The Authority may consider requests for restoration of cancelled allotments of plots made within one year from the date of cancellation on payment of restoration fee at the rates as specified by the authority from time to time.

(2) Applications for restoration of cancelled allotments received after one year may be considered by the Authority on case-to-case basis on payment of prescribed restoration fee along with delayed payment charges as prescribed from time to time:

*Provided that* no such request shall be considered on which building has not been completed.

(3) In all cases of restoration, the allottees shall be required to pay all outstanding dues of the Authority, including delayed payment charges and delayed construction surcharge, if any, and the restoration fee within 30 days of the letter intimating grant of restoration of allotment failing which the application for restoration shall be deemed to have been rejected and the plot, together with structure thereon if any, shall stand resumed by the Authority and shall vest in it free from all encumbrances.

(4) The Authority may allow for making the payment of all the outstanding dues including restoration charges as determined by the Authority in 90 days in three monthly installment with delayed payment charges in those cases where the building stands constructed.

**21. Procedures regarding transfer of plots etc.-** Procedures and required documents regarding transfer of property, acceptance/ confirmation of power of attorney, extension in construction period, mortgage of plots/property etc. may be prescribed by the Authority.

## CHAPTER VII

### GENERAL

**22. Appeal.-** Any person aggrieved by an order may within 3 Months of such order, appeal to the Board whose decision shall be final.

**23. Repeal.-** The Land Disposal in Islamabad Regulation, 1993, is hereby repealed.

(2) The repeal of the Land Disposal in Islamabad Regulation, 1993, shall not affect the previous operation of the Regulation so repealed or anything duly done, action taken or punishment or liability incurred thereunder and any proceedings commenced under the said Regulation may be continued or punishment may be imposed as if that Regulation had not been repealed.

[File No. CDA/EM-Admin-31(45)/2005.]

Sd/-  
ABDUL GHAFOOR DOGAR,  
Secretary, CDA.

# **THE ISLAMABAD RESIDENTIAL SECTORS ZONING (BUILDING CONTROL) REGULATIONS, 2005**

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# **\*THE ISLAMABAD RESIDENTIAL SECTORS ZONING (BUILDING CONTROL) REGULATIONS, 2005**

[17th March, 2005]

**S.R.O. 287(I)/2005.-** In exercise of the Powers conferred by Section 51 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Capital Development Authority has been pleased to make the following Regulations, namely Islamabad Residential Sectors Zoning (Building Control) Regulations—2005, as being expedient:—

## **CHAPTER 1**

### **PRELIMINARIES**

#### **1.1 SHORT TITLE EXTENT AND COMMENCEMENT**

1.1.01 These regulations may be called the Islamabad Residential Sectors Zoning (Building Control) Regulations - 2005.

1.1.02 These extend to all private and public land/ plots in the Islamabad Capital Territory, except those in the Diplomatic-Enclave or mentioned specifically.

1.1.03 These shall come into force at once.

#### **1.2 DEFINITIONS**

In these Regulations and in the subsidiary instructions and communications that may be issued time to time under or in relation thereto, unless there is anything repugnant in the subject or context:

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 2nd April, 2005, at pages 775-835.

- 1.2.1 **'Administrative Buildings'** Except otherwise specifically prescribed or permitted by the Authority, the Administrative buildings are meant for offices of Government, private and foreign missions;
- 1.2.2 **'Allottee'** means a person or association of persons to whom the ownership or lease rights of the plot/ land have been granted by the Authority/ government. It includes a co-allottee or transferee of the plot, building or unit thereon;
- 1.2.3 **'Ancillary Building'** means a building subservient to the principal building on the same plot such as servant quarters, garages, power supply transformer room etc.;
- 1.2.4 **'Ancillary Use'** means a use subservient to the principal use on the same lot;
- 1.2.5 **'Apartment'** means an independent residential unit in a building consisting of at least one bed room, a living room, a bathroom, a kitchenette and a store;
- 1.2.6 **'Arcade'** means a covered walk-way forming part of a building;
- 1.2.7 **'Assembly'** (Place of public assembly) means a building used, either ordinarily or occasionally, as a place of worship, theatre, public hall, public concert room, public lecture room, public exhibition room, dharamshala or musafirkhana;
- 1.2.8 **'Attached Building'** means a building which is joined to another building at one or more sides by a party wall or walls;
- 1.2.9 **'Authority'** means the Capital Development Authority as defined in the Capital Development Authority Ordinance, 1960 (XXIII of 1960);
- 1.2.10 **'Authorized Use of Buildings'** the authorized use of building shall be as authorized by the Authority, except otherwise specifically prescribed or permitted;
- 1.2.11 **'Aviary'** means a structure for keeping or breeding birds;

- 1.2.12 **‘Balcony’** means an outside projection from a building overlooking a compound, road or courtyard and projecting in front of a room/ space and not used as a passage;
- 1.2.13 **‘Base’** (applied to a wall or pillar) means the underside of the course immediately below plinth, if any, or in the case of wall carried by a bressummer immediately below such bressummer or in the case of a building having no plinth, immediately above the footings;
- 1.2.14 **‘Basement’** means a lowest portion of a building/ structure wholly or partly below natural ground level/ front road level/ adjacent ground level;
- 1.2.15 **‘Bathroom’** means a room meant for bathing and washing designed in a building as such;
- 1.2.16 **‘Block of Flats’** means a multi unit structure occupied by more than one family and having more than one storey;
- 1.2.17 **‘Block’** means a tract of land bounded by a street/ streets, public land etc.;
- 1.2.18 **‘Bressummer’** means a wooden, metal or R.C.C. beam which carries a wall;
- 1.2.19 **‘Building Line’** means the line up to which the plinth of a building abutting on a street or on an extension of a street or on a future street may lawfully extend after allowing for the mandatory set-backs;
- 1.2.20 **‘Building Works’** means erection or re-erection of any building or making additions and alterations in an existing building;
- 1.2.21 **‘Building’** means any structure or enclosure permanently affixed to the land;
- 1.2.22 **‘Built up Area’** means the portion of plot upon which the principal and ancillary buildings can be erected, the measurement includes wall thickness of a building;

- 1.2.23 'CD' means a compact disk for data storage device for computers;
- 1.2.24 'Canopy' means a roof-like projection from the face of a building and not being a balcony;
- 1.2.25 'Cardinal Points' means a diagram showing North, South, East and West;
- 1.2.26 'Ceiling' means the underside of a roof or a floor either covered with plaster, ceiling boards or other similar material;
- 1.2.27 'Cellar' or 'Vault' means any storey wholly below the level of the land adjacent to it;
- 1.2.28 'Cess Pool' means a tank intended to receive waste water and sewage;
- 1.2.29 'Chancery' means a building meant for use as offices by a diplomatic mission;
- 1.2.30 'Chimney' means a structure, not being a flue pipe, enclosing one or more flues and includes any opening therein for the accommodation of a heat producing appliance;
- 1.2.31 'Column' means any part of construction which shall by its resistance to compression in the direction of its length and to bending action included by such compression, support and transmit loading, in relation to structural steel, timber, or reinforced concrete;
- 1.2.32 'Commercial Building' means a building erected on a commercial plot allotted for shops/ offices with or without residential flats/ apartments or any other commercial use;
- 1.2.33 'Common Areas and Facilities' in multi unit buildings include:-
- a. yards, gardens, parking areas, storage spaces and central areas;
  - b. the premises for the lodging of janitors or persons

employed in the management of the property;

- c. installation of central services such as power, gas, hot and cold water, heating, refrigeration, air-conditioning and incinerating, and fire-fighting and fire-alarm system, etc;
- d. the top roof of the building and any structure therein, the stair halls on all the floors, entrance hall, passages, verandahs, corridors and lobbies, the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all areas, apparatus and installations existing for common use, and
- e. such other community and common facilities as are provided for in the building and other parts of the property necessary or convenient for its existence, maintenance and safety, or normally in common use of the occupants of the building;

1.2.34 **‘Common Expenses’** in multi unit buildings includes:—

- i. all sums lawfully assessed against the unit-allottees;
- ii. expenses on the administration, maintenance, repairs or replacement of the common areas and facilities; and
- iii. expenses agreed upon as common expenses by the Managing Committee;

1.2.35 **‘Competent Authority’** means Chairman CDA, concerned Member or any other officer empowered by the Authority to approve plans and to control the building activity;

1.2.36 **‘Corner Lot’** means a lot situated at the intersection of two vehicular streets;

1.2.37 **‘Corner Plot’** means a plot situated at the intersection of two vehicular streets and declared as corner plot by the Authority;

1.2.38 **‘Cross Wall’** means an internal load, bearing wall built at right angles to an external wall;

- 1.2.39 **'Damp-Proof Course (DPC)'** means a layer of material impervious to moisture;
- 1.2.40 **'Dangerous Building'** means all buildings, walls or structures which are declared structurally unsafe by the Authority or which constitutes a fire hazard, or otherwise dangerous to human life and public welfare;
- 1.2.41 **'Dead-Load'** means the actual weight of walls, floors, roofs, partitions and all other components forming part of a building;
- 1.2.42 **'Detached Building'** means a building not joined to any other building on any side;
- 1.2.43 **'Diplomatic Enclave'** means the southern portions of sectors G-5 and G-4 of Islamabad;
- 1.2.44 **'Domestic Building'** means a building used wholly or predominantly as a dwelling house;
- 1.2.45 **'Dormitory'** means a sleeping room with several beds;
- 1.2.46 **'Dwelling House'** means a building used or constructed for the use of a single family having at least two habitable rooms;
- 1.2.47 **'Embassy'** means a building meant for use as the residence of the head of a diplomatic mission, his family and servants and which is not a chancery;
- 1.2.48 **'Existing Building'** means a building existing on plot allotted by the Authority;
- 1.2.49 **'External Wall'** means any outer wall of a building abutting on an external or internal open space;
- 1.2.50 **'Facade'** means the exterior face of a building facing a main street or open space;
- 1.2.51 **'Factory'** means a building used for manufacture, production or repair of any article;
- 1.2.52 **'Family'** means a group of persons related by blood or

marriage, and if not so related, of not more than five persons living together and maintaining a common household;

- 1.2.53 **'Fan-Light'** means any aperture above the top level of a door or a window so constructed that the whole of it can permit air and light to pass through without obstruction;
- 1.2.54 **'Flat'** means an apartment consisting of two or more habitable rooms with kitchen and bathroom;
- 1.2.55 **'Floor Area Ratio ( F.A.R )'** means the sum of gross covered areas of all floors of a building(s) on a plot divided by the total area of that plot;
- 1.2.56 **'Floor Area'** means the sum of the gross horizontal areas of all the floors, including verandahs, 25 per cent of the area covered by the pergolas but excluding basements, vaults, cellars and roof projections (chajjas), if any, not exceeding the maximum permissible limits, measured from the exterior faces of exterior walls or from the centre line of the walls separating two buildings;
- 1.2.57 **'Floor'** means and includes any horizontal platform forming the surface of any surface of any storey consisting joist boards, timbers, stone, R.C.C complete slabs, steel or other materials connected with or forming part of such platform;
- 1.2.58 **'Flue'** means a passage or channel through which the products of combustion of a boiler or other furnace are taken to the chimney;
- 1.2.59 **'Footings'** means the projecting courses at the base of a wall, spreading the weight of the building or structure over the ground;
- 1.2.60 **'Form Work'** means all forms, moulds, sheeting, shuttering, planks, poles, posts, shores, struts, ties, up-lights and all other temporary supports to the concrete during the process of pouring and setting;
- 1.2.61 **'Foul Air'** includes exhaust air from lavatories, bathrooms, urinals, toilets, kitchens, canteens, chemical stores, restaurants,

hair dresser shops, laboratories, dark rooms, battery room, car parks or similar areas and air discharged from smoke extract system associated with fire protection services of buildings;

- 1.2.62 **'Foundation'** means a structure entirely below the level of the grounds; which carries and distributes the load from pillars, beams or walls on to the ground;
- 1.2.63 **'Frame Building'** means a building constructed of timber, metal or R.C.C. load-bearing frame work with non-load-bearing panel walls;
- 1.2.64 **'Front of Plot or Building'** that portion of a plot or building bordering or facing on the vehicular public street and in case of a corner plot either of the vehicular public street may be considered in determining the front, unless otherwise clearly stated or prescribed in the layout plan;
- 1.2.65 **'Functional Plan'** means the plan of the Planning Wing such as Blue Area showing the size, shape and number of stories of a building on a plot;
- 1.2.66 **'Ground Floor'** means a platform constructed at plinth level;
- 1.2.67 **'Habitable Room'** means a room to be used primarily for human habitation and include living room;
- 1.2.68 **'Head Room'** means the clear vertical distance between the finished floor level and the soffit (underside of a structural component) of the lowest projecting member of the surface;
- 1.2.69 **'Height of a Room'** shall be taken to be the vertical measurement from the upper surface of the floor to the underside of the highest part of the ceiling less one half of the vertical measurement between the lowest and highest parts of the ceiling: where there is no ceiling the measurements shall be to the underside of the rafters;
- 1.2.70 **'Height of Building'** shall be taken to be the vertical measurement from the mean level of front road to the highest part of the roof of that building (less one half of the difference of levels of the lowest and highest parts of the roof in case of



pitched roofs);

- 1.2.71 **'Home Occupation'** means part time use of a part of a residential building or apartment by its resident professionals (for their personal professional use). Such as architects, doctors, engineers and lawyers for consultancy and advisory services provided the residential character of the building is not changed;
- 1.2.72 **'House'** means a building to be used for residential occupancy of one or more families as prescribed under this Regulation;
- 1.2.73 **'Housing Unit'** means an independent unit within a house or bungalow meant for habitation of a single family and having at least two habitable rooms with a kitchen and a bath;
- 1.2.74 **'Impervious Material'** means any material which prevents the passage of dampness;
- 1.2.75 **'Imposed \*Lead'** means the load assumed to be produced by the intended occupancy or used including distributed, concentrated impact and inertia loads but excluding wind loads;
- 1.2.76 **'Independent Services'** means and includes plumbing and water main-supply pipes, main electric distribution lines and meters, gas lines and meters independently linked to each unit;
- 1.2.77 **'Institutional Buildings'** Except otherwise prescribed or permitted by the Authority the institutional buildings are those meant for use as educational, health, training, research and development institutions;
- 1.2.78 **'Kitchen'** means a room intended to be used wholly for preparing or cooking food for human consumption;
- 1.2.79 **'Kitchenette'** means a small space for warming food on a floor having no kitchen;
- 1.2.80 **'Licensed Architect'** means a person registered with Pakistan Council of Architects and Town Planners (PCATP) and issued a license/ registration/ enlistment by the Authority;

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\* The word should be "Load".

- 1.2.81        **‘Licensed Engineer’** means a person registered with Pakistan Engineering Council (PEC) and issued a license/ registration/ enlistment by the Authority;
- 1.2.82        **‘Lintel’** means a beam supporting walling over an opening or recess;
- 1.2.83        **‘Load Bearing’** in relation to any part of the building including its foundation, means that part of the building which bears a load other than that due to its own weight and to wind pressure on its own surface;
- 1.2.84        **‘Loft’** means a balcony inside a room with no access to it except from inside such room;
- 1.2.85        **‘Lot’** means a single tract of land on which principal buildings and building ancillary thereto may be constructed under the provisions of this Regulation;
- 1.2.86        **‘Managing Committee’** means a committee elected by the unit-allottees and occupants of the units, by whatever name called, for managing the common areas and facilities of a building and liaison between them and the Authority;
- 1.2.87        **‘Masonry’** means stone, bricks or cement concrete blocks laid in lime, cement or mud mortar;
- 1.2.88        **‘Modular Plot’** means a sign indicating the name and or address of a building or the name of the occupant thereof and/ or the practice of an authorized or permitted occupation therein;
- 1.2.89        **‘Module’** means unit of size used as a basis for standardizing the design and construction of building parts and materials;
- 1.2.90        **‘Multi-Unit Building’** means a building having at least two floors and four units; for the purpose of this Regulation mezzanine constructed as an independent floor shall count as a floor but a loft or balcony projecting inside a hall, not exceeding one-third of the area of space where it is projecting, will not count as a floor;
- 1.2.91        **‘Name Plate’** means a sign indicating the name and or address

of a building or the name of the occupant thereof;

- 1.2.92 **‘Non-Conforming Use’** means the use of a plot or structure thereon not conforming to the purpose authorised or permitted under this regulation or the conditions of allotment;
- 1.2.93 **‘Noxious Matters’** means a material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the psychological, social or economic well-being of persons;
- 1.2.94 **‘Obnoxious Industries’** means industries handling hazardous substances and or produces hazardous waste as determined under Pakistan Environment Act, 1997;
- 1.2.95 **‘Open Staircase’** means a staircase of which the roof must be fully open to the sky and of which at least two sides must be fully open and clear of any adjoining walls of any other building;
- 1.2.96 **‘Ordinary Repairs’** means painting, white-washing, plastering, paving and minor renewals or alterations;
- 1.2.97 **‘One window Operation (OWO)’** means counter of one window operation, located in Block-III, CDA Secretariat, off Khayaban-e-Soherwardi, Islamabad.
- 1.2.98 **‘Owner’** means the person to whom a plot has been allotted, leased or otherwise transferred, conveyed by the Authority or the lawful transferee of such plot duly mutated in the record of the Authority;
- 1.2.99 **‘Panel Wall’** means a wall which is built between posts or pillars and which supports no load other than its own weight;
- 1.2.100 **‘Parapet’** means a dwarf wall whether plain, perforated or panelled along the edge of a roof, balcony, verandah or terrace;
- 1.2.101 **‘Particulate Matter’** means the material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature;
- 1.2.102 **‘Partition’** means an internal vertical structure which sub-

divides a storey of a building into sections and which supports no load other than its own weight;

- 1.2.103      **‘Party Wall’** means a common wall between adjacent buildings on independent plots;
- 1.2.104      **‘Pergola’** means a structure of which the roof must be at least 75% open to the sky;
- 1.2.105      **‘Plan’** means the building plans showing the proposed details of the arrangement of intended building uses/ functions;
- 1.2.106      **‘Plinth’** means the portion of the building between the level of the street or road and the level of the ground floor;
- 1.2.107      **‘Plot Coverage’** means the percentage of area of the plot on which a building is allowed to be constructed;
- 1.2.108      **‘Plot’** means a single tract of land located within a block and demarcated by the Authority as such;
- 1.2.109      **‘Porch’** means a covered space for one or two cars and open at least from one side;
- 1.2.110      **‘Prescribed’** means prescribed by these Regulations or instructions issued by the Authority from time to time;
- 1.2.111      **‘Principal Building’** means a building in which the principal use is authorised or permitted;
- 1.2.112      **‘Principal Use’** means the use of the principal building for which the plot of land is allotted or conveyed to the owner as distinguished from a subordinate or ancillary use;
- 1.2.113      **‘Property Line’** for the purpose of these Regulation, mean that part of the plot boundary which separates property from the public property or a private property from another private property;
- 1.2.114      **‘Public Buildings’** means buildings of public assembly, community facilities and public utilities and except otherwise prescribed or permitted by the Authority are for use as authorised under this Regulation;

- 1.2.115      **‘Public Open Space’** means any open area including parks, playgrounds, waterways, streets etc. meant for public use;
- 1.2.116      **‘Public Street’** means a public right of way having plot on one or both sides and provides a vehicular mean of access or approach to abutting plots. It includes vehicular street, road and parking area;
- 1.2.117      **‘Rainwater Harvesting’** means the collection of rainwater from rooftops and land runoff through a system of pipes and tanks in a building by which rainwater can be collected in tanks for re-use;
- 1.2.118      **‘Rain Water Pipe’** means a pipe (not being a drain) which conveys/ or carries only rain water;
- 1.2.119      **‘Refuse Collection Point’** means a point from which the refuse of a house will be collected;
- 1.2.120      **‘Regulation’** means Islamabad Building and Zoning Regulations, 2004;
- 1.2.121      **‘Residential Building’** means a building authorised for residential occupancy by one or more families but does not include hotels or lodging houses;
- 1.2.122      **‘Residential Plot’** means a plot allotted exclusively for residential purpose;
- 1.2.123      **‘Residential Use’** means a building or part of it authorised for residential occupancy by one or more families;
- 1.2.124      **‘Retail’** means direct sale of commodities to consumers in relatively small quantities;
- 1.2.125      **‘Semi-Detached Building’** means either of two buildings constructed in pair on adjacent sites separated by a party wall and having a side yard;
- 1.2.126      **‘Septic Tank’** means a system of chambers made of imperious material, intended for reception and treatment of sewage;

- 1.2.127 **'Set back (Yard)'** means a space compulsory required to be left open between the building and the plot line without any obstruction Set back will be measured in horizontal distance between the plot line and the building;
- 1.2.128 **'Shop'** means a building used for carrying on trade or business and does not include a ware-house or a petrol filling station, but includes a residential accommodation attached to it;
- 1.2.129 **'Sign'** means a name, identification, description, display or illustration affixed to painted or directly/ indirectly represented upon a building structure or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business but does not include any display public office notices nor the flag, emblem, insignia of Pakistan or any other nation, school or religious group;
- 1.2.130 **'Site'** includes not only the land actually covered by the building, but also the land at the front, rear and side of a building;
- 1.2.131 **'Soak Pit'** means a pit filled with aggregate, boulders or brick bats and intended for the reception of waste water;
- 1.2.132 **'Soil Pipe'** means a pipe for conveying foul water to a sewer;
- 1.2.133 **'Storey'** means the portion of a building included between the surface of any floor and the surface of the floor next above or if there be no floor above, the space between the floor and the ceiling next above;
- 1.2.134 **'Street'** means a way, having houses on one or both sides, which affords a primary means of access to abutting property;
- 1.2.135 **'Structural Alteration'** means any change in the structure of a building i.e. supporting members of a building such as load-bearing walls, columns, beams, slabs, floors and girders etc.;
- 1.2.136 **'Structural Calculations'** means detailed calculation prepared by a licensed Architect/ Engineer showing the sufficiency of the strength of every load-bearing part of the proposed structure;
- 1.2.137 **'Superimposed Load'** means all loads other than the dead

load;

- 1.2.138 **'Tenement'** means a building suitable for letting out separate units each consisting of not more than two rooms with a cooking place attached, a common passage and common sanitary arrangements;
- 1.2.139 **'Terrace'** means a raised level placed, in front of building on sloping ground artificial or natural shelf in hill side, row of houses built into one block;
- 1.2.140 **'Terraced Building'** means buildings in row and attached on both plot side lines;
- 1.2.141 **'Terraced houses'** means contiguous houses constructed on adjacent plot, separated by party walls and having no side set back;
- 1.2.142 **'Toilet'** means a space for washing up and dressing purpose and may include urinals and water closets;
- 1.2.143 **'Toxic Material'** means a material which is capable a causing injury to living organisms by chemical means even which present in relatively small quantities;
- 1.2.144 **'Unit Allottee'** means the person to whom the allottee allots sells or agrees to sell or otherwise transfers, in whatever form, his rights in a unit in the multi-unit building;
- 1.2.145 **'Unit'** means a self-contained unit of shop, office, residential flat or apartment of an area not less than 150 square feet in the case of shop or office and not less than 600 square feet in the case of residential flat or apartment;
- 1.2.146 **'Use'** means the purpose for which a plot or building thereon is authorised or permitted under this regulation;
- 1.2.147 **'Ventilating Pipe'** means a pipe open to the external air at its highest point, which ventilates a drainage or a sewage system or part thereof and does not convey/ carry any soil water, waste water or rain water;
- 1.2.148 **'Verandah'** means a part of a building facing street or an

internal or external open space with at least half of the external wall space permanently open to light and air;

- 1.2.149 **'Ware-house Class Building'** means a building in which merchandise and other goods are stored and includes a factory;
- 1.2.150 **'Warehouse'** means a building in which merchandise and other goods are stored;
- 1.2.151 **'Waste Water'** means used water not being soil water;
- 1.2.152 **'Water Closet (W.C)'** means a fixture which is connected to a sanitary system so that the excreta may be carried away by flushing and may also refer to an enclosure containing such a fixture;
- 1.2.153 **'Wind Load'** means all loads due to the effect of wind pressure on structure;
- 1.2.154 **'Yard'** means an open space on a plot unobstructed from its lowest level to the sky;
- 1.2.155 **'Zones-Diplomatic Enclave'** are the internal divisions of the Diplomatic Enclave.
- 1.2.156 **'Zones'** are the internal divisions of the Islamabad Capital Territory (ICT).

## CHAPTER 2

### BUILDINGS AND USES

#### 2.1 AUTHORIZED BUILDINGS AND USES

- 2.1.1 Only such types of buildings/ structures can be constructed in Islamabad Capital Territory plots, which are in accordance with the Master Plan / Functional Plan/ these regulations and/ or as described in the terms and conditions of allotment of respective plot(s).
- 2.1.2 The plots/ buildings in Islamabad Capital Territory (ICT) shall



be used only for the purpose for which they have been allotted and conveyed.

- 2.1.3 No land or building shall be put to a non-conforming use. Any building or structure designed or intended for a use not authorised or permitted under this or other regulations of the Authority, or conditions of allotment, shall either be removed or converted into a building or structure designed or intended for authorised use.
- 2.1.4 A non-conforming use of a building may render the owner and the occupant of the building liable to penalty and eviction from the building and the allotment/ conveyance deed of the plot may also be cancelled.

#### COMMENTS

**Using building in residential sector for purpose of school.** Notice to petitioner by the Authority to desist from such non-conforming use of building. Contention of petitioner was that no action had been taken against the other schools. Validity. Non-taking of action against some schools would give no right to the petitioner to operate in a residential sector, if same was otherwise prohibited [PLD 2004 Lah. 305].

- 2.1.5 Authority may consider change of land-use on request of allottees, with or without charges, provided that, the LAYOUT Plan and FUNCTIONAL Plan framed for the same permits such change.
- 2.1.6 Small temporary buildings or structures of approved size for storage purpose can be constructed for the duration of the construction of the principal building(s) on the same plot or on adjacent land on approved location, with prior approval of the Authority before starting construction. Such buildings or structures shall be removed immediately after the main structure is constructed or earlier if so directed by the Authority.
- 2.1.7 A house, apartment, flat in a residential building, may be used by its resident professional such as Architect, Town Planner, Lawyer, Doctor, Engineer etc. for "Home Occupation" with prior permission of the Authority, provided the overall residential character of the building/ apartment is not changed and not more than two rooms/ not more than 25% of covered

area of the floor on which it is located. Further more it shall not constitute, in any way, nuisance to the neighbours in any form as determined by the Authority.

2.1.8 Construction may cover a block, leaving compulsory setbacks on ground and first floors in case of dwelling houses. However, in case of flats/ apartment buildings, Schedule -1 shall be followed.

## **2.2 PERMISSION FOR CONSTRUCTION OF BUILDINGS**

2.2.1 Every person, who intends to carry out building works shall comply with the provisions of these Zoning Regulations along with the relevant provisions of the Building Regulations (Building Regulations 1963).

2.2.2 No building or structure shall be constructed or any addition/ alteration made thereon except:—

- (a) With the prior approval of the Authority, and
- (b) Minor internal repairs; in accordance with the Building and Zoning Regulations or instructions, issued by the Authority in this behalf from time to time.

2.2.3 Any construction started/ carried out without prior approval of the Authority shall be liable to be removed (partly or wholly) at the risk and cost of the owner(s)/ allottee/ occupant(s) and/ or imposition of penalty as prescribed in the schedules/ annexure.

2.2.4 Any construction that does not-conform to the Building and Zoning Regulations, shall be liable to be demolished at the risk and cost of the owner(s)/ allottee(s)/ occupant(s), with or without prior notice.

2.2.5 Building plan shall remain valid for a maximum period of five (5) years or for the construction period stipulated in the terms and conditions of the allotment. After the expiry of the period of their validity, revalidation or revised approval of plans shall be mandatory.

2.2.6 Provided that the building plans submitted to the Authority

through Architect are in accordance with these Regulations, the Authority shall convey intimation of approval of plans or otherwise, as the case may be, to the allottee/ owner as well as to the Architect, within a period of twenty-one (21) days from the date of submission of plans. Other wise a written intimation regarding reasons for non approval, are given by the Authority within the said period.

2.2.7 Fee as prescribed in the regulations shall be paid in advance for obtaining approval of plans.

**2.3 SUB-DIVISION AND AMALGAMATION OF PLOTS/  
BUILDINGS**

2.3.1 No plot shall be amalgamated with an adjoining plot or plots for construction of buildings or for any other purpose whatsoever.

2.3.2 Sub-division of any plot or construction thereon shall not be allowed without prior approval of the Authority.

2.3.3 Only one bifurcation/ sub-division of plots will be allowed in respect of plots measuring 1000 sq. yards and above, provided each divided portion of the plot is not less than 500 sq. yards. The sub-division will however be allowed on the condition that only one living unit will be permitted to be constructed on each sub-divided portion.

Where plots have been sub-divided the Zoning and Building Regulations relating to FAR/ permissible covered area and setbacks of the original un-divided plots will be applicable. And the combined FAR/ permissible covered area of both the living units on the sub-divided portions shall not exceed the total FAR/ permissible covered area permissible on the undivided plot.

2.3.4 Plots, which abut on one road only, can also be sub-divided provided an independent road access is given to the rear sub-divided portion from within the front portion. The area and ownership of this access lane will remain with the rear plot. However, each sub-divided portion should not be less than 500 sq. yards.

2.3.5 In old cases where approval on a sub-divided portion has already been given for more than two units, the approval will not be withdrawn. However, for sub divided portions where the allottees have not so far submitted drawings for approval, the new rules i.e. permission to construct one unit on each sub-divided portion, will apply.

**2.4 F.A.R, GROUND COVERAGE, SIZE, HEIGHT, NUMBER OF STOREYS, STAIR TOWER, TYPE AND NATURE OF DEVELOPMENT**

2.4.1 Except as otherwise prescribed or permitted by the Authority the maximum Ground Coverage, maximum Built-up Area of building on a plot/ (total FAR), the minimum Setbacks from the plot lines, the maximum Number of Storeys, the maximum Height, the Type and Nature of Development, Size of Building and Size of Mumty (Stair Tower) shall be as laid down in Schedule-1.

Mumty (Stair Tower) may be constructed in residential houses/ plots as per Schedule-1, subject to the condition that the width of the Mumty, as visible from the front road shall be smaller than its depth and its width shall not be more than half (1/2) of the plot width in case of Terraced/ Attached Houses and 1/3rd of the plot width for Detached Houses. A small washroom and a room may be provided within the permissible area of Mumty. Height of Mumty (Stair Tower) may be constructed up to 10'-0" in residential houses only:

Provided that the Authority may in exceptional cases due to site conditions, circumstances and technical reasons give, directions to the owner/ allottee of a plot to follow such deviations from the Schedule as the Authority may consider necessary and the owner shall act in accordance with such directions.

2.4.2 Any excess covered area beyond the prescribed limits in Schedule-1, shall be demolished.

2.4.3 Any deviation from any rule, where possible and subject to approval of the Authority in advance, (maximum up to five per cent 5 %) shall be considered for compounding with charges provided it does not conflict with any other rule.

**2.5 DEMOLITION OF ATTACHED BUILDINGS ON ADJACENT PLOT(S)**

2.5.1 No building or structure or parts thereof (on adjacent/ attached building where ownership is different) shall be demolished or removed, except those for which prior approval of the Authority has been obtained and;

2.5.2 Such demolition shall be carried out under the supervision of a licensed Structural Engineer, after taking all necessary precautions for the safety of public life and attached/ surrounding property;

2.5.3 During the course of demolition or reconstruction of attached structure(s). No Objection Certificate (NOC) shall be mandatory to be obtained from the owner(s) of the adjacent property(s) or Bank Guaranty equal to the construction cost of attached building / attached part of building.

**2.6 BASEMENT, VAULTS, CELLARS etc.**

2.6.1 Basement, vaults, cellars and other structures wholly or partly below the ground level/ front road level shall be allowed by the Authority with the following conditions;

(i) The basement shall not be exposed more than given in Schedule-1, from the average/ mean level of front road.

(ii) The area of basement shall not be counted into FAR/ permissible built up area on the plot, however for the purpose of scrutiny fee and property tax all covered area shall be calculated.

(iii) The natural level of front yard (set-back) shall not be raised/ lowered down more than 2'-0" from the natural ground level/ front road level.

(iv) In case of split level designs, the part of house which has its roof level not more than 5'-0" above the mean level of front road level, shall be treated as basement and its area will not be counted into FAR/ allowable covered area. In case the roof of any floor is more than

5'-0" above the mean level of the front street/ road, its area will be considered as ground floor area.

- (v) In case of abnormal site conditions where the plots are considerably higher than the front road, car porch and stair hall shall be allowed at maximum 2'-0" above the road level; remaining part can also be allowed by the Authority as basement at road level provided the basement is not exposed more than 2'-0" from the front yard at the front only. However, in all such cases, no deviation will be allowed from the approved plan. Natural ground level and road level should be given on proposed plans by the Architects in such cases.
- (vi) In all cases the building should look like two storey from the front and the total height of building should not be more than 30'-0".
- (vii) External walls, below natural ground/ yard level of the basements shall be minimum 9" (inch) thick R.C.C. walls, adequately water proofed and structurally sound and stable against earth pressures, etc.;
- (viii) Clear height of basement shall not be less than 8'-6" and not more than 12'-0", unless there are special requirements or site condition force for a changed heights. However, if the basement is used for habitable purposes, the rules for respective space uses will be applied.
- (ix) For detached houses 100% area under the permissible ground floor coverage will be allowed for construction of basement.
- (x) For terraced houses basement under the plinth area will be allowed provided the adjacent plots are vacant or basements already stand constructed on the adjacent plot(s). In case basement is not constructed on the adjacent plot(s)/ ground floor stand constructed on the adjacent plot(s), a minimum distance of 5'-0" shall be left from the property line from the adjacent plot(s) while constructing the basement. In all such cases,

foundations of external walls shall be designed and constructed cantilevered.

- (xi) All necessary precautionary measures shall be taken during construction of basement/ lowering the side yards for safety of adjacent structures/ boundary walls etc. In all dwelling houses where side yards are to be lowered (maximum 6'-0" from mean level of front road), the owner/ allottee and the contractor shall ensure the safety of the adjacent building/ boundary walls.
- (xii) In case of damage to the adjacent property, the owner and the contractor shall be jointly and severally responsible for such damages. Also Architect and Engineer shall be responsible for any defect found in the design. CDA in no way shall be held responsible for such damages. In all other cases, except dwelling houses where basements in adjacent plots are to be constructed, the owner/ allottee shall provide a Bank Guarantee @ Rs. 500 per sq. ft. of the adjacent building or bring NOC from the owners of adjacent buildings.
- (xiii) If services, such as bath room, kitchen etc., are provided in the basement, the owner must provide mechanical disposal from the basement to the upper level in all cases (irrespective of levels of CDA mains), so that there is no possibility of back flow in case of choking of the sewer lines. CDA will not be responsible for the consequences in any case. Separate arrangements shall be made for the disposal of storm water drainage to the CDA mains from the basement level. CDA will not be held responsible in any case. If any sewerage connection is found not connected with CDA respective mains, the owner/ allottee and the supervising Architect/ Engineer shall be held responsible and will be penalised.
- (xiv) In no case the basement will be allowed in the minimum prescribed setbacks. Only a driveway bridge may be provided in the front/ side yard of plot, which has natural depression in dwelling houses. The space under the bridge shall not be used for any habitable purpose.

- (xv) In all basements, other than open basements, minimum one emergency exit of size not less than 3 ft. x 3 ft. shall be provided with outside opening.
- (xvi) Basement may be constructed, leaving minimum 10' set backs all around in Flats/ Apartment Buildings/ Multi-storey buildings/ Multi-unit buildings. Ramps may be constructed in setbacks in Flats/ Apartments/ multi-storey buildings, other than front setback.
- (xvii) Basement may be constructed under the Plinth Area, leaving the minimum permissible setbacks in dwelling houses.
- (xviii) Basement may be allowed under the Driveway in the front yard in Dwelling Houses, where plots are in depression more than 8'-0". This space shall be allowed for storage only.
- (xix) Basements in dwelling houses shall be allowed under the entire plinth area of a building with out counting them as a storeys or their area into FAR/ permissible covered area.
- (xx) A Basement shall have proper and adequate means of escape/ exits for quick evacuation, in case of emergencies, hazards, and disasters.
- (xxi) Prior permission of the Authority and the NOC of the owner of adjacent building shall be necessary, in case any under ground part of adjacent building is likely to be exposed during the course of excavation or construction of basement(s).

## 2.6.2

### **Open Basement**

Open basement other than front setback may be allowed subject to the following:

- (i) Side and Rear Yards/ setbacks may be lowered (not more than 6'-0" from mean level of front road) subject to provision of proper drainage and stability of the



adjoining properties. Drainage from the Yards/ setbacks shall be the sole responsibility of the allottee/ owner.

- (ii) Front setback shall not be lowered in any case, other than minor/ small levelling but not more than 2'-0" from the road level.
- (iii) Sewerage from basement shall be lifted through mechanical means and disposed of in CDA mains through sump/ sludge pump etc. with proper pumping system and it shall be the responsibility of the allottee/ owner.
- (iv) Entry (s) to basement from outside may also be allowed.
- (v) Basement may be used for servant quarters subject to proper light & ventilation and other hygienic standards.
- (vi) The entry to the basement from rear/ side setback is allowed. This entry may be used for servants.
- (vii) Construction of R.C.C. retaining wall at plot line shall be compulsory in case the side / rear yards are lowered.

## **2.7 ACCESSIBILITY TO SERVICES**

- 2.7.1 All services shall be accessible to all owners/ occupants at all times/ agreed jointly in Flats/ Apartment/ Multi-storey/ Multi-unit buildings.

## **2.8 PERMISSION FOR OCCUPATION OF BUILDINGS**

- 2.8.1 No building or structure or part thereof shall be occupied or used without obtaining **Completion Certificate (Permission to occupy)** from the Authority, within three (3) months after the expiry of initial construction period.

## **2.9 DISTANCE BETWEEN BUILDINGS ON A PLOT**

- 2.9.1 When two separate buildings on the same (original) plot, are located parallel to each other, the minimum distance between the buildings shall be as under;

- (a) For building overlapping each other up to 12'-0", the distance between the two buildings shall be 6'-0" (3'-0" on each side).
- (b) For buildings overlapping each other more than 12'-0", the distance between the two buildings shall be 10'-0" (5'-0" on each side).

## **2.10 SERVANT ROOMS/ SERVANT QUARTERS**

- 2.10.1 Minimum one servant room along with bathroom shall be provided in each house on plots measuring 501 sq. yards and above.
- 2.10.2 In case of Flats/ Apartment buildings, servant quarter shall be mandatory with each flat having minimum 2 bedrooms.

## **2.11 STRUCTURES ON ROOFS**

- 2.11.1 Only the following structures of permanent nature may be constructed on roofs of multi-storey buildings/ Apartment Buildings, provided they are designed and built to the satisfaction of the Authority:
  - (a) Chimneys, air conditioning and other ducts, vents and wind catchers.
  - (c) Water tanks suitably designed and not prominently visible from the front road/ side road, if any.
  - (d) Radio and television antennas.
  - (e) Parapet walls of three feet (3') high shall be constructed. In case of accessible roof, the provision of suitable railing/ parapet wall would be compulsory.
  - (f) Mumty/ Stair tower as given in the Schedule-1.
  - (g) Lift rooms, skylights, cooling towers etc.
  - (h) A suitable Penthouse, subject to maximum covered area of all structures on rooftop shall not exceed ten percent

(10%) of rooftop area. A penthouse/ viewing gallery may be constructed on rooftop along with stair tower in Apartment Buildings of six (6) storeys and above only.

- (i) No Mobile Phone Antennas are allowed on roofs of dwelling houses.
- (j) Other structure which the Authority may, by general or specific order, permit.

**2.12 SETBACKS (COMPULSORY OPEN SPACES)**

2.12.1 Minimum compulsory open space (space around buildings) shall be left around buildings as setback as per Schedule-1 and no building or structure shall be allowed in setbacks except:-

**2.12.2 Bay Windows**

- (a) Bay windows projecting up to 25% in width of the set back would be allowed subject to a maximum projection up to 2'-6" and length up to 8'-0". The area of bay windows shall be counted into F.A.R./ permissible covered area.
- (b) Not more than two bay windows shall be allowed in any one set back.

**2.12.3 Open Stairs**

Open stair in setback (spiral or straight) would be allowed provided:

- (a) These fall in the rear/ sides setbacks.
- (b) The width of spiral stairs shall not be less than 5'-0" and not more than 6'-0" in the case of straight stairs, not more than 3'-3" and not less than 2'-9" (including railing) shall be allowed.
- (c) In no case open stairs in the setback shall be used as main stairs for approach to first floor.
- (d) A three feet (3') wide suitable visual barrier of any

material shall be provided at a height of 3'-0" alongside the open stair/ passage and in front of servant rooms for privacy of neighbouring houses.

#### 2.12.4 Pergolas

Pergolas in set-back made of wood or bamboos only and must **NOT** be covered, shall be allowed but not exceeding the following:

- (a) For attached/ terraced houses 100 sft.
- (b) For detached houses 200 sft.

#### 2.12.5 Decorative Features in Set-backs

Small decorative features/ landscape elements not higher than the compound wall and as approved on the building plan shall be allowed in front setback.

#### 2.12.6 Roof Projections / Chajja (Schedule - 4)

- (a) Roof projections mentioned below shall be allowed in setbacks;

S/ No.	Floor	Max. Permissible Width of Projection (ft.)	Excess Area of Projection Over the Permissible Limits (Relaxable with Fine) upto
01	Ground Floor	3'-0"	3'-6"
02	First Floor	3'-0"	3'-6"
03	First Floor on Terrace only	5'-0"	5'-6"
04	Stair Towers	3'-0"	3'-6"

**Note:** For projection outside the plot, please see Schedule-3.

- (b) The projections up to above-mentioned limits shall not be counted towards FAR/ permissible covered area.
- (c) In no case the projection shall cover more than half of the width of any setback at any floor.
- (d) Projection exceeding relaxable limits will be dismantled/ demolished.

**2.12.7**

**Car Porches**

- (i) The area of porch, falling in front setback, preferably not covering more than half of the setback (both ways). However, it must not cover more than 2/3rd of the setback in any case.
- (ii) Two disconnected porches in same setback shall be allowed provided the minimum distance, between the two porches, is 10'-0". The total area of porches in same setback shall not exceed:
  - (a) In set-back up to 10'-0" of permissible width, maximum area of porch shall be 300 sft.
  - (b) In set-back more than 10'-0" of permissible width, max. area of porch shall be 400 sft.
- (iii) Any excess area of porch has to be accommodated in the permissible building block.
- (iv) The covered area of porch falling in the permissible building block shall be counted into the covered area, irrespective of its size/ shape etc.
- (v) Minimum width of car porch shall be 9'- 0".
- (vi) Roofs of car porch shall not be used as terrace without proper visual screen installed for the privacy of neighbouring houses, but there will be no restriction on height of porches.
- (vii) Projections of porches shall be counted into area of the

porch and the length/ depth of the porch shall not exceed 26'-0" for single porch and 32'-0" for double porch, including projections, in detached houses.

- (viii) Roof of porch in the setback can be of pergola type, however, there shall be no relaxation in area of porch due to the type of roof.
- (ix) The porch shall remain open at least from one side in terraced houses and two sides in detached houses.
- (x) Drainage water from the roof of the porch shall be drained within the plot.
- (xi) In plots where setback is less than 10'-0", porch shall be allowed only in front setback.
- (xii) Total number of car porches, allowed on a plot, shall correspond to the number of living units permissible on the plot. However, double car porch, up to 400 sft, may be constructed subject to availability of space.

#### 2.12.8

##### **Relaxation in Setbacks**

- (i) The setbacks of sides facing towards open spaces/ nullahs other than roads/ streets etc. of a plot may be relaxed up to 50 percent of width of that setback, provided that the total permissible covered area for that type/ category of plot is not exceeded.
- (ii) The setbacks of a plot of irregular shape/ odd dimensions etc. may be fixed/ relaxed to give suitable allowance in permissible coverage.
- (iii) No relaxations would be allowed in setbacks in all cases. Any excess construction in setbacks beyond the permissible buildable block/ covered area will be demolished.

#### 2.12.9

##### **Balconies**

Balconies as approved on the plans may be projected up to 3'-0" in set backs, which are 10'-0" and more and the distance between buildings on two adjacent plots is 15'-0" or more.

**2.13 MAXIMUM HEIGHT OF RAMPS**

- 2.13.1 For all houses maximum height of ramp shall be one foot (12") from the road level to entry gate. The difference of road and plinth levels may be adjusted within the plot. Ramps constructed beyond the above-mentioned limits, shall be demolished.

**2.14 HEIGHT OF MUMTY/ STAIR TOWER**

- 2.14.1 Height of Mumty (Stair Tower) may be constructed maximum up to 10'-0" in dwelling houses only. In other buildings, the maximum height of mumty/ stair tower shall be 8'-0" maximum.

**2.15 OWNERSHIP & USE OF ROOF-TOPS**

- 2.15.1 The ownership rights of rooftops of flats/ apartments/ multi storey/ multi-unit buildings, having common ownership, shall be the property of all owners of the building jointly, up to 85% according to their share, including the owners of the top floor. The remaining 15% shall be the property of all owner of the Top Floor jointly, according to their share, in addition to their original shares. The rooftop shall be accessible to all owners/ tenants as agreed jointly. The rooftop shall not be used/ owned by the developer/ owner or any one stakeholder in any case and the developer shall have **NO** ownership rights in this regard.

- 2.15.2 Any commercial use/ commercial signages/ billboards etc. of roof-top shall be subject to prior approval of the Authority.

**2.16 IRREGULAR PLOTS**

- 2.16.1 In case of irregular shape plot, its size and frontage shall generally be determined on the basis of average of front and rear dimensions of the plot.

**2.17 BAN ON NON-CONFORMING USES**

- 2.17.1 No land or building <sup>1</sup>[or part of the building] shall be put to a non-conforming use.
- 2.17.2 Any building <sup>2</sup>[or part of the building] or structure designed or intended for a use, not authorized or permitted under these Regulations or conditions of allotment, shall either be removed or converted into a building or structure designed or intended for a use authorized or permitted under these Regulations or conditions of allotment.
- 2.17.3 A non-conforming use of a residential building may render the owner and the occupant of the building liable, on first conviction to pay a fine of <sup>3</sup>[Rs.0.5 million] and in the case of failure to discontinue the non-conforming use within 15 days of the conviction, to an additional fine which may extend to <sup>4</sup>[five thousand rupees (Rs.5000)] for every day during which he has persisted in the failure. After a persistent non-conforming use for a period of three months, the owner or as the case may be the occupant shall be liable to be evicted from the building summarily and the allotment/ conveyance deed of the plot may also be cancelled.
- 2.17.4 The penalty mentioned above in this regard, shall be imposed by the Deputy Commissioner only.
- <sup>5</sup>[2.17.5 (a) With a view to maintain sanctity of Building Regulations, without prejudice to any proceedings pending under these regulations, premises, where non conforming use exists may be sealed by Director Enforcement CDA or any person empowered by the Authority in the presence of Magistrate, CDA upon issuance of order for sealing of said premises by Director Building Control, CDA or any person empowered by the Authority after expiry of first notice of 15 days issued by Building Control Directorate.

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<sup>1</sup> Ins. by S.R.O. 1088(I)/2015, dated 30th October, 2015.

<sup>2</sup> Ins. by S.R.O. 1088(I)/2015, dated 30th October, 2015.

<sup>3</sup> Subs. by S.R.O. 108(I)/2007, dated 6.2.2007, with effect from 15.12.2006.

<sup>4</sup> Subs. by S.R.O. 108(I)/2007, dated 6.2.2007, with effect from 15.12.2006.

<sup>5</sup> Ins. by S.R.O. 1088(I)/2015, dated 30th October, 2015.



- (b) Premises may be de-sealed by the order next higher authority *i.e.* Member (Planning & Design), CDA or any person empowered by the Authority on submission of affidavit that the said premises shall never be put in non conforming use in future and after clearance regarding the fine imposed by Deputy Commissioner, CDA.]

#### COMMENTS

**Penalty for non-conforming use.** Where tenant has not denied the non-conforming use of rented building then imposition of penalty by Deputy Commissioner in exercise of powers under Regulations 2.17.3 and 2.17.4 of Islamabad Residential Sectors Zoning (Building Control) Regulations, 2005 was right [PLD 2011 Isl. 36].

**Non-conforming use.** Basic law on the subject which regulates reservation of land, development of land, allotment of land, construction of building and use of building in Capital Territory under Capital Development Authority Ordinance, 1960, provides no room for establishment of guest houses in residential buildings. If someone wants to protect source of his livelihood he has option to purchase land from commercial centres and to establish his hotels and guest houses in those areas and then the State would protect his rights to livelihood and nobody is supposed to interfere in that process. Petitioners failed to point out any illegality in order passed by authorities who were proceeding in accordance with law to implement rules and regulations. One wrong cannot justify other wrong if some persons who have been using residential buildings for commercial purposes have not been proceeded against no advantage or concession can be extended in favour of petitioners on such score. Business of petitioners may be lawful but places where the businesses have been started are not meant for business and such restriction imposed by government through Capital Development Authority Ordinance, 1960, and regulations framed thereunder are lawful restrictions in the supreme welfare of inhabitants. Mess of non-conforming use has disrupted civic fiber in the city, manipulated master plan of the capital and infringed fundamental rights of inhabitants increasing violation has posed serious threats and enhanced diminishing law and order situation. High Court directed the authorities to act in accordance with law, justice, fairness and honesty by enforcing laws and regulations. Petition was dismissed in circumstances [2015 YLR 998].

### CHAPTER 3

#### BUILDINGS REGULATORY PROCEDURES

##### 3.1 RESPONSIBILITY OF THE OWNER/ ALLOTTEE

- 3.1.1 Neither the granting of the permit nor the approval of the drawing and specifications, nor inspections made by the Authority during erection of the building shall in any way relieve the owner/ allottee of such plot/ building from full responsibility for carrying out the work in accordance with the

requirements of these bye-laws.

### **3.2 DOCUMENTS AT SITE**

3.2.1 The property to whom an approval permit is issued shall during construction keep posted in a conspicuous place on the property in respect of which the permit was issued, a copy of the building permit. Also, during construction, an approval letter/ permit, a copy of the approved drawings and specifications shall be available on the property in respect of which the approval permit was issued.

### **3.3 EMPLOYMENT OF LICENSED ARCHITECT & ENGR.**

3.3.1 Every person, who intends to carry out building works or to secure a dangerous building involving additions and alternations, shall employ a Licensed Architect and Engineer to supervise the building works or the securing of such dangerous building involving additions and alternations.

3.3.2 The Licensed Architect and Engineer so employed shall give notice to the Authority in writing on the prescribed **Form A-2** of his having undertaken to supervise such work. A certificate on the prescribed **Form B-2** duly signed by the Licensed Architect and Engineer employed under these Regulations shall be obtained by the owner, in token of the work or part of the work having been satisfactorily done under his/ her supervision.

3.3.3 The Licensed Architect and Engineer so employed shall give notice to the concerned Deputy Director, BCS and Director Architecture with the reasons in writing of his having ceasing of such building works before the same is completed, further execution of such work shall forthwith be suspended until a fresh appointment is made. The allottee/ owner shall also give notice for the same to the concerned Deputy Director, BCS and Director Architecture with the reasons in writing forthwith. The allottee/ owner shall not undertake any construction work till the fresh appointment within fifteen (15) days. A fresh certificate on the prescribed **Form A-2** duly signed by the Licensed Architect and Engineer employed, under these Regulations shall be submitted by the allottee/ owner. Penalty shall be imposed if the same are not submitted within fifteen days.

**3.4 SUBMISSION OF DRAWINGS AND CERTIFICATES**

3.4.1 All applications and certificates referred to in these regulations shall be made on the forms appended at Schedule No. I which may be had from the Authority on payment of nominal charges as prescribed by the Authority.

**3.4.2 Submission of Drawings**

The owner/ allottee shall submit along with the application, six sets of drawings (also one on CD) covering the following details:—

- i. Size of sheets should be A0, A1 or A2 and all details be given at a minimum suitable scale of 1/8", 1/16", 1/32" to a foot.
- ii. Plans, Elevations, Sections and Site Plan/ Key Plan showing North direction and width of the road. Such plans shall show the purpose for which the building or parts thereof, are intended to be used.
- iii. External dimensions of building.
- iv. Internal dimensions of all rooms.
- v. Total height of building with reference to the front road including level of plinth, driveway and split-levels, if any (levels be indicated on plans also).
- vi. Roof Plan showing location and size of overhead and underground water tanks, sewerage and drainage lines.
- vii. Location and size of Rain Water Harvesting Tanks, (overhead and underground), where applicable.
- viii. Plumbing (separate systems for Sewerage and Drainage) plans.
- ix. Details of ramps, grating at gate(s), driveway and plinth with reference to the front road level.

- x. Foundation and structure design.
- xi. Schedule of covered areas.
- xii. Schedule of openings (doors and windows).
- xiii. Covered area calculations / block plans.
- xiv. Perspective view.
- xv. Necessary certificates.
- xvi. Signature of Allottee/ Owner, Architect and Engineer on the drawings.
- xvii. Drawings must be of acceptable to Architectural Standards along with other requirements such as attested copies of ID Card, Allotment letter, Possession Certificate, Site Plan etc.
- xviii. Working Drawings shall be mandatory for plots more than 600 sq. yds (dwelling houses) and Flats/ Apartment buildings.

### 3.4.3 New Structures

Every person who intends to erect or re-erect a building shall submit to the Authority an application in writing on the prescribed **Form A-1** for permission to execute the work and the name of Licensed Architect/ Engineer whom he employs to supervise its erection. The Architect/ Engineer so employed shall submit to the Authority the following along with a notice on the prescribed **Form A-2**;

- \* (d) Detailed calculations showing the sufficiency of the strength of every load-bearing part of such building having more than three (3) storeys.
- (e) Any other information or document required by the Authority to deal satisfactorily with the Plan.

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\* Paragraphs (a), (b) & (c) are not given in the Gazette.

**3.4.4 Existing Structures**

Every person who intends;

- (a) to make any addition or alteration to a building involving the removal or re-erection of any roof or any outer wall, or of any wall which supports the roof thereof or change the size of any existing room or passage so as to affect the light and ventilation of the building;
- (b) to remove or renew posts, columns and beams of a building;
- (c) to make any structural alteration;
- (d) to make any alteration in a building involving:
  - (i) the sub-division of any room or any other part of a building so as to convert the same into two or more separate rooms or parts of a building;
  - (ii) the conversion of any passage or space in such building into a room or any other use;
- (e) to re-construct any building or any portion thereof;

shall submit an application to the Authority in writing on the prescribed **Form A-1** for permission to execute the work and in cases where the employment of a Licensed Architect/ Engineer is necessary, the name of the Licensed Architect/ Engineer, whom he has employed to supervise its execution. The Licensed Architect/ Engineer shall give notice to the Authority of **Form A-2** along with all the information and documents.

**3.5 DOCUMENTS OF TITLE**

- 3.5.1** Every person who intends to carry out building works, if required, shall produce all documents of title relating to the plot showing his right to carry out such works.

**3.6 DRAWINGS AND DOCUMENTS**

**3.6.1 Plans and documents;**

- (a) Every person, who intends to carry out building works, is required to furnish to the Authority any plan or other documents, shall furnish six copies of every such plan.
- (b) Every plan of any building submitted shall, in token of its having been prepared by a Licensed Architect/ Engineer or under his supervision, bear his signature.
- (c) In cases where designs approved by the Authority are adopted no signature of a Licensed Architect/ Engineer shall be necessary.

**3.7 PERIOD OF APPROVAL**

**3.7.1** Within three weeks after the receipt of an application for permission to carry out building works for houses and other buildings up to 10,000 sft. covered area the Authority shall;

- (a) Pass orders granting or refusing permission to carry out such building works, and in the case of refusal, specifying the provisions of the regulation violated; or
- (b) Require further details in the plans, documents, specifications and any other particulars to be submitted to it.
- (c) In case of buildings having covered area more than 10,000 sft., it may take six weeks to respond.
- (d) In case of important nature/ public buildings or having covered area more than 10,000 sft, or other special types of buildings the case shall be referred to the 'Design Vetting Committee'.

**3.8 EVIDENCE OF PERMISSION**

**3.8.1** Whenever, under any of the regulations the doing or the omitting to do a thing or the validity of anything depends upon the sanction, permission, approval, order, direction requisition, notice or satisfaction of the Authority, a written document

along with the approved plan and working drawings signed by the Deputy Director, Building Control Section purporting to convey or set forth his sanction, permission approval, order, direction, requisition, notice or satisfaction shall be sufficient *prima facie* evidence.

### **3.9 CANCELLATION OF PERMISSION**

3.9.1 If at any time after permission to carry out building works has been given, the Authority is satisfied that such permission was granted in consequence or any material misrepresentation or fraudulent statement contained in the application made under regulations in the plans, elevations, sections or specifications and documents submitted therewith in respect of such building, such permission may be cancelled and any work done thereunder shall be deemed to have been done without permission.

### **3.10 WORK CARRIED OUT WITHOUT PERMISSION**

3.10.1 If the building works are commenced or carried out contrary to the provisions of these regulations or any other regulation(s) issued by the Authority time to time and/ or for the time being in force, the Authority may:

- (a) By written notice require the person, who is carrying out such building works, to stop all such work.
- (b) By written notice, require the person who is carrying out or has carried out such building works on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him and addressed to the Authority to show sufficient cause why such building works or such part thereof shall not be removed or altered to comply with the regulations.
- (c) Require the said person on such day, at such time and place as shall be specified in such notice to attend personally or through an agent duly authorised by him and show sufficient cause, why such building works or part thereof shall not be removed or altered.

- (d) If such person shall fail to show sufficient cause to the satisfaction of the Authority, why such building works or part thereof shall not be removed or altered, the Authority may remove or alter the building works or any part thereof and the expenses thus incurred shall be paid by such person.
- (e) If the building works are commenced contrary to the provisions of these Regulations or any other Regulation(s) issued by the Authority, the Authority may demolish such unauthorized work with or without notice.

### **3.11 FEES**

#### **3.11.1 Scrutiny Fee**

- (i) The Authority shall charge, for the scrutiny of building plans required to be submitted under these Regulations, a fee to be known as scrutiny fee at the rates listed in these Regulations.
- (ii) If the building plans previously approved are amended, the Authority may charge a fee that may be prescribed by it.
- (iii) If completion plan of a building show substantial deviation (more than 15 % changed) from the approved plans, the Authority shall charge double fee for scrutiny of such plans, in addition to the completion scrutiny fee.
- (iv) The scrutiny fees shall be payable at such rates as may from time to time be prescribed by the Authority.
- (v) The scrutiny fee for completion certificate shall be payable equal to the approval scrutiny fee.

### **3.12 NOTICES, INSPECTIONS & CERTIFICATES DURING CONSTRUCTION**

#### **3.12.1 SITE OPERATIONS**



Every person who carries out building works or demolition works shall comply with the Authority's instructions regarding Site Operations.

**3.12.2 PERIOD OF VALIDITY OF APPROVED PLAN**

The validity of the approved plan is five (5) years from the date, building plan is approved.

**3.12.3 SAFETY AND STABILITY OF BUILDINGS**

Every person who carries out building works shall use sound building materials which shall be good quality and properly put together so as to ensure safety and stability of the building.

**3.12.4 VERIFICATION OF PLOT/ BUILDING LINES**

Every person who commences to carry out building works, shall give notice through the licensed architect. The architect will certify the plinth, the plot size and the building lines and issue provisional certificate in this regard. The construction work may be carried out after the provisional certificate is submitted to concerned Building Control Section, in the Authority. The Authority shall verify the building lines later within 15 days. In case of any discrepancy pointed out, necessary corrections in construction shall be carried out and final certificate shall be issued. This process is necessary for an early rectification of any errors, if any, in the layout.

**3.12.5 BEARING CAPACITY TEST**

For buildings of more than three storeys. Bearing Capacity Test Reports shall be attached with the structural design.

**3.12.6 TERMITE PROOFING**

As there is a positive evidence of the presence of termite in the area, owners/ allottees shall ensure termite-proofing/ treatment before/ during construction. Certificate to this effect from the Architect shall be attached along with completion documents.

**3.12.7 INSPECTION OF BUILDINGS**

The Authority may;

- (a) at anytime, before the approval of an application received;
- (b) at any time during the carrying out of the building works;
- (c) at any time after building has been erected, added to or altered, inspect such building without giving previous notice.

### 3.12.8

#### **INSPECTION DURING CONSTRUCTION**

Inspection by Licensed Architects at the following stages shall be mandatory and the same shall be submitted to the OWO within seven days of the inspection;

- (1) On ground demarcation of area to be dug in.
- (2) Foundation of basement (if applicable).
- (3) Roof level of basement before pouring slab (if applicable).
- (4) Ground floor at DPC level including boundary wall.
- (5) On attaining roof height of Ground Floor before pouring in of roof slab.
- (6) On attaining roof height of First Floor.
- (7) On attaining roof height of Subsequent Floor(s) if any.
- (8) On attaining roof height of Water Tank and Stair Tower/ Mumty (if any).
- (9) On completion of all other requirements/ completion of building(s).

### 3.12.9

#### **WORK NOT IN ACCORDANCE WITH APPROVED PLANS**

- (1) If on making any inspection under regulation mentioned above, the Authority finds that the building works;
  - (a) are otherwise in accordance with the plans that have been approved; or
  - (b) contravene any of the provisions of any rule, regulation or order issued under the Capital Development Authority Ordinance, 1960, it may, by written notice, require the person carrying building works, within a period to be specified in such notice, either to make alternations as shall be specified in such notice with the object of bringing the work into conformity with the said plans or provisions of any rule, regulation or order as aforesaid or to get amended plans approved after complying with the requirements of such rule, regulation or order.
- (2) In the event of non-compliance with the requisition as made under sub-regulation (1) above, it shall be competent for the Authority to order cessation of work of demolition of so much of the construction as contravenes any of the provisions of rule, regulation or order referred to in sub-regulation (1) above and the cost thereof shall be paid by the owner.

3.12.10

#### **NOTICE OF COMPLETION**

Every person who carries out and completes building works approved under these regulations shall, within one month of the completion of the construction work, deliver to the Authority at its 'OWO' office, a notice of completion in writing on the prescribed Form B-1 of such completion together with a certificate on the prescribed Form B-2 (along with completion drawings), duly signed by the Licensed Architect who supervised the construction.

3.12.11

#### **COMPLETION CERTIFICATE/ PERMISSION TO OCCUPY**

- (a) After the receipt of the said notice the Authority shall depute an officer/ official to inspect such work and after such inspection, either approve or disapprove the building for occupancy or make such further orders as it may decide.
- (b) No person shall occupy or permit to be occupied, any such building or use or permit, to be used any part affected by the erection/ re-erection, if any, of such building, until the completion certificate/ permission to occupy is obtained.

#### 3.12.12 SEWERAGE/ MANHOLE

On completion of a building the allottee/owner shall apply for sewer connection on prescribed form and by remitting prescribed charges.

#### 3.12.13 OVERSIGHT IN SCRUTINY OF DRAWINGS

Any oversight in the scrutiny of documents and drawings at the time of approval/ completion of the building plan does not entitle the allottee/owner of a plot to violate the Regulations.

### CHAPTER 4

#### MISCELLANEOUS

#### 4.1 MISCELLANEOUS

##### 4.1.1 Enclosure of Plot

A plot shall be enclosed by walls and/ or fences in such a manner that the height of enclosure (boundary wall) shall not exceed 7'-0". It may either be a solid wall, or up to one foot it shall consist of solid masonry and the remaining portion may be of light material such as fence etc. The height of the enclosure shall not be less than 3'-0" in any case.

##### 4.1.2 Rainwater Harvesting

Rainwater harvesting shall be mandatory on plots 400 sq. yds. and above. Overhead and underground water tanks of approved design and capacity shall be constructed in this regard. The design of the tanks etc. shall be given on the submission drawings.

**4.1.3 Chamfer Boundary Wall**

Boundary walls of corner plots shall be chamfered in Attached/ Terraced Houses = 3'x3' and in case of Detached Houses = 5'x5' where street width is less than 51 feet.

**4.1.4 Changes While Construction**

In case, the changes in completion plan (As Built Drawings) are more than 15% (determined by the concerned Dy. Director, BCS) or there are main structural changes, double of the scrutiny fees shall be charged in addition to the normal completion scrutiny fees.

**4.1.5 Height of Water Tanks / Structures**

Height of over-head water tank, parapet wall, stair hall, lift room, etc. shall not be taken into account while calculating the overall height of a building.

**4.1.6 Number of Residential Units**

Maximum number of dwelling houses/ residential units allowed within permissible F.A.R/ covered area on an undivided residential plot.

- (i) Plot size below 488 square yards ————— **One**
- (ii) Plot size 488 square yards and above ————— **Two**

However sub-division will be allowed only in respect of plots 1000 sq. yds. and above and one sub-divided portion shall not be less than 500 sq. yds.

**4.1.7 Excess Covered Area**

Any excess covered area beyond the permissible limit, mentioned in Schedule-1, shall be demolished.

**4.1.8 Area of Supported Projections**

Area of supported projections on decorative columns shall not be counted into FAR provided the projections are otherwise within the prescribed limits and the decorative columns do not fall within the set backs.

**4.1.9 Common Wall**

Common wall shall not be allowed. However, where an owner has constructed a wall on his plot, the owner of the adjoining plot may not construct wall on his plot but shall not make any use of that wall so constructed on the plot, mentioned above, without the written consent of the owner of that plot which shall be filed with the Authority.

**4.1.10 Septic Tank**

No plot shall be provided with a septic tank of any kind whatsoever.

**4.1.11 Pools**

Swimming and decorative pools and fountains may be constructed with the prior permission of the Authority, subject to availability of water.

**4.1.12 Horticultural Work**

- (i) Every owner of a plot is encouraged to plant, protect, maintain and grow trees in accordance with the following standards:

<b>S/No.</b>	<b>Plot Frontage</b>	<b>Number of Trees</b>
01	Up to 29 ft.	1 tree (specified by Landscape Unit)
02	30 to 50 ft.	2 trees (specified by Landscape Unit)
03	51 to 70 ft.	3 trees (specified by Landscape Unit)
04	71 to 90 ft.	4 trees (specified by Landscape Unit)
05	Above 90 ft.	5 trees (specified by Landscape Unit)

- (ii) Trees planted in accordance with these Regulations shall be confined to green belt prescribed along the public street.
- (iii) Every owner/occupant of the plot is encouraged to plant, protect, maintain and grow creeper/ shrubs (Bougainvillaea, Yellow Jasmine etc.) on front/roadside wall(s).
- (iv) No tree shall be cut without the permission of the Authority.

**4.1.13**

**Safety and Stability of Adjacent Buildings**

No excavation or earth work or demolition of a building which is likely to effect the safety and stability of any building on adjacent plot shall be started or continued unless adequate steps are taken by the owner and engineer/architect supervising the building before or during the work to prevent the collapse of any adjacent building or fall of any part of it or any soil. A written request by the owner and hitect and permission from the Authority shall be required or NOC from the owner(s) of adjacent building shall be obtained, if necessary in this regard, be submitted to the Authority.

**4.1.14**

**Maximum Plinth Level**

The plinth level of any building shall not be more than 3'-0" for plots of terraced/ attached dwelling houses and 5'-0" for others

with reference to mean level of front road/street. In case the site conditions call for higher plinth levels, prior approval of the Authority for the same shall be mandatory. If plinth level exceeds the above limit, that floor will be considered as ground floor. It means one storey will be less in that case.

#### 4.1.15 **Height of Floors and Number of Storeys**

Height of any floor shall not exceed 14'-0" and total height and number of storeys shall remain within the limits as stipulated in allotment letter/ Schedule-I.

#### 4.1.16 **Provision for Special Persons**

Following facilities shall be provided in all public and commercial buildings for the special persons.

- (a) Minimum one toilet in all commercial, public buildings and plots for apartment/flats buildings, other than government employees official residences. Such toilet shall be of size which can accommodate a person on wheel chair. That toilet shall be equipped with special fixtures.
- (b) Minimum one lift in all commercial and public buildings of more than 3 storeys and residential apartments/flats of more than 4 storeys. Such lift shall be of size which can accommodate a wheel chair.
- (c) Ramps from foot path level to entrance of the building for easy accessibility through wheel chair shall be mandatory for all buildings other than dwelling houses.

#### 4.1.17 **Safety Against Earthquakes**

Provisions of PAKISTAN BUILDING CODE shall be followed.

#### 4.1.18 **Safety Against Hazards**

Provisions of PAKISTAN BUILDING CODE shall be followed.



**4.1.19 Compensation**

No compensation shall be payable to an owner of building in cases where action taken by or on behalf of the Authority.

**4.1.20 Underground Water**

No person shall exploit underground water except to the extent and in the manner as may, from time to time, be permitted by the Authority. Construction of all underground tanks must be leak proof.

**4.1.21 Natural Resources**

No person shall remove or cause to be removed any stone, gravel, sand, clay, mineral or any other material from the plot except for use therein subject to payment of royalties (if any be payable) but without prejudice to the rights of any person or authority for the time being entitled thereto in accordance with any law for the time being in force.

**4.1.22 Appeals**

- (i) Any person aggrieved by a final order of an officer of the Authority, may, if the order relates to rejection of an application for carrying out building works, within 15 days of such order, appeal to the CDA Board.
- (ii) Every memorandum of appeal shall be in writing and shall set forth concisely without any narrative or argument the grounds of appeal consecutively numbered and the memorandum shall be signed and verified by the appellent.
- (iii) The appeal shall be presented to the Secretary to the Board of the Authority.
- (iv) No copy of the order appealed from need be filed nor any fees shall be payable on the appeal.
- (v) The Board may pass such orders on the appeal as it may deem fit and the orders so passed shall be final and shall

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not be called in question in any court.

**4.1.23 Relaxation**

The authority may, by general or special order, exempt any land or building from the operation of these or any of these regulations.

**4.1.24 General Notes**

- (i) Type of development of the plot shall be determined considering both, the size and frontage in Dwelling Houses.
- (ii) A small washroom and a sleeping covered space/ room may be constructed in Mumty/ Stair Tower in Dwelling Houses only.
- (iii) In Apartment Buildings the following shall be allowed along with Stair Tower(s) including Water Tanks, Cooling Tower, Penthouse etc. subject to maximum covered area of all structures on roof, shall not exceed ten percent (10%) of rooftop area.
- (iv) Suitable penthouse/ viewing gallery may be constructed in Stair Tower in Apartment Buildings of six (6) storeys and above only.
- (v) The covered area in excess to the permissible limits shall be demolished.
- (vi) All services shall be accessible to all owners/occupants at all times/ agreed jointly in Flats/Apartment/Multi-storey buildings.
- (vii) The width of driveway shall not be more than the width of porch.
- (viii) Drainage from rear yards in terraced/attached houses shall be the sole responsibility of the owner of the plot/ house.
- (ix) Smaller side setback shall be kept at South or West, whichever is applicable with reference to orientation of

the plot.

**4.1.25 Repeal and Savings**

Following Regulation is hereby repealed:

- (i) Islamabad Residential Sectors Zoning (Building Control) Regulation 1993 is hereby repealed:
- (ii) The repeal of above, shall not affect the previous operation of the Regulations so repealed or anything duly done, action taken or punishment or liability incurred there under and any proceedings commenced under the said Regulation may be continued or punishment may be imposed as if that Regulation had not been repealed:

**CHAPTER 5**

**GENERAL INSTRUCTIONS**

**5.1 POSSESSION OF SITE**

- 5.1.1 After obtaining ownership rights through allotment/ lease/ transfer, plots shall be got demarcated and site possession with certificate of possession to be obtained from Deputy Director, Land Survey Division, CDA through the counter of One Window Operation (OWO), CDA.

Office of the OWO, CDA is located in Block-III, CDA Secretariat, off Khayaban-e-Soharwardi, Islamabad (Gate at Western boundary).

**5.2 APPOINTMENT OF ARCHITECTS AND STRUCTURE ENGINEERS**

- 5.2.1 For construction of buildings in the Islamabad Capital Territory, it is mandatory to hire services of licensed Architect and licensed Structural Engineer for preparation of building plans and supervision of buildings, till these are completed.

A list of licensed Architects and licensed Structural Engineers

can be obtained from One Window Operation (OWO) or from the web page <www.cda.gov.com.pk> or from the Directorate of Architecture Room No. 6, Block No. II, CDA Secretariat, G-7/4, Islamabad.

### 5.3 APPROVAL OF PLANS

5.3.1 The building plans in **Folder- II** prepared by Architects and Structure Engineers registered with PCATP and PEC as such, are required to be submitted to the One Window Operation (OWO) of CDA.

5.3.2 After obtaining NOC from EM-I/EMII (for residential buildings EM-I and for non-residential buildings EM-II) six (6) sets of proposed building plans (i.e. for Office copy, Working copy, E/M copy, Architect's copy and Owner's copy and BCS-Violation Section copy) along with **Form A-1 & A-2** and other documents in the following manner, may be submitted. A set containing all necessary forms along with a copy of Building and Zoning Regulations 2004, may be obtained from One Window Operation (OWO) counter or from Public Relations Directorate on payment.

5.3.3 **Form A-1** shall be signed by the owner and **Form A-2** by an Architect and Structure Engineer submitted in **Folder - II**.

5.3.4 A pay order of scrutiny fee shall be attached with the forms and proposed plans. The scrutiny fee shall be calculated as per the Annexure-A.

#### (a) **FOLDER - I (To be submitted for Estate Management Directorates)**

S/No.	Documents/ Copies	Remarks
01	Form A-I	Original
02	Form A-II	Attested Copy
03	Allotment letter/ Transfer Letter	Attested Copy
S/No.	Documents/ Copies	Remark

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04	Possession Certificate	Attested Copy
05	Letter of sub-division (if applicable)	Attested Copy
06	Letter of acceptance of attorney issued by CDA (if applicable)	Attested Copy
07	Owner/ Attorney's National Identity Card	Attested Copy
08	Pay Order/ Bank Draft of Scrutiny fee	<b>Original</b>
09	Any other document may be necessary	

**(b) FOLDER – II (To be submitted for B.C.S.)**

S/ No.	Documents/ copies	Remarks
01	Form A-II	<b>Original</b>
02	Form A-I	Attested Copy
03	Proposed Building Plans	Original-6 sets
04	Allotment Letter/ Transfer Letter	Attested Copy
05	Possession Certificate	Attested Copy
06	Contour Plan (if applicable)	Original
07	Letter of sub-division (if applicable).	Attested copy
08	Letter of acceptance of attorney issued by CDA (if applicable)	Attested Copy
09	Owner/ Attorney's National Identity Card	Attested Copy
10	Site Plan for non-residential plots/ buildings (if applicable)	Attested Copy
11	Soil Investigation Report (if applicable).	Attested Copy
12	Pay Order/ Bank Draft of scrutiny fee	Attested Copy
13	Any other document may be necessary	

**5.3.5**

Estate Management Directorates shall forward NOC to Building Control Section. BCS shall carries out necessary

scrutiny and informs in writing, the concerned architect and the owner on their given addresses, regarding approval of the plans or otherwise. After three weeks of submission of drawings, the concerned Architect may contact OWO to obtain necessary information.

#### 5.4 WATER CONNECTION

5.4.1 Water connection can be obtained by submitting an application on **Form A-3** to Deputy Director Water Meter.

5.4.2 Processing of a case for water connection takes about two weeks. It involves payment of water charges for the construction period, payment of road cut charges and water connection charges, verification of availability of water supply etc. at site and installation of water connection.

#### 5.5 PLINTH LEVEL / BUILDING VERIFICATION

5.5.1 On completion of foundations of basement and ground floor level (at plinth level/ DPC level) of building/ each buildings in case of more than one detached buildings) and the compound wall (at least at the corners / may be partially to transport materials), a request on prescribed **Form-D** (Plinth/ Building Verification Certificates, **Form-D's**) shall be submitted by the allottee / owner through a licensed architect. The Architect will certify the plinth, the plot size and the building lines and issue provisional certificate in this regard, The construction work may be carried out after the provisional certificate is submitted to the relevant Building Control Section and copy to the Land Survey Division, CDA for verification of Plot lines, Plinth level, Plot size and the building lines. The Land Survey Division shall verify the above within 15 days and send report to the Owner, the Architect and to concerned BCS. In case of any discrepancy pointed out, necessary corrections in construction shall be carried out and final certificate shall be issued. If corrections in construction are not done, the Owner may be penalized and violated portion may be demolished. This process is necessary for an early rectification of any errors, if any, in the layout.

5.5.2 **Form-D's** shall also be submitted at all slabs levels (before

pouring the concrete) as per above procedure.

**5.6 COMPLETION CERTIFICATE/ PERMISSION TO OCCUPY**

5.6.1 Before any building is occupied, after construction in the Islamabad Capital territory, this is mandatory to obtain Completion Certificate/Permission to Occupy under the Building and Zoning Regulations.

5.6.2 Notice of Completion, Form B-I shall be signed by the owner and submitted for E/M Directorate, EM-I/EM-II (for residential buildings EM-I and for non-residential buildings EM-II) in **Folder-I**. And **Form B-2** along with **Completion Drawings** (As Built Drawings) shall be signed by the Architect and submitted for BCS in **Folder-II** Both folders are to be submitted at the One Window Operation (OWO) of CDA.

5.6.3 Six (6) sets of Completion Drawings (i.e., one each for Office copy, Working copy, E/M copy, Architect's copy, Owner's copy and BCS, Violation Section copy) along with other documents in the following manner, may be submitted.

(a) **FOLDER-I (To be submitted for Estate Management Directorates)**

S/No.	Documents / Copies	Remarks
01	Form B-I	Original
02	Form B-II	Attested Copy
03	Allotment Letter/ Transfer Letter	Attested Copy
04	Possession Certificate	Attested Copy
05	Letter of sub-division (if applicable).	Attested Copy
06	Letter of acceptance of attorney issued by CDA (if applicable)	Attested Copy
07	Owner / Attorney's National Identity Card	Attested Copy
08	Pay Order / Bank Draft of scrutiny fee	Original
09	Any other document may be necessary	

**(b) FOLDER - II (To be submitted for B.C.S.)**

S/No.	Documents/ Copies/ Drawings	Remarks
01	Form B-II	Original
02	Form B-I	Attested Copy
03	Completion Drawings (As Built Drawings)	Original-6 sets
04	Allotment Letter/ Transfer Letter	Attested Copy
05	Possession Certificate	Attested Copy
06	Contour Plan (if applicable)	Attested Copy
07	Letter of sub-division (if applicable).	Attested Copy
08	Letter of acceptance of attorney issued by CDA (if applicable)	Attested Copy
09	Owner/ Attorney's National Identity Card	Attested Copy
10	All copies of Form - D's	Original
11	Site Plan for non-residential plots/buildings (if applicable)	Attested Copy
12	Soil Investigation Report (if applicable).	Attested Copy
13	Pay Order/ Bank Draft of scrutiny fee	Attested Copy
14	Any other document may be necessary	

5.6.4 A pay order of scrutiny fee shall be attached with the forms. The scrutiny fee shall be calculated as per the Annexure-A.

5.6.5 Folder-I and Folder-II shall be submitted to Building Control Section (BCS) and Estate Management Directorate respectively along with completion plans/ drawings (six sets) through OWO, CDA. Building Control Section on receipt of above, shall issue a letter to the owner requesting for the site inspection.

5.6.6 A set, containing all necessary forms along with a copy of Building and Zoning Regulations 2004, may be obtained from One Window Operation (OWO) counter or from Public



Relations Directorate on payment.

- 5.6.7 Estate Management Directorates shall forward NOC to Building Control Section. BCS shall carries out necessary site visit and scrutiny and informs in writing to the concerned architect and the owner on their given addresses, regarding observations, if any.
- 5.6.8 Actual construction shall be verified according to the completion plan (As Built Drawings) and following items shall particularly be checked;
- (i) Building Verification Certificates (**Form-D's**).
  - (ii) Maximum Plinth Level from front road (average) level.
  - (iii) **Height of Ramp.**
  - (iv) Drainage Grating at Gate Level.
  - (v) **SEWERAGE** connection to CDA sewer mains and proper mechanical system in case of basements.
  - (vi) **STORM WATER DRAINAGE** connection to CDA drainage mains.
  - (vii) Mandatory Setbacks.
  - (viii) Total Covered Area.
  - (ix) Emergency Exits, if applicable.
  - (x) Fire Fighting Arrangements for buildings more than three storeys.
  - (xi) Additional water tanks for Rainwater Harvesting/ emergency use.
- 5.6.9 In case, no change is there from the approved plan and/or according to the Bye laws and after receiving the necessary scrutiny fee etc., the concerned Deputy Director Building Control Section shall issue completion certificate, if all other requirements are met on the part of owner/ allottee.

## 5.7

**GENERAL INSTRUCTIONS/ GUIDANCE**

- (a) The plot owners and the architects are advised to **Start construction only after the plans have been approved by the Authority**, as starting of construction without approval is a serious violation, subject to penalty and/or removal of unauthorized construction. They shall also ensure construction is being carried out within the allotted property lines leaving the mandatory minimum required compulsory open Spaces (setbacks) and the plinth levels have been kept in accordance with the approved plans/bye-laws of the Authority.
- (b) Hiring of consultancy services of proper professionals (Architects & Structural Engineers) for preparation of plans and supervision of construction work will minimize chances of building violations due to ignorance of rules. The licensed Architects are supposed to provide necessary assistance to the plot owners in obtaining all necessary approvals from CDA. Besides they can provide necessary technical advice to economize the construction, safety of the buildings, and to plan comfortable and aesthetically good-looking spaces and external facades.
- (c) Approved plan shall be followed strictly, in case any changes are desired, revised plans shall be got approved from the Authority.
- (d) **Driveways/ ramp**, at gate level, shall not be higher than 12" for Dwelling Houses.
- (e) **Grating**, for drainage, must be provided at the gate(s) level(s).
- (f) Make sure that mandatory **setbacks** have been left clear when the layout is being done.
- (g) **Approved plan** shall be followed strictly, in case any change is desired **revised plan** shall be got approved from the Authority.

- (h) If basement is being constructed on the plot, please make sure that proper water proofing has been done, and all necessary precautions have been taken for safety of adjacent structures, if any.
- (i) Natural levels of front yard shall not be dug more than 2'-0" in any case and in case of side and rear yards not more than 6'-0".
- (j) Sewerage and storm water drainage lines shall be laid separately and connected to respective CDA mains.
- (k) In case of any complaints regarding approval of plans or issuance of completion certificate, the matter shall be brought into the notice of the concerned Deputy Director, Building Control Section.

#### **Repeal and Savings**

Following Regulation is hereby repealed:

- (i) Islamabad Residential Sectors Zoning (Building Control) Regulation 1993 is hereby repealed:
- (ii) The repeal of above, shall not affect the previous operation of the Regulations so repealed or anything duly done, action taken or punishment or liability incurred there under and any proceedings commenced under the said Regulation may be continued or punishment may be imposed as if that Regulation had not been repealed:

These amendments shall take effect from March 3, 2005.

[No. CDA/D-Arch-6 (33)/2005/.]

Islamabad, March 3, 2005

Sd/-  
HABIB-UR-REHMAN,  
*Secretary CDA, Board.*

## CHAPTER 6

## SCHEDULES

## 6.1 SCHEDULE - 1

Schedule-1 is attached separately at the end.

## 6.2 SCHEDULE - 2

## MINIMUM SPACE STANDARDS/ SIZES

S/ No	Space	Minimum Area	Relaxable with Penalty	Minimum Height	Relaxable with Penalty	Minimum Width	Relaxable with Penalty
01	Living Unit	600 Sft. excluding stairs	Up to 10%	9'-0"	8'-0"		
02	Habitable Rooms (Bedroom, Drawing, Lounge etc.)	100 Sft.	Up to 10%	9'-0"	8'-0"	8'-0"	8'-0'
03	Kitchen	45 sft.	Up to 10%	8'-0"	8'-0"	5'-0"	4'-9'
04	Bathroom/Toilet	24 sft.	Up to 10%	7'-0"	6'-6"	3'-0"	2'-9'
05	W.C.	12 sft.	Up to 10%	7'-0"	6'-6"	3'-0"	2'-9'
06	Both WC & W.Basin	15 sft.	Up to 10%	7'-0"	6'-6"	3'-0"	2'-9'
07	Shower only	12 sft	Up to 10%	7'-0"	6'-6"	3'-0"	2'-9'
08	Powder/ Toilet under stairs/ landing (Properly ventilated WC & W. Basin only)	15 sft	Up to 10%	6'-6"	6'-0"	3'-0"	2'-9'
09	Porches	As per Schedule 1	Up to 10%	7'-6"	7'-0"	9'-0"	8'-6'
10	Basement	If used for habitable purposes, the rules for respective space uses will apply.					
<b>Headroom/ width of Stairs</b>							
	<b>DESCRIPTION</b>	<b>MIN. HEIGHT</b>		<b>RELAXABLE WITHOUT PENALTY</b>		<b>RELAXABLE WITH PENALTY</b>	
11	Doors	7'-0"		6'-6"		6'-0"	
12	Headroom under stairs, if access/ passage is provided	6'-6"		6'-3"		6'-0"	
13	Width of stairs (flight)	3'-3"		3'-0"		2'-9"	

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**6.3 SCHEDULE - 3**

**ROOF PROJECTIONS IN TERRACED HOUSES**

(Over Public Streets and on Open Land)

S/No	WIDTH OF STREET/ OPEN LAND	MINIMUM PERMISSIBLE PROJECTION	EXCESS AREA RELAXABLE WITH FINE UP TO
01	20'-0" and less	1'-6"	2'-0" (Width)
02	21'-0" to 40'-0"	2'-0"	2'-6"
03	More than 40'-0"	2'-6"	3'-0"

**6.4 SCHEDULE-4**

**ROOF PROJECTIONS IN SETBACKS**

(Projections as under shall be allowed in setbacks)

S/No	Floor	Max. Permissible Width of Projection (ft.)	Excess Area of Projection Over the Permissible Limits (Relaxable with Fine) up to
01	Ground Floor	3'-0"	3'-6"
02	First Floor	3'-0"	3'-6"
03	First Floor on Terrace only	5'-0"	5'-6"
04	Stair Towers	3'-0"	3'-6"

**6.5 ANNEXURE-A**

**RATES OF SCRUTINY FEE FOR APPROVAL OF PLANS AND ISSUANCE OF COMPLETION CERTIFICATES**

<b>(A) Scrutiny fee for approval of plans (Approval valid for Five years)</b>		
(i)	Religious/Buildings for Prayers/ Charity/ Welfare Building Types	Re. 01 per sft. of proposed covered area or Rs. 5000/- (whichever is more).
(ii)	Residential Buildings	Rs. 03 per sft. of proposed covered area or Rs. 5000/- (whichever is more).
(iii)	Amenity/ Office Buildings Offices, Hospitals, Clinics, Post Offices, Institutional. Community buildings, Sports / Gymnasium etc.	Rs. 05 per sft of proposed covered area or Rs. 10,000/- (whichever is more).
(iv)	Commercial Buildings (including flats/apartments and offices etc. in commercial areas)	Rs. 10 per sft. of proposed covered area or Rs. 15,000/- (whichever is more).
(v)	Foreign Diplomatic Offices	Rs. 10 per sft. of proposed covered area or Rs. 15,000/- (whichever is more)
<b>(B) Completion Scrutiny Fee - Same as for approval of plan, at 'A' above</b>		

<b>(C) Fee for Revalidation of Approved Plans, If there is NO change in the approved plan, shall be as follows;</b>		
i.	For all Types of Buildings	At the rate of 10% of normal Approval Fee, subject to minimum of Rs.1000/-
<b>Note:</b> 1. Area of basement shall be taken into account for the purpose of computation of Scrutiny Fee. 2. Scrutiny fee for any additional area, more than the approved plan, shall be charged double at the time of completion, in addition to the Completion Scrutiny Fee. 3. In case of revised approval, scrutiny fee shall be applicable to the proposed covered area only. 4. Approved plan shall be valid for five years. 5. At the time of completion, if there is any variation from the approved plan (if that variation exceeds 15%), an amount double of the applicable scrutiny fee for approval shall be charged, in addition to the normal completion scrutiny fee.		

## 6.6 ANNEXURE-B

## FINES AND CHARGES

<b>(1) Penalty for incorrect Construction at Plinth Level Stage/ Form 'D'</b>		
i.	Compounding Charges	Rs.10,000/- lump-sum.
ii.	Residential and Non-Commercial Buildings.	Rs.10/- per sft of plinth area.
iii.	Commercial Buildings	Rs.20/- per sft of plinth area
<b>(2) Penalty for Non-verification at Plinth Level Stage/ Form 'D', in case the construction is according to the approved plan.</b>		
i.	Residential/ Non-Commercial Buildings.	Rs.2/- per sft of plinth area
ii.	Commercial Buildings	Rs.5/- per sft of plinth area
<b>(3) Illegal Connection of Sewerage Lines in to Nullahs</b>		
i.	Dwelling Houses/ Small buildings (less than 1000 sft)	Rs.50,000/- lump-sum at each inspection.
ii.	Commercial/other Buildings Types	Rs.100,000/- lump-sum at each inspection.
<b>(4) Miscellaneous Charges/ Penalties (where permissible).</b>		
i.	Compounding Charges	Rs.10,000/- lump-sum
ii.	Less Height and Width of Rooms	Rs. 1000/- per inch of Less Height/ Width
iii.	Less Area of Rooms/ Kitchen/ Bathrooms	Rs.1000/- per sft. of Less Area
iv.	Up to 25 sft.	Rs.1000/- per sft.
v.	Between 25 to 50 sft. (for mumty in dwelling houses.	Rs.3000/- per sft.
<b>(5) Penalty for Starting Construction Without Approval of Plans</b>		

**The Islamabad Residential Sectors Zoning (B.C.) Regulations, 2005 709**

i.	Compounding Charges	Rs.10,000/- lump-sum
ii.	Blue area, Markaz and Apartment/ Flat Sites	Rs.100 per sft.
iii.	All other Commercial/ Residential Buildings including all other Building Types.	Rs.50 per sft.
<b>(6) Charges for Carrying out Additions/ Alterations (Not more than 10%) in Existing Dwelling House without approval of Revised Plans.</b>		
i.	Residential Houses	Rs.25 per sft.
<b>(7) Demolishing Charges-All Building Types</b>		
Nil		
<b>(8) Commercialization charges for non-commercial/ specific commercial plots of I&amp;T Centres</b>		
Rs.3000 per square yards of plot area.		
<b>(9) Change of use from residential to offices, offices to commercial, storage to offices/ commercial use in commercial Areas (Blue Area and Marakaz etc.)</b>		
Rs.50 per square ft.		
<b>(10) Opening of Basement for commercial use</b>		
Rs.600/- per squire yard of plot area.		

**SCHEDULE-1**

**ZONING and BUILDING REQUIREMENTS FOR RESIDENTIAL HOUSES,  
FLATS/ APARTMENTS PLOTS, OTHER THAN IN DIPLOMATIC ENCLAVE.  
NOTES AT THE REAR/PAGE-2**

Type of Development	PLOT SIZE (Sq.Yd.)	FRONTAGE (Feet)	Max. GROUND COVERAGE (%)	Max. FLOOR AREA RATIO (FAR)	Max. STOREYS & HEIGHT		Min. SET-BACKS (Feet)				Max. HOUSING UNITS	Max. CAR PORCH AREA (sqft)	Max. AREA of Mummy (sqft)	BASEMENT	Max. PLINTH LEVEL
					No.	Height	Front	Side-1	Side-2	Rear					
<b>TERRACED (ATTACHED) &amp; SEMI-DETACHED DWELLING HOUSES</b>															
TERRACED/ ATTACHED Type 'A'	Up to 150	20-29	Construction may cover a block, leaving compulsory setbacks	2	30'	5'	-	-	5'	One	100''	200 sft.	350 sft.	Allowed leaving the setbacks	3'-6"
	151 to 200	25-30			30'	6'	-	-	6'	One	180''				
	201 to 320	30-39			30'	10'	-	-	8'	One	180''				
	300 to 450	40-49			30'	10'	-	-	10'	One	200''				
SEMI-DETACHED Type 'B'	300 to 625	40-49			30'	10'	-	5'	10'	One *	200''				
<b>DETACHED DWELLING HOUSES</b>															
DETACHED Type 'C'	400 to 1000	50 to 59	Construction may cover a block, leaving compulsory setbacks.	2	30'	15'	5'	10'	10'	Two	Single (200 sqft) or Double (400 sqft) per unit is allowed.	Mummy of 400 sft.	Allowed leaving the setbacks	5'-0"	
	530 to 1335	60 to 69			30'	15'	10'	5'	10'	Two					
DETACHED Type 'D'	700 to 1670	70 to 79			30'	20'	10'	10'	10'	Two					
	885 to 2670	80 to 89			30'	25'	10'	10'	10'	Two					
	800 to 2900	90 to 99			30'	30'	10'	10'	10'	Two					
	1770 to 2720	100 +			30'	40'	15'	15'	10'	Two					
<b>FLATS/ APARTMENT BUILDINGS</b>															
FLATS/ APARTMENTS	Type 'A' Apartments (Up to Approx. 2.0 Acres)	35%	2.8	8	92'	80'	30'	30'	40'	-do-	N.A	3000 sft.	-do-	5'-0"	
	Type 'B' Apartments (More than 2.0 Acres)	30%	3.6	12	135'	80'	35'	35'	40'	-do-	N.A	4000 sft.	-do-	5'-0"	

Notes:- (i) Smaller side setback shall be kept at South or West, which ever is applicable with reference to orientation of the plot.

- 
- (ii)<sup>\*\*\*</sup> Double car porch per unit may be constructed up to maximum 400 sft., subject to available area.
  - (iii)<sup>\*\*\*</sup> Porch may be constructed, subject to available area/ space.
  - (iv) In case of irregular shape plot, its size and frontage shall generally be determined on the basis of average of front and rear dimensions of the plot.
  - (v) Basement may be constructed under the Plinth Area, leaving the minimum permissible set-backs in dwelling houses.
  - (vi) Basement may be allowed under the Driveway in the front yard in Dwelling Houses, where plot are in depression more than 8'-0".
  - (vii) Type of development of the plot shall be determined considering both, the size and frontage in Dwelling Houses.
  - (viii) A small washroom and a sleeping covered space/ room may be constructed in Mumty/ Stair Tower in Dwelling Houses only.
  - (ix) In Apartment Buildings the following shall be allowed alongwith Stair Tower(s) including Water Tanks, Cooling Tower, Penthouse etc. subject to maximum covered area of all structures on roof, shall not exceed ten percent (10%) of rooftop area. Suitable penthouse/ viewing gallery may be constructed alongwith Stair Tower in Apartment Buildings of six (6) storeys and above only.
  - (x) The covered area in excess to the above limits shall be demolished.
  - (xi) The Roof of Flats/ Apartments/ multi-storey buildings shall be the property of all owners jointly up to 85%, according to their shares. The remaining 15 % shall be the property of all owners of the Top Floor jointly, according to their shares, in addition to their original shares. The roof shall be accessible to the all owners and tenants as agreed jointly. The rooftop shall not be used/ owned by the developer/ owner or any one stakeholder in any case.
  - (xii) All services shall be accessible to all owners/ occupants at all times, agreed jointly in Flats/ Apartment/ Multi-storey/ Multi-unit buildings.
  - (xiii) Basement may be constructed, leaving the minimum 10'-0" set-backs all around in Flats/ Apartment Building/ Multi-storey/ Multi-unit buildings. Ramps may be constructed in set-backs in Flats/ Apartments/ multi-storey buildings, other than front set-back.



**THE CAPITAL DEVELOPMENT  
AUTHORITY LAND ACQUISITION AND  
REHABILITATION REGULATION, 2007  
(LAND SHARING BASIS)**

**C O N T E N T S**

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**\*THE CAPITAL DEVELOPMENT  
AUTHORITY LAND ACQUISITION AND  
REHABILITATION REGULATION, 2007  
(LAND SHARING BASIS)**

[6th March, 2008]

**S. R. O. 304 (1)/2008.-** CDA Board decision No: 8905/1102/07/750BF dated 3-12-2007. Whereas it is considered expedient to formulate efficient, transparent and equitable Land Acquisition Regulation on Land Sharing basis with landowners, and for rehabilitation of genuine Landless Dwellers or genuine Landless Affectees of acquired land;

It is hereby formulated as under;

**1. Short title, Commencement and Application.-** This Regulation may be called the Capital Development Authority Land Acquisition and Rehabilitation Regulation 2007. (Land Sharing Basis)

- i. It shall come into force at once.
- ii. It shall apply to affectees/ landowners whose land is acquired in consequences of acquisition by Capital Development Authority on or after 1st of March, 2007.
- iii. It will also apply to issues pertaining to rehabilitation and settlement of landless dwellers of acquired lands.

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

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 20th March, 2008, at pages 863-869.

- i. **“Regulation”** means the Capital Development Authority Land Acquisition and Rehabilitation Regulation 2007 (Land Sharing Basis).
- ii. **“Government”** means the Federal Government of Pakistan.
- iii. **“Authority”** means the Capital Development Authority constituted under the Capital Development Authority Ordinance, 1960.
- iv. **“Affectee”** means a person whose land has been acquired under this Regulation read with CDA Ordinance, 1960, on or after 1st March, 2007. But does not include non-proprietor or a Landless person whose Dwelling House has been acquired, and which is located on land being acquired under this Regulation on Land Sharing basis.
- v. **“Land Owner”** means a person who is owner of land acquired by Capital Development Authority, as per revenue record maintained by the revenue authorities of Islamabad Capital Territory, or declared owner of such land by the court of law.
- vi. **“Landless Affectee or Landless Dweller”** means a person who has a built up property in form of dwelling house on piece of land being acquired, and such land does not belong to him or is not eligible for allotment of plot under Land sharing Formula otherwise:

Provided that, he is a *bona fide* resident of the village being acquired, to be confirmed by any one of the following documents:

- (a) Holder of Computerized National Identity Card (CNIC) issued by National Database and Registration Authority (NADRA).
- (b) Entry in the current Voter List of the village being acquired.

- (c) Entry of his or his ancestor's name as tenants in the land record of the village on or before 31-12- 06, for last four consecutive Khasra Girdawari's.
- (d) Proof of two year old electricity connection in his or his parents name , confirming the residence in the village from which he or she is being dislodged.
- i. **"Built up Property"** for the purposes of this Regulation means a "Dwelling House", shops, stores, cattle pens/sheds etc.
- ii. **"Dwelling House"** means a residential unit with constructed covered area of not less than 1000 sq feet, and having all the features of a composite residential unit.
- iii. **"Family Unit"** means collective nomenclature for a landless affectee or landless dweller, his or her spouse (or spouses), his or her minor children, including his or her major unmarried daughter(s) residing with him/her at the time of acquisition.
- iv. **"Person"** means and includes both a natural person and a legal person created by or under any law or statute enacted in Pakistan allowing formation of association of persons e.g. Companies Ordinance, Cooperative Societies Act or any other similar enactment.

### PART-I

3. **Land Sharing Regulation.-** Land will be acquired on land sharing basis, meaning a one developed plot of 500 sq yards, or two developed plots of measuring 35x70 feet, or four developed plots of measuring 25 x 50 feet will be allotted to the affectee/landowner for every four kanals of land acquired from him. There would be no upper limit on quantum of land sharing. Furthermore;

- i. The Regulation will be applied uniformly irrespective of the type of land being acquired, meaning there would be no difference whether land is cultivated or uncultivated.

- ii. The development charges, at prescribed rates, will be paid by the owners/ affectees within specified period after allotment of plots.
- iii. All land owners irrespective of being minors will qualify for compensation under this Regulation.

*Illustration:* If 100 kanals cultivated or uncultivated land has been acquired from a landowner/ affectee for a particular sector, he will be allotted 25 developed plots of 500 sq yards, or equivalent in the same sector, or as decided by the competent authority.

**4. Minimum Quantum of Land for land sharing.-** The minimum basic unit to qualify for land sharing Regulation will be four kanals.

**5. Pooling of Land.-** The land owners/ affectees with land holdings of less than four kanals, or more than multiples of four kanals may pool their land for land sharing Regulation, subject to following conditions:

- i. Minimum quantum of land belonging to one land owner should not be less than ten Marlas.
- ii. Land Owner having land which is more than multiples of four, can only pool up with land owners having less than four kanals of land.
- iii. Only one pooling will be allowed.
- iv. The Affectee having any surplus land over and above the multiples of four will have the option to pool the same as per Regulation or receive payment at market rate basis, to be determined by Deputy Commissioner CDA.

**6. Land Beneath Built Up Property.-** The land beneath the Built up property will be compensated as per land sharing Regulation. Plots in lieu of such land will be allotted to Land Owners as per revenue record.

**7. Compensation for Built up Property.-** The cost of Built up Property is to be paid on the basis of quality and type of the construction to be determined by D.C CDA as per prevailing rules/ schedule of the government. No other benefit or compensation will be given for acquisition of such Built up Property to Affectees who qualify for a plot individually or on pooling basis, under the land sharing Regulation.

**8. Land Acquisition on payment at Market rates.-** The land owners and affectees, not willing to accept land sharing formula, individually or on pooling basis, will be compensated on market rate basis, as determined by the Deputy Commissioner CDA.

**9. Shamlat and other types of land.-** The shamlat land will be acquired as per following conditions:

- i. The divisible shamlat land being acquired, will be compensated as given in the para 3 of this Regulation, after apportionment of the shares of the land by the Collector.
- ii. The thoroughfares and water-ponds under ownership will also be compensated as per para 3 of this Regulation.
- iii. The water channels under ownership will be compensated through cash compensation on market rate to be determined by Deputy Commissioner CD A.
- iv. Non-divisible shamlat land where ownership cannot be established including graveyards, shrines, thoroughfares, water ponds, water channels, mosques, Eid-Gahs, common wells etc. will be acquired without compensation whatsoever.

**10. Compensation to landless affectees/ Landless Dwellers.-** The compensation and rehabilitation of Landless Affectees or Landless Dwellers will be dealt by second part of this Regulation called Compensation and Rehabilitation of Landless Affectees/ Landless Dwellers.

## PART-II

**11. Compensation and Rehabilitation of Landless Affectees/ Landless Dwellers.-** A Landless Affectee or Landless Dweller, whose Dwelling House has been acquired, will be allotted one residential plot of size, 25 ft X 50 ft, at the rate prescribed by CDA, in the Sector reserved for Affectees of Islamabad and not in the sector from where his/her Dwelling House has been acquired, Such allotment will be subject to the following conditions:

- i. Only one Dwelling House owned by a land less affectee will qualify for the above compensation, and no other built up property (BUP) will qualify for the above mentioned

benefit. Other BUP will be compensated through cash payment as per CDA Regulation.

- ii. Only one residential plot will be allotted to a family unit of Landless Affectee/ Landless Dweller. If any member of family unit being a Land Owner and Affectee is eligible for compensation under the land sharing Regulation, all members of such family unit will be disqualified for benefit under section 11, even if they are landless dwellers.

**12. Compensation and Rehabilitation of Land Owner/Dweller.-**

An Affectee from whom CDA has acquired land measuring 10 Marlas or more, but not more than 01 Kanal alongwith a dwelling house, will have any one of the following options to opt:

- i. He may receive cash compensation against his land and dwelling house as per award and Regulation, OR
- ii. He may receive cash compensation against his dwelling house and pool his land for allotment of residential plot in the same sector from where his land and dwelling, house have been acquired, OR
- iii. He may receive cash compensation against his Dwelling House and may opt for allotment of residential plot of size 25 x 50 in a Sector reserved for Affectees.

**13. Rehabilitation and Land Acquisition benefits for previous land acquisitions.-** The fact that any land owner, whose land is being acquired under this Regulation, has been compensated or rehabilitated for land acquired previously will not affect his entitlement under the present Regulation.

**14. General Conditions.-** The above Regulation will be applied to future land acquisitions subject to following conditions.

- (i) The land sharing Regulation and transactions sub-ordinate to it will be affected and carried out between CDA and the Affectee/ Land Owners, subject to establishment of proper ownership title of the Affectees/ Land Owner and handing over of the peaceful possession, free of all encumbrances, to the CDA.

- (ii) Applications for availing the compensation under this Regulation, will be submitted by the Affectees/ Land less Affectees/ Land less Dwellers in person or through their authorized agents, alongwith a pay order or draft of Rupees five hundred per application, payable in favour of the Authority.
- (iii) Where an Affectee or Land Owner or Landless Affectee or Landless Dweller dies before availing any benefit under this Regulation, the benefit will be available to the surviving members of his or her family or the legal heirs, as the case may be, as per Regulation. Acquisition of property by inheritance will, have no adverse affect on the claim of the surviving members or the legal heirs, as the case may be, for rehabilitation benefits which they may be otherwise entitled to.
- (iv) If an Affectee or Land Owner has land which falls in different villages or sectors being acquired under this Regulation, may pool his land for the purpose of compensation under this Regulation.
- (v) The Authority, in its discretion, will notify the areas in which this land sharing Regulation will be applied or otherwise.
- (vi) This Regulation shall not bar the Authority from exercising its discretion to enter into an agreement with any party for the purpose of acquisition under S. 15(2)(v) of the CDA Ordinance, 1960.

[File No:—CDA-30 (2) (Noti)-Coord/2005/391.]

NADEEM AKBAR MALIK,  
*Secretary CDA Board.*



# **THE CAPITAL DEVELOPMENT AUTHORITY (ENVIRONMENTAL PROTECTION) REGULATION, 2008**

## **C O N T E N T S**

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# **\*THE CAPITAL DEVELOPMENT AUTHORITY (ENVIRONMENTAL PROTECTION) REGULATION, 2008**

[28th May, 2008]

**S. R. O. 639(I)2008.**- In exercise of the powers conferred under Section 51 of the Capital Development Authority Ordinance 1960, the Authority is pleased to make the following Regulations:

**1. Short Title and Commencement.**- (1) These Regulations may be called the Capital Development Authority (Environmental Protection) Regulation, 2008;

(2) These shall extend to the Specified Areas as defined under section 2(p) of the Capital Development Authority Ordinance, 1960;

(3) These shall come into force at once.

**2. Definitions.**- In these Regulations, unless there is anything repugnant in the subject or context, the following expressions shall have meanings respectively assigned to them, that is to say:—

(i) “Adverse Environmental Effect” means impairment of, or damage to, the environment and includes:

(a) Impairment of, or damage to, human health and safety, or to biodiversity, or property;

(b) Pollution; and

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 14th June, 2008, at pages 2027-2041.

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- (c) Any adverse Environmental Effect as may be specified under/ by these Regulations;
- (ii) "Agency" means the "The Pakistan Environmental Protection Agency";
- (iii) "Agricultural Waste" means waste from farm and agricultural activities including poultry, cattle farming, animal husbandry etc, and any remains from the use of fertilizers, pesticides, and any other farm chemicals etc;
- (iv) "Air Pollution" means any substance that causes pollution of air and includes soot, smoke, dust particles, odour, light, electromagnetic, radiation, heat, fumes, gases (Either combustion exhaust, and noxious etc) or hazardous substances and radioactive substances, etc;
- (v) "Authority" means Capital Development Authority as established under the Capital Development Authority Ordinance (XXIII of 1960) 1960;
- (vi) "Biodiversity" or "Biological Diversity" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and ecological complexes and diversity within species, between species and of ecosystems etc;
- (vii) "Committee" means the Environment Protection Committee of Capital Development Authority, Islamabad as established under these Regulations;
- (viii) "Discharge" means spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping of anything;
- (ix) "Ecosystem" means a dynamic complex of plants, animals and micro-organism communities and their non-living environment, interacting as functional unit(s);
- (x) "Effluent" means any material in solid, liquid or gaseous form or a combination thereof being discharged from

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Industrial Activity or any other source and includes a slurry, suspension or vapor etc;

- (xi) "Emission Standards" means the permissible standards established by the Federal Agency or a Provincial Agency or Committee for air pollution, noise, discharge of effluent and wastes etc;
- (xii) "Environment" means:
- (a) air, water and land including soil;
  - (b) all layers of the atmosphere;
  - (c) all organic and inorganic matters and living organisms;
  - (d) the ecosystem and ecological relationships;
  - (e) buildings, structures, roads, facilities and works;
  - (f) all social and economic conditions affecting community life; and
  - (g) the inter-relationships between any of the factors in sub-clauses (a) to (f) ante;
- (xiii) "Environmental Impact Assessment" means an environmental study comprising collection of data, prediction of qualitative and quantitative impacts, comparison of alternatives, evaluation of preventive, mitigatory and compensatory measures, formulation of environmental management and training plans and monitoring arrangements, and framing of recommendations;
- (xiv) "Factory" means any premises in which any Industrial Activity is being undertaken;
- (xv) "Government" means Government of Pakistan or the Local Government of Islamabad, as the case may be;
- (xvi) "Hazardous Substance" means:—

- (a) a substance or mixture of substances, which, by reason of its chemical activity is toxic, explosive, inflammable, corrosive, radioactive or other characteristics causes, or is likely to cause, directly or indirectly, in combination with other matters, an adverse environmental effect; and
  - (b) any substance which may, from time to time, be prescribed as hazardous substance by the Committee or by any other Authority under any law for the time being in force;
- (xvii) “Hazardous Waste” means and includes waste which is hazardous or contains a hazardous substance as may be prescribed as such by the Committee or by any other Authority under any law for the time being in force, and includes hospital and nuclear wastes etc;
- (xviii) “Hospital Waste” means and includes waste of medical supplies and materials of all kinds and waste blood tissue, organs and other parts of the human and animal bodies, from hospital(s), clinics and laboratories etc;
- (xix) “Industrial Activity” means any operation or process for manufacturing, making, formulating, synthesizing, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its using, selling, transporting, delivering or disposing or for mining, for oil and gas exploration and development, or for pumping water and sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purpose;
- (xx) “Industrial Waste” means and includes any waste resulting from any Industrial Activity;
- (xxi) “Initial Environmental Examination” means a preliminary environment review of the reasonable foreseeable qualitative and quantitative impact on the environment of a proposed project to determine whether it is likely to cause and environmental affect for requiring preparation of an environmental impact assessment;

- (xxii) "Local Government" means the Local Government as established under the Islamabad Capital Territory (ICT) Local Government Ordinance 2002;
- (xxiii) "Motor Vehicle" means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, and a trailer, but does not include a vehicle running upon fixed rails;
- (xxiv) "Municipal Waste" means and includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;
- (xxv) "Noise" means and includes the intensity, duration from all sources, and includes vibration etc;
- (xxvi) "Nuclear Waste" means waste from any nuclear reactor or nuclear or other nuclear energy system, whether such waste is radioactive or not;
- (xxvii) "Ordinance" means the Capital Development Authority Ordinance 1960;
- (xxviii) "Person" means and includes any natural or legal person or entity, an individual, firm, association, partnership, society, group, company, corporation, co-operative society, government agency, nongovernmental organization, community based organization, village organization, or Local Government etc;
- (xxix) "Pollution" means and includes the contamination of air, land or water by the discharge, emissions, effluents, waste, air pollutants, noise, other matter which either directly or indirectly, or in combination with other discharges, substances, which alter unfavorably or aesthetic properties of the air, land, water, which may, or is likely to, make/cause the air, land, water unclean, noxious, impure, injurious, disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to biodiversity;

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- (xxx) "Prescribed" means prescribed by the Government or the Committee, as the case may be;
- (xxxi) "Project" means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes:-
- (a) construction, use of building, or other works;
  - (b) construction, use of roads, or other transport systems;
  - (c) construction or operation of factories or other installations;
  - (d) mineral prospecting, mining, quarrying, stone-crushing, drilling and the like;
  - (e) any change of land use, or water use; and
  - (f) alteration, expansion, repair, decommissioning, abandonment of existing building or other works, roads or other transport systems, factories or other installations;
- (xxxii) "Proponent" means and includes a person who proposes or intends to undertake a project;
- (xxxiii) "Sewage" means and includes liquid, semi-solid wastes, sludge from sanitary conveniences, kitchens, landraces, washing and similar activities from any sewerage system or sewage disposal works;
- (xxxiv) "Standards" means qualitative and quantitative standards for discharge of effluents and wastes and for emission of air pollutants and noise from a particular production process or for a particular product, and includes the National Environmental Quantity Standards (NEQS), emission standards and other standards as may, from time to time, be prescribed by the Government or the Committee;

(xxxv) "Sustainable Development" means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

(xxxvi) "Waste" means any substance or object which has been; is being or is intended to be discarded or disposed off, and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polyethylene bags and residues from the incineration of all types of wastes, construction debris etc.

### 3. Establishment of CDA Environmental Protection Committee.-

(1) The Authority shall, by notification in the official Gazette, establish a Committee to be known as the Capital Development Authority Environmental Protection Committee consisting of following officials and non-official members:

#### Officials:

(a)	Chairman, CDA	Chairperson/ Member
(b)	Member Environment, CDA	Deputy Chairperson/ Member
(c)	Member Engineering, CDA	Member
(d)	Member Planning, CDA	Member
(e)	Director General/ or Deputy Director General Environment CDA	Member/ Secretary
(f)	Deputy Commissioner, Islamabad	Member
(g)	Representative of Pakistan Environmental Protection Agency	Member

#### Non-officials

(h)	President of Islamabad Chamber of Commerce and Industry	Member
(i)	President Bar Association Islamabad	Member
(j)	President Press Club Islamabad	Member
(k)	One eminently qualified person representing	



an NGO concerned with the environment                      Member

(I)                      One senior citizen                      Member

(2)                      The Members of the Committee, other than official(s) or ex officio members, shall be appointed by the Committee for a term of three years and every such member shall not hold the office for more than two consecutive terms and they shall work on honorary basis;

(3)                      The Committee may frame its own Rules of Procedure and such Rules shall be in conformity with national laws especially the Pakistan Environmental Protection Act 1997 and other ancillary legislation;

(4)                      The Committee shall hold meetings as and when necessary, but at least once in a quarter every year, essentially.

(5)                      The Committee may constitute sub-committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the sub-committees shall be submitted to the Committee for approval;

(6)                      The Committee or any of its sub-committees may invite or co-opt any technical expert or representative of any national or international agency or non-governmental organization or other person possessing specialized knowledge of any subject or any official for assistance in performance of its functions.

**4.                      Function and Powers of the Committee.-** (1) The Committee shall:

(a)                      Co-ordinate and supervise enforcement of these Regulations;

(b)                      Approve comprehensive environmental strategy, programmes, plans of action etc and ensure their implementation within the framework of the National Environmental Policy and Plan of Action as may be approved by the Federal Government from time to time;

(c)                      Approve or adopt the Environmental Quality Standards and quarantine measures;

(d)                      Provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non-renewable resources;

- (e) Coordinate integration of the principles and concerns of sustainable development into CDA development plans, policies and projects;
  - (f) Give its recommendations to the Federal Government on environmental issues;
  - (g) Coordinate or enter into agreements or Memorandum of Understandings with other relevant organizations, agencies or persons on matters relating to environment;
  - (h) Prepare and implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, reuse, recycling and retrieval of material from waste and the sustainable development;
  - (i) Advise and guide CDA departments about environment-friendly and conservatory measures, use of non-hazardous materials etc; and
  - (j) Plan guidelines, measures and directions for the management of any environmental disaster or accident or to advise preventive measures in this regard;
- (2) The Committee may:
- (a) Undertake research, or launch an awareness campaign about any specified aspect of environment;
  - (b) Recommend to the Authority provision of incentives, prizes, certificates, awards, subsidies, tax exemptions, rebates etc; and
  - (c) Recommend levy of taxes, duties, cesses etc;
  - (d) Establish and maintain laboratories to help in the performance of its functions under these Regulations; and
  - (e) Take measures to protect environment from litters and plastic bags or any other such material.

**5. Prohibitions.-** (1) No person shall:-

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- (i) Operate any motor vehicle which creates noise intensity higher than the levels prescribed, or emits smoke which might cause adverse environmental effect and is not in conformity with the prescribed quality standards;
  - (ii) Install, operate and use such factory machinery, power tools or other industrial appliances which might create adverse environmental effect like discharge of hazardous emissions, effluent, organic or inorganic wastes causing air land, or water pollution;
  - (iii) Play digital radio players, devices, public address system and audio/ video entertainment system higher than the prescribed level;
  - (iv) Exceed prescribed limits of noise due to domestic, commercial or industrial appliances, motors etc;
  - (v) Violate silence zones notified by the authority like hospitals, educational institutions, Government Offices, and other workplaces;
  - (vi) Violate building codes relating to the environment;
  - (vii) Use, install and operate non-sustainable appliances, like air compressors, air conditioners and electronic appliances, electric material, gas appliances etc;
  - (viii) Use fuel with more lead content than prescribed in their vehicles;
  - (ix) Cause damage to green areas, landscape, trees, plants, by grazing or keeping of animals, parking of vehicles, dumping of debris, digging, cutting or any other act with the similar effect;
  - (x) Manufacture, store, trade or carry fire crackers, fire balloons or detonators or any dangerous chemical, inflammable, hazardous or offences article or material without license from the Authority;
  - (xi) Discharge any dangerous chemical, inflammable, hazardous or offensive article in any drain, public

- watercourse or public land which might cause adverse environmental effect;
- (xii) Shall dispose off unauthorized or untreated affluent of any industrial or commercial concern or contaminated water in the any street, stream, sewerage system, open place, park, road, drain etc;
  - (xiii) Shall supply or market drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health according to the prescribed standards;
  - (xiv) Cultivate agriculture produce or crop for supply or sale to public using such manure or irrigating it with sewer water or any such liquid as may be injurious to public health according to prescribed standards or offensive to the neighbourhood;
  - (xv) Deposit or store any waste on any place other than the place so reserved or authorized, if it creates environmental effects;
  - (xvi) Quarry, blast, cut timber or carry out a project, without proper permission from the Authority, in such a manner as causes or likely to cause adverse environmental effect;
  - (xvii) Dye or tan skins within such distance of any commercial or residential areas as may be notified prohibited areas;
  - (xviii) Clean vehicle or release water on a road or dump any waste in a water channel (naalah);
  - (xix) Neglect in safe storage of eatables drinkables and other consumable articles;
  - (xx) Dump or store anywhere any clinical or slaughtering waste in any unauthorized manner;
  - (xxi) Establish brick kiln, limekiln, factory or any other industry in prohibited areas as notified by the Authority unless so permitted by the Authority;

- (xxii) Stock, store, or collect timber, wood, dry grass, straw or other inflammable hazardous material or fuels without license from the Authority;
- (xxiii) Discharge untreated or waste or sewerage water in any place other than the installations, drains etc as specified by the Authority;
- (xxiv) Dispose of hazardous waste including hospital waste without ecologically sustainable incinerators or conforming to national environmental quality standards;
- (xxv) Emit air pollutants;
- (xxvi) Damage or pollute any water, may be surface or underground by any manner whatsoever;
- (xxvii) Use or deal in hazardous or banned pesticides, sprays etc;
- (xxviii) Bring in or use or keep any sick or infected animal or plant, material, pathogens etc in the limits of the Authority;
- (xxix) Throw any waste on the street, street corners, parks, or open spaces that may cause pollution directly or indirectly; and
- (xxx) Indulge in wall chalking that may cause pollution.

**6. Mitigating Measures.-** To mitigate the existing state of affairs, the authority may:-

- (1) Establish systems to reduce roadway noise;
- (2) Limit vehicle speed within residential and commercial areas;
- (3) Alter roadway surface structure in keeping with the sustainable standards;
- (4) Limit plying of heavy duty vehicles;
- (5) Improve roadway planning and design;

- (6) Address topographical and meteorological factors in the planning stage of new roadways;
- (7) Direct persons to redesign/upgrade industrial equipment, including shock mounting assemblies and physical barriers in the workplace so as to make these sustainable;
- (8) Direct persons constructing projects or owners of building and structures to retrofit (insulate) projects and existing structures/designs;
- (9) Encourage neighbourhood watch for detection of violations of prohibitions in these regulations;
- (10) Direct Federally, Provincially or privately owned hospitals to install ecologically sustainable incinerators for the proper disposal of hazardous hospital waste etc.
- (11) Direct any individual or business concern to take environment-friendly measures for storage or disposal of the waste or to have a proper treatment system.

**7. Punishment and Penalties.-** (1) Whoever commits any breach of the prohibitions specified in Regulation 5, 13, 14 and 16 of these Regulations shall be punishable for a term which may extend to one year imprisonment or fine that may extend up to one hundreds thousands rupees, or both;

(2) The offender shall also be liable for the cost, of any remedial or mitigating measure taken by the authority in consequence of any offence committed by the offender;

(3) Any authorized officer may impose fine and/or cost subject to the schedule of fines or cost as prescribed by the Committee;

(4) If the violation is committed by a licence/ lease holder, its licence/ lease may be cancelled in addition to the above penalties;

(5) The Committee may authorize any of its member or an officer to compound any offence under these Regulations and may determine fee or the procedure for such compounding.

**8. Power to Seal, Seize, Impound, Confiscate etc.-** (1) Any Authorized Officer shall have power to seal, seize, impound, confiscate and

forfeit any material, thing, appliances animal, etc involved in violations of these Regulations;

(2) The impounded article may, however, be returned to the owner after imposition of fine or cost as adjudicated by the authorized officer;

(3) The seized or confiscated articles shall be disposed off in the light of the relevant laws for the time being in force.

**9. Cognizance of the Offence.-** (1) The Committee shall appoint/designate inspectors/officials to take preventive measures and to take stock of violations and after obtaining sanction from the authorized officer file a case in the court of CDA Special Magistrate against such person;

(2) The trial under such offences may be conducted in a summary way and the provisions of Chapter XXII of Criminal Procedure Code (1898) shall apply *mutatis mutandis* save sub-class (2) of Section 262 of the Code.

**10. Offences by Bodies Corporate.-** (1) Where any contravention of these Regulations has been committed by a Body Corporate, Society, NGO, or agency etc, and it is proved that such offence has been committed with the consent or connivance or, is attributed to any negligence on the part of, any Director, Partner, Manager, Secretary or other Officer of the Body Corporate, such Director, Partner, Manager, Secretary or other Officer of the Body Corporate, Society, NGO, or Agency etc shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly.

**11. Jurisdiction of CDA Special Magistrate.-** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, all contraventions punishable under these Regulations shall exclusively be triable by the CDA Special Magistrate;

(2) A CDA Special Magistrate shall not take cognizance of an offence triable under these Regulations except on a complaint in writing by:

(a) Any authorized person by the Authority; or

(b) Any aggrieved person.

**12. Appeal and Revision.-** (1) Any person aggrieved by an order made by the CDA Special Magistrate may prefer an appeal as provided by the Code of Criminal Procedure, 1898 (Act V of 1898);

(2) An aggrieved person may prefer a revision before the Chairman of the Authority, against the order passed by an Authorized Officer, who shall have the powers to suspend, amend, modify or annul the impugned order.

**13. Initial Environmental Examination and Environmental Impact/ Assessment.-** (1) No proponent of a project shall commence construction or, operation unless he has filed with the Authority an initial Environmental Examination or, where the project is likely to cause an Adverse Environmental Effect, an Environmental Impact Assessment obtained under the Pakistan Environmental Protection Act 1997;

(2) The Authority may require an Initial Environmental Examination or Environmental Impact Assessment by the proponent if it has not been carried out as in (1) or is not mandated under the Pakistan Environmental Protection Act 1997, and accord its approval subject to such conditions as it may deem fit to impose;

(3) Every Review of an Environmental Impact Assessment shall be carried out with public participation;

(4) The Authority shall communicate its approval or otherwise within a period of one month from the date the Initial Environmental Examination or Environmental Impact Assessment is filed complete in all respects in accordance with the prescribed procedure;

(5) Subject to sub-section (4) the Authority may, in a particular case, extend the aforementioned period of one month if the nature of the project so warrants;

(6) The Authority shall maintain separate Registers for Initial Environmental Examination and Environmental Impact Assessment Projects with proper details and which shall be open to inspection by the public at all reasonable hours subject to reasonable restrictions.

**14. Remedial Measures.-** (1) Where the Authority is satisfied that any violation of the Prohibitions under Regulation 5 is likely to occur, or is occurring or has occurred and is likely to cause, or is causing or has caused an adverse Environmental Effect, the Authority may, after giving the person for such violation an opportunity of being heard, by order direct such person to take such measures that the Authority may consider necessary within such period as may be specified in the order;



(2) Where the person to whom directions under sub-section (1) are given, does not comply therewith, the Authority may, in addition to the proceeding initiated against him, under these Regulations, itself take or cause to be taken such measures as specified in the order as it may deem necessary, and may recover the costs of taking such measures from such person as arrears of Land Revenue.

**15. Power to Delegate.-** The Committee may, in writing, delegate any of powers and functions under these Regulations to any of its officials or a person if deemed fit.

**16. Power to give Directions.-** In the performance of its functions under these Regulations, the Committee or any authorized officer may give any direction for the prevention of any offence under these Regulations or to take any preventive or remedial measure to any person who shall be bound to comply with the direction.

**17. Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the Authority or any of its member, officer, employee, expert, advisor, for anything which is in good faith done or intended to be done under these Regulations.

**18. Regulations in addition to other laws.-** The provisions of these Regulations are in addition to and not in derogation of any other law for the time being in force.

# THE ISLAMABAD HIGH COURT ACT, 2010

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# **<sup>1</sup>THE ISLAMABAD HIGH COURT ACT, 2010**

[2nd August, 2010]

ACT No. XVII OF 2010

*An Act to provide for establishment of a  
High Court for Islamabad Capital Territory*

WHEREAS Article 175 of the constitution of the Islamic Republic of Pakistan provides for a High Court for Islamabad Capital Territory, hereinafter in this Act referred to as the Islamabad High Court;

AND WHEREAS in pursuance of Article 175 of the Constitution, a High Court for Islamabad Capital Territory has been established *vide* Law, Justice and Parliamentary Affairs Division's Notification No. F. 9(1)/2008-A.II, dated the 22nd April, 2010;

AND WHEREAS it is necessary to make provisions for effective functioning of the Islamabad High Court;

It is hereby enacted as follows:—

1. **Short title and Commencement.**- (1) This Act may be called the Islamabad High Court Act, 2010.

(2) It shall come into force at once.

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

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<sup>1</sup> The Act received the assent of the President on the 30th July, 2010 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 2nd August, 2010, at pages 503-507.

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- (a) “appointed date” means the date<sup>1</sup> to be appointed by the Federal Government for the purposes of this Act;
- (b) “Chief Justice” means the Chief Justice of Islamabad High Court and includes a Judge for the time being acting as Chief Justice of the said Court;
- (c) “Constitution” means the Constitution of the Islamic Republic of Pakistan;
- (d) “Judge” means a judge of the Islamabad High Court and includes the Chief Justice and a person who is an Additional Judge of that Court.

**3. Islamabad High Court.-** (1) The Islamabad High Court shall consist of a Chief Justice and six other judges to be appointed from the provinces and other territories of Pakistan, in accordance with the Constitution.

(2) The Islamabad High Court shall start functioning from the appointed date.

(3) The principal seat of Islamabad High Court shall be at Islamabad.

**4. Jurisdiction.-** Islamabad High Court shall have, in respect of the Islamabad Capital Territory, original, appellate, revisional and other jurisdiction, as under the Constitution or the laws in force immediately before the commencement of this Act, is exercisable in respect of the said territory by the Lahore High Court:

Provided that Islamabad High Court shall have original jurisdiction in suits and proceedings having pecuniary value of <sup>2</sup>[one hundred] million rupees or more.

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<sup>1</sup> i.e. 13th day of December, 2010 (S.R.O. 50(KE)/2011, dated 4.11.2010).

<sup>2</sup> Subs. by the Islamabad High Court (Amdt.) Act, 2011 (Act II of 2012), s. 2, for “ten”.

COMMENTS

Synopsis

1. Determination of jurisdiction.
2. Concurrent jurisdiction of Islamabad and Lahore High Court.

**1. Determination of jurisdiction.** Jurisdiction of Islamabad High Court under section 4 of the Islamabad High Court (Establishment) Act, 2010 is restricted to the Islamabad Capital Territory. Where registered office of a bank was at Islamabad and was a Corporation which carrying its business all over Pakistan then such case would be covered under section 20 of Code of Civil Procedure, Explanation 2 and such High Court would have jurisdiction within whose jurisdiction cause of action arose [2011 PLC (C.S.) 1434].

**2. Concurrent jurisdiction of Islamabad and Lahore High Court.** Islamabad High Court has the absolute jurisdiction in respect of Islamabad Capital Territory, in original, appellate, revisional and other jurisdiction as under the Constitution or the laws in force immediately before the commencement of the Islamabad High Court Act, 2010. Islamabad High Court enjoys the jurisdiction in respect of capital territory which was earlier enjoyed by the Lahore High Court. In spite of the promulgation of Islamabad High Court Act, 2010 the Lahore High Court has the jurisdiction over Islamabad Capital Territory. Lahore High Court and Islamabad High Court, therefore, enjoy concurrent jurisdiction on Islamabad Capital Territory [2014 PLC (C.S.) 203].

**5. Powers of Chief Justice and other Judges.-** Any law in force immediately before the appointed date relating to the powers of the Chief Justice and of single Judges and Benches of the Lahore High Court, and with respect to all matters ancillary to the exercise of those powers, shall, *mutatis mutandis*, apply in relation to Islamabad High Court.

**6. Other Courts.-** (1) Subject to the provisions of this Act and any order of the competent authority, all civil, criminal and revenue courts, and all tribunals and special courts established under any law, which were exercising jurisdiction and functions in the Islamabad Capital Territory immediately before the commencement of this Act shall continue to exercise their respective jurisdiction and function and all persons holding office in such courts or tribunals or special courts shall continue to hold their respective offices on the same terms and conditions as were applicable to them immediately before the commencement of this Act, unless otherwise determined by the competent authority.

(2) Notwithstanding anything contained in any other law for the time being in force, all civil, criminal and revenue courts and all tribunals and special courts functioning in Islamabad Capital Territory which were within the jurisdiction and under the superintendence and control of the Lahore High Court before the commencement of this Act shall, as from the appointed date, fall within

the jurisdiction and under the supervision and control of the Islamabad High Court.

(3) The Islamabad High Court shall take necessary steps for establishing sub-ordinate judiciary for the Islamabad Capital Territory within six month of the commencement of this Act. The judges of the sub-ordinate judiciary working on deputation shall be sent back to the respective High Courts after establishment of the sub-ordinate judiciary for the Islamabad Capital Territory.

(4) There shall be two Sessions Divisions in the Islamabad Capital Territory with such territorial limits as may be determined in this behalf by Notification<sup>1</sup> in the official Gazette.

**7. Procedure as to appeals to Supreme Court.-** Any law in force immediately before the appointed date relating to appeals to the Supreme Court from the Lahore High Court in respect of cases relating to Islamabad Capital Territory shall, with the necessary modification, apply in relation to Islamabad High Court.

**8. Practice and procedure.-** (1) Subject to the provisions of this Act, all laws which are in force immediately before the commencement of this Act, applicable to the Sindh High Court or any court sub-ordinate to it with respect to practice and procedure shall *mutatis mutandis* apply to the Islamabad High Court.

(2) Subject to the provisions of this Act, all rules, including Sindh Chief Court Rules, or orders which are in force immediately before the commencement of this Act, with respect to practice and procedure in the Sindh High Court or any court sub-ordinate to it, shall, until varied or revoked by rules or orders made by Islamabad High Court, apply with necessary modifications in relation to practice and procedure in Islamabad High Court or any court sub-ordinate to it as if they were made by the Islamabad High Court.

**9. Transfer of proceedings.-** All appeals, petitions and other proceedings pending in the Lahore High Court or in any other High Court in relation to Islamabad Capital Territory immediately before the appointed date shall stand transferred to the Islamabad High Court.

*Explanation.-* For the purposes of this section or any other provision of this Act where subject so requires, the expression "Lahore High Court" includes Rawalpindi Bench of the Lahore High Court.

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<sup>1</sup> For such Notification see Appendix XIV of this book.

**10. Enforcement of orders etc. of Lahore High Court.-** (1) Subject to the provisions of sub-section (2), any order or decision made by the Lahore High Court before the appointed date in relation to Islamabad Capital Territory shall for all purposes be as effective and executable as if made by the Islamabad High Court.

(2) Where any such order or decision as is mentioned in sub-section (1) has, whether before or after the appointed date, been confirmed, varied or reversed on appeal, review or revision, effect shall be given to the order or decision of the appellate court or that of the Lahore High Court as if the order appealed from was an order of the Islamabad High Court.

**11. Power to appoint officers and staff.-** (1) The Chief Justice may appoint the Registrar, officers and staff of Islamabad High Court as may be prescribed.

(2) The employees of the defunct Islamabad High Court,-

- (i) on surplus pool;
- (ii) retained and still working on the strength of the aforesaid High Court;
- (iii) reverted but not accepted by a parent department; or
- (iv) reverted and joined their parent departments;

shall be adjusted in the Islamabad High Court established *vide* Law, Justice and Parliamentary Affairs Division's Notification dated the 22nd April, 2010, as may be determined by the Federal Government in this regard:

Provided that the employees who have joined their parent departments may report to the High Court at Islamabad within fifteen days of the commencement of this Act, failing which they shall lose the option of reversion to said High Court.

**12. Power to adapt laws.-** For the purpose of facilitating the application of any law in relation to the Islamabad Capital Territory, the Federal Government may, before the expiration of two years from the appointed date by order make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient to give effect to the provisions of this Act and thereupon every such law shall have effect subject to

the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

**13. Removal of difficulties.-** If any difficulty arises in giving effect to any provision of this Act within one year of its commencement, the Federal Government, in consultation with the Chief Justice of the Islamabad High Court, may remove such difficulty.

**14. Amendment of Code of Criminal Procedure.-** In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 4, in clause (j), after the word "Province" the words "and the Islamabad Capital Territory" shall be added.

**15. Amendment of P.O. No. 1 of 1970.-** In the Province of West Pakistan (Dissolution) Order, 1970 (P.O. 1 of 1970), in Article 14, clause (2) shall be omitted.

**16. Amendment of P.O. No. 8 of 1970.-** In the High Courts (Establishment) Order, 1970 (P.O. No. 8 of 1970), in Article 3, in clause (1), in paragraph (b), the words "and the Islamabad Capital Territory" shall be omitted.



# **THE ISLAMABAD FIRE PREVENTION AND LIFE SAFETY REGULATIONS, 2010**

## **C O N T E N T S**

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# <sup>1</sup>THE ISLAMABAD FIRE PREVENTION AND LIFE SAFETY REGULATIONS, 2010

[12th January, 2011]

**S. R. O. 70 (I)/2011.-** In exercise of powers Conferred by Section 51 of Capital Development Authority Ordinance, 1960 (XXIII of 1960) the Authority hereby makes the following Regulations as being necessary:

## THE ISLAMABAD FIRE PREVENTION AND LIFE SAFETY REGULATIONS 2010

Regulations to make more effective provision for the Fire Prevention and Life Safety measures in certain buildings and premises in the Islamabad Capital Territory.

**1. Short title, extent and commencement.-** (1) This regulation may be called the Islamabad Fire Prevention and Life Safety Regulations 2010.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force on such date \_\_\_\_\_ 2010 vide Notification No. \_\_\_\_\_ dated, Gazette of Pakistan, Extraordinary, Part \_\_, Section \_\_\_\_\_ as the Federal Government may, by notification in the Official Gazette, appoint.

**2. Definitions.-** In this Regulation, unless the context otherwise requires,—

- (a) “Administrator” means the Chairman Capital Development Authority appointed by the Federal Government;
- (b) “Appellate Authority” means the Next Higher Authority to the Director Emergency Disaster Management Directorate;

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 26th January, 2011 at pages 205-210.

- (c) “building” means any structure or enclosure permanently affixed to the land;
- (d) “building bye-laws” means the bye-laws made under section 51 of Capital Development Authority Ordinance 1960 (XXIII of 1960) including ‘CD A Building Standards for Fire Prevention & Life Safety 2010’.
- (e) “Director Emergency and Disaster Management” means the Director of ‘Emergency and Disaster Management Directorate, Capital Development Authority appointed by the Capital Development Authority established under the Capital Development Authority Ordinance 1960 (XXIII of 1960);
- (f) “Islamabad” means Islamabad Capital Territory
- (g) “Fire Prevention and Life safety measures” means such measures as are necessary in accordance with the “CDA Building Standards for Fire Prevention and Life Safety 2010” for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;
- (h) “authority” means of Capital Development Authority established under Capital Development Authority Ordinance 1960 (XXIII of 1960), as in force in Islamabad or any other authority under any other law, which may be notified in this behalf by the Administrator with the prior approval of the Federal Government;
- (i) “nominated authority” means an officer not below the rank of a Assistant Fire Officer nominated by the Director Emergency & Disaster Management, and includes an officer nominated by the authority as a nominated authority for the purpose of these regulations;
- (j) “occupier” means any person who for the time being is occupying the Building.
- (k) “owner” for the purpose of this regulation would be a person who actually own the building himself or on the

behalf of any other person or claim any interest or any propriety interest:

Provided where it is not possible to trace the owner the Director (E&DM) shall be entitled to treat the occupier as owner and issue him such directions as he issues to actual owner.

- (1) "premises" means any land or any building or part of a building appurtenant thereto which is used for storing explosives, explosive substances and dangerously inflammable substances.

*Explanation.*- In this clause, "explosive", "explosive substances" and "dangerously inflammable substances" shall have the same meanings, as, assigned to them in the Explosives Act, 1884 (4 of 1884), the Explosives (amd) Ordinance 2002, the Explosive Substances Act, 1908 (5 of 1908), the Explosives Substances (West Pak amd) Ord. 1975 and the Inflammable substances Act, 1952 (20 of 1952).

- (m) "standards" means the CDA Building Standards for Fire Prevention and Life Safety 2010.

**3. Inspection of buildings, premises, etc.-** (1) The nominated authority may, after giving three hours' notice to the occupier, or, if there be no occupier, the notice shall be send to the owner at his available address and in mean time if situation is emergent then building will be inspected without waiting for the dispatch of that notice for ascertaining the adequacy or contravention of fire prevention and Life Safety measures, enter and inspect the said building or premises at any time between sunrise and sunset where such inspection appears necessary:

Provided that the nominated authority may enter into and inspect any building or premises at any time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property without giving such notice.

(2) The nominated authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of the building or premises for carrying out the inspection under sub-section (1).

(3) When any building or premises as a human dwelling is entered under sub-section (1), due regard shall be paid to the social and religious sentiments of the occupiers; and, before entering any building/ premises in the actual occupancy of any woman, who, according to the custom does not appear in public, under sub-section (1), oral notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

**4. Measures for fire prevention and Life safety.-** (1) The nominated authority shall, after the completion of the inspection of the building or premises under section 3, record its findings on the deviations from, or the contraventions of, the 'standards' with regard to the Fire Prevention and Life Safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activities carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.

(2) The nominated authority shall also give a report of any inspection made by it under section 3 to the Director Emergency and Disaster Management.

(3) In case of construction of new buildings clearance with regards to Fire Prevention and Life Safety measures, shall be required from Directorate of Emergency and Disaster Management, CDA, at the time of approval of building plan as well as at the time of issuance of completion certificate by the authority.

**5. Power to seal buildings or premises.-** (1) Where, on receipt of a report from the nominated authority under sub-section (2) of section 4, it appears to the Director Emergency and Disaster Management that the condition of any building or premises is dangerous as per "CDA building Standards for Fire Prevention and Life Safety 2010", he shall, without prejudice to any action taken under section 4 by order, require the persons in possession or occupation of such building or premises to remove themselves from such building or premises, forthwith.

(2) If an order made by the Director Emergency & Disaster Management under sub-section (1) is not complied with, the Director Emergency & Disaster Management may ask any police officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions in order to save human lives.

(3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Director Emergency & Disaster Management shall seal the building or premises in the presence of the Magistrate.

(4) No person shall remove such seal except under an order made by the Director Emergency and Disaster Management.

(5) All existing buildings constructed before the promulgation of these regulations shall be under legal obligations to take all measures/install all required equipment with in the meaning of the CDA Building Standards for Fire Prevention & Life Safety 2010 with in the period of Six (06) months.

Provided no separate notice shall be issued to owner or occupier of these buildings in this regard after coming into force of this regulation.

**6. Powers of the Director Emergency and Disaster Management In Case of Default of These Regulations.-** (1) The Director Emergency and Disaster Management shall, in the event of non-compliance of any notice issued, under section 4, take such steps as may be necessary for the compliance of such notice.

(2) All expenses incurred by the Director Emergency & Disaster Management in relation to any steps taken by him under sub-section (1) shall be payable by the owner or occupier on demand and shall, if not paid within ten days after such demand, be recoverable as arrears of land revenue.

**7. Appeals.-** (1) Any person aggrieved by any notice or order of the nominated authority or the Director Emergency & Disaster Management may prefer an appeal against such notice or order to the Appellate Authority (i.e. the administrator) within thirty days from date of the notice or order appealed against:

**8. Bar of jurisdiction of courts.-** No court shall entertain any suit, application or other proceeding in respect of any notice or order under this regulation and no such notice or order shall be called in question otherwise than by preferring an appeal under this Regulation.

**9. Penalties.-** Whoever contravenes any provision of this Regulation shall, without prejudice to any other action taken against him under section 6, will be fined with, which may extend to Five Hundred Thousands rupees ( Rs. 500,000), and where the offences is a continuing one, with a further fine which may extend to three thousand rupees for every day after the first during which such offences continues.

**10. Offences by companies.-** (1) Where an offence under this regulation has been committed by a company, every Director of the company including company secretary shall be fined as provided in section 9.

*Explanation.-* For the purposes of this section,—

- (a) “company” means a body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

**11. Protection of action taken in good faith.-** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

**12. Officer to be public servant.-** Every officer acting under the provisions of this Regulation shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (45 of 1860).

# THE ISLAMABAD JUDICIAL SERVICE RULES, 2011

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# <sup>1</sup>THE ISLAMABAD JUDICIAL SERVICE RULES, 2011

[10th May, 2011]

**S. R. O. 391(I)/2011.-** In pursuance of section 6 of the Islamabad High Court Act, 2010) (XVII OF 2010) read with Article 203 of the Constitution of the Islamic Republic of Pakistan and all others enabling powers in this behalf the Islamabad High Court hereby makes the following rules, namely "The Islamabad Judicial Service Rules, 2011

## THE ISLAMABAD JUDICIAL SERVICE RULES, 2011

In pursuance of section 6 of the Islamabad High Court Act, 2010) (XVII of 2010) read with Article 203 of the Constitution of the Islamic Republic of Pakistan and all others enabling powers in this behalf the Islamabad High Court hereby makes the following rules for establishment of subordinate judiciary for Islamabad Capital territory for its functioning under the supervision and control of Islamabad High Court, Islamabad.

### PART-I

#### GENERAL

1. **Short title, commencement and application.-** (1) These rules may be called the Islamabad Judicial Service Rules, 2011.

(2) They shall come into force at once.

(3) They shall apply to all the members of the Service.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 13th May, 2011, at pages 1517-1536.

**2. Definitions.-** (1) In these rules, unless the context otherwise requires,—

- (a) “Administration Committee” means Committee comprising the Chief Justice and two senior Judges;
- (b) “appointment” means an appointment to the Service, whether on permanent, temporary or officiating basis;
- (c) “appointing authority” means the authority specified in rule 5;
- (d) “Appendix” means the appendixes to these rules;
- (e) “Board” means the Judicial Selection Board comprising such number of Judges as may be nominated by the Chief Justice to make recommendations to appoint or recruit the judicial officers as may be prescribed;
- (f) “Chief Justice” means the Chief Justice of the Islamabad High Court;
- (g) “Departmental Promotion Committee” means a committee of two Judges constituted by the Chief Justice;
- (h) “first time appointment” means appointment for the first time made to the service, after the commencement of these rules, from amongst the officers of Provincial Judicial Services and that of Federally Administered Tribal Areas (FATA) as prescribed in Part-IV;
- (i) “Government” means the Federal Government;
- (j) “High Court” means the Islamabad High Court;
- (k) “initial appointment” means appointment made otherwise than by promotion, transfer or first time appointment from another Service, department, or organization etc;
- (l) “member of the Service” means a person appointed or recruited to the Islamabad Judicial Service in accordance with the Act and the provisions of these rules;

- (m) "recognized university" means any University established under a law in Pakistan or any other university which may be recognized by the Higher Education Commission as a university; and
- (n) "Service" means the Islamabad Judicial Service.

(2) The words and expressions used but not defined in these rules shall have the meanings as are assigned to them by the General Clauses Act 1897 (X of 1897).

## PART-II

### ESTABLISHMENT, CONSTITUTION AND STRENGTH OF THE SERVICE

**3. Establishment and constitution of the Service.-** (1) On and from the date of commencement of these rules, there shall be established and constituted a Service to be known as the Islamabad Judicial Service.

- (2) The Service shall comprise the posts of,—
  - (a) District and Sessions Judges;
  - (b) Additional District and Sessions Judges;
  - (c) Senior Civil Judges-*cum*-Magistrates;
  - (d) Civil Judges-*cum*-Magistrates; and
  - (e) such other category of judicial officers as may be prescribed by the High Court from time to time.

(3) Unless otherwise provided in any other law for the time being in force, the Chief Justice shall determine the jurisdiction of the members of the service in the Islamabad Capital Territory.

**4. Strength of the Service.-** (1) The strength of the members of the Service shall be such as may be prescribed by the High Court from time to time.

(2) The permanent strength of the Members of Service, shall be as specified in Appendix-A.

(3) The High Court may, from time to time, leave unfilled or hold in abeyance, any vacant post in the Service without entitling any person to compensation or create, from time to time, additional posts, temporary or permanent posts, as may be deemed fit and necessary.

### **PART-III**

#### **APPOINTING AUTHORITY**

**5. Appointing Authority.-** (1) All the appointments to the Service shall be made by the Chief Justice on the recommendations of Administration Committee or the Board who shall be the Appointing Authority under these rules.

(2) The Chief Justice may delegate his powers under sub-rule (1), to any Judge or officer of the High Court.

### **PART-IV**

#### **FIRST TIME APPOINTMENT**

**6. First time appointment.-** (1) On commencement of these rules, first time appointments shall be made by the Chief Justice upon recommendations of the Board against such number of posts of the service as determined by the Chief Justice.

(2) For the first time appointments to the Service, the Board shall recommend suitable persons from amongst the incumbent members of all Provincial Judicial Services and that of FATA, who opt or apply to be appointed in the Service through their respective High Courts and in case of FATA as determined by the Chief Justice.

(3) The High Court may invite applications for first time appointment to the posts of service as determined by the Chief Justice from the members of all Provincial Judicial Services by circulation through the respective High Courts and in case of FATA as determined by the Chief Justice as well as through open advertisement in the press.

(4) The Judicial Officers may apply for their appointment in the Service through their respective High Courts and those of FATA directly.

(5) The Board or a Sub-Committee of the Board shall interview the candidates, prepare a merit list for different posts and make recommendations for the first time appointment of the suitable persons.

(6) The suitability of a candidate for the Service shall be determined with reference to the marks obtained by a candidate in interview and giving due regard to his service record, knowledge, ability, character, personality and health.

(7) The interview shall be of one hundred marks for all the posts and passing marks shall be fifty or as determined by the Chief Justice from time to time.

**7. Eligibility for first time appointment.-** (1) No candidate shall be qualified for the post of District and Sessions Judge unless he is a District and Sessions Judge in a Provincial Judicial Service or FATA.

(2) No candidate shall be qualified for the post of Additional District and Sessions Judge unless he has served as an Additional District and Sessions Judge in a Provincial Judicial Service or FATA for a period of four years.

(3) No candidate shall be qualified for the post of Senior Civil Judge-cum-Magistrate unless he is a Senior Civil Judge-cum-Magistrate in a Provincial Judicial Service or FATA.

(4) No candidate shall be qualified for the post of Civil Judge-cum-Magistrate unless he has already been confirmed in a Provincial Judicial Service or FATA.

**8. Absorption.-** (1) The members of Judicial Services of the Provinces posted on deputation under the jurisdiction of Islamabad High Court may apply for absorption in the Service and the Chief Justice on recommendations of Administration Committee may order their absorption and appoint them against the posts for which they are eligible under these rules.

(2) The seniority of members of a judicial service absorbed under sub-rule (1) shall reckon from the date of such absorption.

(3) Notwithstanding anything contained in sub-rule (2) the order of seniority in parent judicial service of the officers absorbed under sub-rule (1) shall remain intact.

**9. Posting on deputation.-** In case some vacancies remain unfilled at the time of absorption and first time appointment, as provided under rules 6 and 8, the High Court may fill the post on deputation from the High Courts of other provinces:

Provided that such unfilled vacancies may not be brought forward for first time appointment, but filled through initial recruitment or promotion in a manner as prescribed.

**PART-V**

**RECRUITMENT AND APPOINTMENT**

**10. Method of recruitment.-** (1) After the first time appointment or absorption, subsequent appointments to the Service shall be made in the following manner namely:—

- (a) recruitment to a post of Civil Judge-*cum*-Magistrate shall be made on the recommendations of the Board, with the approval of the Chief Justice or his nominee, based on the result of a competitive examination conducted by it in the subjects specified in Appendix-B and the syllabus detailed in Appendix-C by the High Court, from time to time;
- (b) appointment to the post of Senior Civil Judge-*cum*-Magistrate shall be made on seniority-*cum*-merit basis from amongst the Civil Judges-*cum*-Magistrates by the High Court on the recommendations of Departmental Promotion Committee;
- (c) recruitment to the post of Additional District and Sessions Judge shall be made from the Advocates having ten years practical experience of practising the profession of law before a subordinate courts or a High Court:

Provided that posts of Additional District and Sessions Judges shall also be filled through promotion of Senior Civil Judges on merit with due regard to the seniority on the recommendations of the Departmental Promotion Committee<sup>1</sup> [on the recommendation of the Board, with the approval of the Chief Justice or his nominee, based on the result of a competitive examination conducted by it in the subjects specified in Appendix-B and the syllabus detailed in Appendix-C by the High Court, from time to time] and

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<sup>1</sup> Added by S.R.O. 562(I)/2012, dated 18th April, 2012.

- (d) appointment to the post of District and Sessions Judge shall be made by promotion from amongst the Additional District and Sessions Judges on merit with due regard to the seniority on the recommendations of the Departmental Promotion Committee.

(2) Notwithstanding anything contained in sub-rule (1) the High Court may make such changes in the method of recruitment as deem fit and necessary from time to time by a notification to be published in the official gazette.

## PART-VI

### INITIAL RECRUITMENTS OF CIVIL JUDGES-CUM-MAGISTRATES AND ADDITIONAL DISTRICT AND SESSIONS JUDGES

11. **Post to be filled in.-** (1) Subject to the provisions of Part-IV, all the appointments to the posts of Civil Judge-cum-Magistrate shall be made through initial recruitment and appointment to the posts of Additional District and Sessions Judges shall be through initial recruitment as well as by promotion.

(2) The vacant post shall be advertized in at least two newspapers, application received shall be scrutinized and thereafter a written examination for judging the suitability of the candidates shall be held.

(3) The Board shall call for interview such applicants who in its opinion have qualified the written test and are qualified for interview after scrutiny and written examination.

(4) In assessing the merit of a candidate, the Board shall have due regard to his experience, academic qualifications, professional ability, character, personality and health.

(5) The Board shall make a preliminary selections specified in sub-rules (3) and (4) and submit the record of all candidates to the Chief Justice and recommend the names of the candidates in order of merit who, in the opinion of the Board, are suitable for appointment to the Service.

(6) The Chief Justice shall, after examining the recommendations of the Board and having regard to the number of direct appointees to be taken, make appointments to the Service of the recommended candidates in the order in which they stand in the merit list.



**12. Ratio of appointment by promotion and direct recruitment.-**

The ratio of appointment to the posts of Additional District and Sessions Judges shall be fifty percent by promotion and fifty percent by initial recruitment.

**13. Procedure of appointment by promotion.-** (1) The promotion to the post of Senior Civil Judge-*cum*-Magistrate shall be made on seniority-*cum*-merit basis from amongst the Civil Judge-*cum*-Magistrates in the Service.

(2) The promotion to the post of Additional District and Sessions Judge shall be made from amongst the Senior Civil Judges-*cum*-Magistrates in the Service.

(3) The promotion to the post of District and Sessions Judge shall be made from amongst the Additional District and Sessions Judges in the Service.

<sup>1</sup>[Provided that no member of the service shall be eligible to be considered for promotion unless, he attends, undergoes and qualifies successfully such course and training at the Federal Judicial Academy, or any other institution including the High Court, as may be prescribed and determined by the High Court and he is recommended by Departmental Promotion Committee. Such recommendations shall be made on the basis of performance evaluation by Departmental Promotion Committee.]

(4) The Departmental Promotion Committee shall consider a panel of three members of the service against each post to be filled by promotion. A list of eligible candidates shall be placed before the Departmental Promotion Committee in the order of seniority. The number of recommendees shall be two times as compared to the number of vacancies required to be filled by promotion.

(5) The recommendations of the committee shall be forwarded to the Chief Justice along with list of the recommendees.

(6) The Chief Justice, after examining the list, may appoint the candidates.

**PART-VII**

**QUALIFICATIONS AND DISQUALIFICATIONS**

**14. Nationality of candidates.-** A candidate for the appointment to the Service must be a citizen of Pakistan.

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<sup>1</sup> Proviso added by S.R.O. 1057(I)/2013, dated 5th October, 2013. .

**15. Age limit.-** (1) No person shall be recruited to the Service,—

- (a) In case of initial recruitment as Civil Judge-*cum*-Magistrate if he is less than twenty one years and more than thirty years of age:

Provided that in the case of a Government Servant who has served in connection with the affairs of the Federation or the Provincial Government, or an officer serving in the legal departments of statutory organizations, for a period of not less than three years, the upper age limit shall be thirty five years; and

- (b) In case of direct initial recruitment as Additional District and Sessions Judge, if he is less than thirty five years or more than forty five years of age.

(2) For the purpose of this rule, age shall be reckoned as on the last date fixed for submission of application for appointment.

(3) For the recruitments through promotion the above age limits shall not apply.

**16. Qualifications.-** (1) No person shall be appointed to a post in the service by initial recruitment unless,—

- (a) in case of appointment to a post of Civil Judge-*cum*-Magistrate he,—

(i) possesses a degree in law from a recognized university entitling him to practise the profession of law; and

(ii) has actively practised the profession of law for not less than two years after having been enrolled as an Advocate; and

- (b) in case of appointment to a post of Additional District and Sessions Judge, he, apart from possessing the qualification in sub-clause (i) of clause (a), must have actively been practising the profession of law for a minimum period of ten years.

*Explanation I.*- For the purpose of sub-clause (ii) of clause (a) and clause (b) the expression "practising the profession of law" shall include any period of Government service in the legal department or of a statutory organization or by a person as,—

- (a) District Attorney, a Deputy District Attorney or an Assistant District Attorney; or
- (b) full time prosecutor authorized to conduct prosecution on behalf of the Government; or
- (c) employee of Superior Courts.

(2) To prove active practice, the candidate shall declare by a duly sworn affidavit that he—

- (a) had been actively practising the profession of law during the period of two years or ten years, as the case may be, preceding the date of advertisement as required under sub-rule 1; and
- (b) during this period, had not engaged himself in any other whole time service, business or occupation for gain, as the case may be.

**17. Character.**- No person shall be appointed to the Service through initial recruitment unless he,—

- (a) possesses such character as to render him suitable in the opinion of the Board, in all respects for appointment to the Service;
- (b) produces a certificate of good character from the District Judge of the District in which he has been practising, and in case of candidate normally practising in any High Court, from the Registrar of the concerned High Court, and in case of an officer in a statutory organization, from the head of the department or the organization, and
- (c) produces certificates of character from two other respectable persons of status, not being his relatives, who are well acquainted with his private life, character and antecedents.

**18. Physical fitness.-** No person shall be eligible for appointment to the Service unless he is in good mental and physical state and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service. Before a person is appointed, he shall be required to appear before the Medical Board, as prescribed:

Provided that the persons already in service shall not be required to undergo a medical examination.

**19. Quota for appointment through initial recruitment.-** (1) The initial recruitment shall be made in the following manner,—

- (a) fifty percent appointments through initial recruitment shall be made from the eligible candidates having domicile of Islamabad Capital Territory; and
- (b) fifty percent appointments through initial recruitment shall be made from the eligible candidate of other provinces and FATA with ratio of twelve percent for each province and two percent for FATA.

(2) Three per cent seats shall be reserved across the board for women to the posts in the Service by direct recruitment subject to suitability:

Provided that if sufficient number of women candidates is not available then the reservation shall not have any operation to the extent of such non-availability.

(3) There shall be no carry forward for reservation in respect of quota as mentioned in sub-rules (1) and (2).

## PART-VIII

### TERMS AND CONDITIONS OF SERVICE

**20. Probation.-** (1) The persons appointed to the Service at the first time appointment shall stand confirmed with effect from the date of their appointment:

Provided that they have been confirmed by their parent department otherwise they shall remain on probation for a period of one year.

(2) Save as provided in sub-rule (1), a person appointed to a post against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise:

Provided that the Appointing Authority may extend the period of probation by a similar term:

Provided further that a total period of probation shall not exceed four years in case of initial recruitment:

Provided also that the High Court may, in exceptional circumstances of any case, reduce the period of probation.

*Explanation.*- Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(3) No person shall be confirmed in a post unless he has successfully completed such training and passed such departmental examinations as may be prescribed from time to time.

<sup>1</sup>[Provided that until Islamabad High Court frames its own Rules regarding Departmental Examination of Civil Judges/Judicial Magistrates, the corresponding Rules of the Lahore High Court, Lahore with such modifications/changes as may be prescribed by Hon'ble Chief Justice on the recommendation of the Hon'ble Administration Committee, shall apply.]

<sup>2</sup>[*Explanation.*— For the purpose of these rules Departmental Confirmation Committee means a Committee of two Judges of the High Court nominated by the Chief Justice.]

(4) If no order to the contrary has been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended:

Provided that the officers confirmed on the posts of Civil Judges-cum-Magistrates and on the posts of Additional District and Sessions Judges shall not be required to be confirmed on the posts of Senior Civil Judges-cum-Magistrates and District and Sessions Judges respectively.

<sup>1</sup> Added by S.R.O. 395(I)/2015, dated 2<sup>nd</sup> May, 2015.

<sup>2</sup> Explanation added by S.R.O. 1057(I)/2013, dated 5th October, 2013.

(5) Subject to the provisions of sub-rule (3), if no order has been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(6) A probationer, who has satisfactorily completed his period of probation against a substantive vacancy, shall be confirmed with effect from the date of his continuous appointment against such a vacancy:

Provided that where the period of probation has been extended under the provisions of sub-rule (2), the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended.

(7) If it appears to the High Court at any time during or at the end of the period of probation, or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfactory performance, it may revert the probationer to his original post, if any, or if he does not hold a lien on any post, his services may be dispensed with.

(8) A person whose services are dispensed with or who is reverted under sub-rule (7) shall not be entitled to any compensation.

**21. Seniority.-** (1) The *inter se* seniority of the members of the Service in the various grades thereof shall be determined in the following manner, namely:-

- (a) in case of "first time appointment", in accordance with the order of merit assigned on the basis of interview by the Board;
- (b) in the case of the members of service appointed through initial recruitment, in accordance with the order of merit assigned by the Board;
- (c) in the case of members appointed by promotion, with reference to the dates of their initial appointment therein:

Provided that if the date of continuous appointment in the case of two or more members of the Service is the

same, the older officer, if not junior to the younger officer or officers in the next below grade, shall rank senior to the younger officer or officers:

*Explanation I.*- If a junior officer in a lower grade is promoted temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his senior officer in the fixation of his seniority in the higher grade:

*Explanation II.*- If a junior Officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently:

*Explanation III.*- A junior officer appointed to a higher grade shall be deemed to have superseded a senior officer only if both the junior and senior officers were considered for the higher grade and the junior officer was appointed in preference to the senior officer.

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined,—

- (a) in case both the officers appointed by initial recruitment and appointed otherwise have been appointed against substantive vacancies or temporary vacancies in the same calendar year, from the date of appointment;
- (b) in case the officer appointed by initial recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer appointed by initial recruitment shall rank senior to the officer appointed otherwise; and
- (c) in case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by initial recruitment is appointed against a temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

**22. Appointment to special posts.-** Appointment of the Judicial

officers to special posts (for example Registrar, Member Inspection Team, Additional Registrar, Deputy Registrar and Assistant Registrar, etc.) shall be in temporary capacity and made on the criteria of fitness of an officer for such appointment.

**23. Scale of pay.-** The scale of pay admissible to the persons appointed to the Service, whether in substantive or officiating capacity or as a temporary measure, shall be as decided by the High Court from time to time:

Provided that, for the time being, they shall be entitled to the scale, pay package and other facilities admissible to the corresponding officers of the provincial judiciary of any province which is at the higher side as compared to other provinces.

**24. Liability to transfer and serve.-** The members of the Service shall be liable to;—

- (a) transfer anywhere under the administrative control of the High Court;
- (b) serve, anywhere within or outside Pakistan, in any equivalent or higher post under the Federal Government or any local authority or statutory body set up or established by the Government; and
- (c) serve anywhere, on deputation, in Pakistan under the Provincial Governments:

Provided that the officers, while working on non-judicial posts, shall be entitled to the same pay package and other facilities which were admissible to them as judicial officers.

## PART-IX

### MISCELLANEOUS

**25. Discipline, penalty and Appeal.-** The High Court shall prescribe rules in matters relating to efficiency, discipline, penalty and appeal etc;

Provided that until such rules are prescribed the corresponding rules of the Lahore High Court, Lahore, shall *mutatis mutandis* apply.



**26. Residuary matters.-** Subject to these rules, other terms and conditions of service including pay, allowances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, group insurance, financial or family assistance in case of death during service, leave or other privileges of an employee shall be governed by the Rules and Orders for the time being in force and applicable to the employees in posts in the same scales in the Federal Government:

Provided that the powers of the Federal Government shall be exercised by the Chief Justice or such other judges to whom such powers may be delegated by the Chief Justice:

Provided further that the Chief Justice may grant a special allowance to any officer or an employee keeping in view the nature of the services, he is required to perform.

**27. Interpretation.-** If any question arises as to the interpretation of these rules, the same shall be decided by the Chief Justice, whose decision shall be final.

**28. Relaxation.-** Notwithstanding anything contained in these rules, the Chief Justice may relax any rule for the reasons to be recorded in writing, if he is satisfied that the strict application of these rules would cause undue hardship to the individual concerned or any other matter as the case may be.

**29. Delegation of power.-** The Chief Justice may delegate all or any of his powers under these Rules to any Judge or Officer of the High Court, as the case may be, as he deems fit and necessary.

**30. Interim arrangements.-** (1) On the commencement of these rules the judicial officers holding posts of the district judiciary in the Islamabad Capital Territory shall stand repatriated to the Lahore High Court, Lahore, within thirty days.

(2) The Chief Justice, at his discretion, may appoint the eligible members of the service against the posts under sub-rule (1) or other posts under the administrative control of the High Court, from time to time.

(3) The Chief Justice, at his discretion, may also borrow the services of suitable judicial officers from provincial High Courts for appointment on deputation against the posts under sub-rule (1) or posts created under these rules or other posts under the administrative control of the High Court, from time to time.

(4) As soon as the composition and strength as determined by the High Court or under these rules, as the case may be, is completed the judicial officers appointed on deputation under sub-rule (3), unless earlier directed by the Chief Justice, shall be repatriated to the concerned provincial High Courts.

**31. Amendment of the rules.-** The Chief Justice on recommendations of the Administration Committee of the High Court may amend these rules.

**32. Savings.-** The commencement of these rules and nothing contained therein shall affect all or any of the acts done, decisions taken, appointments made, notifications issued and proceedings taken by the Chief Justice, at his discretion or on the recommendations of the Administration Committee, as the case may be, towards establishment of subordinate judiciary for the Islamabad Capital Territory, in pursuance of the Act.

APPENDIX-A

[see rule 4(2)]

The total strength of the Judicial Officers, under the Islamabad High Court, Islamabad shall be as follows:—

S.No.	Name of Post	No. of Posts	BS	Place of Posting
1.	District and Sessions Judge	15	21 and 22	(i) Registrar (BS-22) (ii) Member Inspection Team. (iii) District & Sessions Judges, I & II, ICT.: (iv) Presiding Officer, Labour Court, ICT. (v) Judge Banking Court, ICT. (vi) Special Judge (Central), ICT. (vii) Special Judge (Custom), ICT. (viii) Accountability Court, ICT. (ix) Chairman and Members of Environmental Protection Tribunal. (x) Special Judge ATA Court, ICT. (xi) Special Judge Drug Court, ICT. (xii) Presiding Officer Consumer Court, ICT. (xiii) Judge Special Court (CNS), Islamabad. <sup>1</sup> [(xiv) Special Judge (Offences in Banks), Islamabad.]
2.	Additional District and Sessions Judge	30	20	Additional District and Sessions Judges posted in Districts of ICT or on <i>ex cadre</i> post for which they are eligible to be appointed in ICT.
3.	Senior Civil Judges-cum-	06	19	Senior Civil Judges-cum-Magistrates posted in Districts of ICT or on <i>excadre</i> post for which

<sup>1</sup> Inserted by S.R.O. 346(I)/2014, dated 30th April, 2014.

	Magistrates			they are eligible to be appointed in ICT.
4.	Civil Judges-cum-Magistrates.	50	<sup>1</sup> [ ] 18	Civil Judges-cum-Magistrates posted in Districts of ICT or on ex-cadre post for which they are eligible to be appointed in ICT.
<sup>2</sup> [5.	Female Civil Judge (Family)/ Presiding Officer	2	18	Female Civil Judges posted in Districts of ICT of on ex-cadre post for which they are eligible, to be appointed in ICT.]

<sup>1</sup> Figure "17" and word "and" omitted by S.R.O. 586(I)/2014, dated 24th June, 2014.

<sup>2</sup> Ins. by S.R.O. 746(I)/2014, dated 12th August, 2014.

**APPENDIX-B**

<sup>1</sup>[see rule 10(1)(a)&(c)]

**SYLLABUS AND STANDARD FOR THE  
ISLAMABAD JUDICIAL SERVICE  
COMPETITIVE EXAMINATION.**

1. The Competitive Examination shall be in the subjects as provided below and each candidate shall take all the subjects.

2. A candidate shall answer the papers in English, unless otherwise directed.

3. The subjects and maximum marks fixed for each subject or paper shall be such as shown below in column 2 and 3 respectively:

**SUBJECTS/PAPERS**

<b>Serial No.</b>	<b>Subjects</b>	<b>Maximum Marks</b>
(1)	(2)	(3)
1.	English General and English Essay.	100
2.	General Knowledge:	50
	(a) Islamic Studies	
	(b) Current Affairs	50
	(c) Pakistan Studies	50
3.	Civil Law-I	100
4.	Civil Law-II	100
5.	Criminal Law.	100
6.	Qanun-e-Shahadat 1984 and Pleadings	100
7.	Viva-Voce	100
	<b>Total</b>	<b>750</b>

**Note: All papers shall be of three hours duration.**

<sup>1</sup> Ins. by S.R.O. 562(I)/2012, dated 18th April, 2012.

4. Qualifying marks in the aggregate of written papers and *viva voce* shall respectively be 375 and 30.

5. No candidate shall be summoned for *Viva Voce* Test unless he or she has obtained at least 40 percent marks in each Individual Written Paper and 375 marks in the aggregate. No candidate shall be considered to have qualified in the examination unless he also obtains at least 30 percent marks in *Viva Voce*. Failure in or absence from *Viva Voce* shall mean that the candidate has failed to qualify for appointment and his name shall not be included in the merit list.

6. Credit shall be given for good English including orderly, effective and exact expression combined with the economy of words, in all subjects of the examination and not only in subjects which are specially devoted to English.

7. Names of the candidates who qualify shall be arranged in order of merit according to the aggregate marks obtained in the examination.

8. In the event of a tie, the order of merit shall be determined in accordance with the highest marks secured in the *viva-voce*. Should the marks in the *viva voce* of the candidates who tie be equal then the candidate who is older in age shall be placed senior.

#### APPENDIX-C

<sup>1</sup>[see rule 10(1)(a)&(c)]

#### DETAILED SYLLABUS FOR THE ISLAMABAD JUDICIAL SERVICE COMPETITIVE EXAMINATION.

1. **English General and English Essay.**- This paper is intended to test the candidate's command of the English language and may include precise writing, usage of idioms, with an essay in English on one of the several specified subjects and is intended to test the candidate's ability to compose.

2. **General Knowledge including Islamic Studies and Pakistan Studies.**- This paper is intended to test the candidate's knowledge of current world affairs and also of broad facts of historical, political, geographical and economic importance. A section will be included to test the candidate's knowledge and understanding of Islam particularly with reference to its system of administration of justice. Paper will be of Degree standard.

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<sup>1</sup> Ins. by S.R.O. 562(I)/2012, dated 18th April, 2012.

**3. Details of subject with respect to certain paper.-** The following papers shall comprise the subject noted against each:

- |     |   |   |
|-----|---|---|
| (a) | <b>Civil Law Paper-I</b>                    | (i) Civil Procedure Code 1908 (Act V of 1908);<br>(ii) West Pakistan Civil Court Ordinance, 1962;<br>(iii) Contract Act, 1872 (II of 1872);<br>(iv) Sales of Goods Act. |
| (b) | <b>Civil Law Paper-II</b>                   | (i) Muhammadan Law or Islamic Law;<br>(ii) Registration Act 1908;<br>(iii) Limitation Act;<br>(iv) Specific Relief Act.   |
| (c) | <b>Criminal Law</b>                         | (i) Pakistan Penal Code, 1860 (Act XLV of 1860).<br>(ii) Criminal Procedure Code, 1898 (Act V of 1898).<br>(iii) Hudood Ordinances.                                     |
| (d) | <b>Qanun-e-Shahadat, 1984 and Pleading.</b> | (i) Qanun-e-Shahadat, 1984.<br>(ii) Particulars of Plaints.<br>(iii) Particulars of written statements;<br>(iv) Drafting of Plaints and Written Statements.             |

**Note:** Except in case of Muhammadan Law or Islamic law, Hudood Ordinances, Islamic Jurisprudence and Pleadings, bare copies of the relevant Acts shall be provided to the candidates.

5. The object of the examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the kind of questions that asked shall be to give the facts of a typical case and ask the candidate to frame issues, to write a judgment and to discuss the admissibility of evidence.

6. **Viva Voce:** The *viva voce* shall be a test of the personal qualities of the candidates. This examination shall be in matters of general interest and is intended to test the candidate's alertness, intelligence and general outlook. Consideration shall also be paid to these bearing and physique of the candidate.

**THE ISLAMABAD HIGH  
COURT ESTABLISHMENT  
(APPOINTMENT AND  
CONDITIONS OF SERVICE)  
RULES, 2011**

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# **<sup>1</sup>THE ISLAMABAD HIGH COURT ESTABLISHMENT (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 2011**

[14th May, 2011]

**S. R. O. 442 (I)/2011.-** In exercise of the powers conferred by Article 208 of the Constitution of Islamic Republic of Pakistan (1973), the Chief Justice of Islamabad High Court with the approval of the President of Pakistan, has been pleased to make the following rules namely: —

**1. Short title, application and commencement.-** (1) These rules may be called “The Islamabad High Court Establishment (Appointment and Conditions of Service) Rules 2011”.

(2) They shall apply to all persons borne on the establishment of the Islamabad High Court.

(3) They shall come into force at once.

**2. Definitions.-** (1) In these rules unless there is anything repugnant in the subject or context,—

(a) “**Administration Committee**” means the Administration Committee of the High Court;

(b) “**Administration Judge**” means a Judge who is member of the Administration Committee of the High Court or any other judge who is nominated by the Chief Justice to deal with specific matters connected with the establishment arising out of these rules;

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 20th May, 2011, at pages 1623-1638.

- (c) **“Appointing Authority”** means the Chief Justice and includes any other Judge or the officer nominated or designated by the Chief Justice in this behalf and mentioned in column 2 of the Schedule;
- (d) **“Board”** means a Board of Intermediate and Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government to be a Board for the purposes of these rules;
- (e) **“cadre”** means a group of posts in the establishment identifiable by their common designation or nomenclature;
- (f) **“Chief Justice”** or **“Judge”** shall respectively means the Chief Justice or Judge of the Islamabad High Court, Islamabad;
- (g) **“court staff”** means an officer and staff of the High Court who holds a post of establishment or has been appointed to such post, but does not include a person who is appointed against any post in the High Court by transfer or on deputation from any other service, department or organization and also a person who is employed on contract, or on work charge basis, or who is paid from contingencies;
- (h) **“Departmental Promotion Committee”** means a committee constituted under these rules;
- (i) **“Establishment”** means the establishment of the High Court comprising the posts mentioned in Part-II and the schedule;
- (j) **“Government”** means the Federal Government;
- (k) **“High Court”** means the Islamabad High Court;
- (l) **“initial recruitment”** means appointment made otherwise than by promotion or transfer;
- (m) **“pay”** means the amount drawn monthly by any officer or staff of the High Court as pay and includes technical pay,

special pay, personal pay and any other emoluments declared as pay by the Competent Authority;

- (n) **“permanent post”** means a post sectioned<sup>1</sup> without limit of time;
- (o) **“post”** means a post borne on the strength of the establishment included in Part-II and the Schedule to these rules;
- (p) **“prescribed”** means prescribed by these rules;
- (q) **“recognized university”** means any university established by or under a law in Pakistan or any other university which may be declared to be a recognized university by the Higher Education Commission;
- (r) **“Registrar”** means the Registrar of the High Court or any other officer of the Court to whom the powers and functions of Registrar are delegated or assigned by the Chief Justice, from time to time;
- (s) **“Schedule”** means the Schedule to these rules;
- (t) **“Selection Authority”** means any Authority on the recommendation of which any appointment or promotion, as the case may be, is made and includes Selection Board, or a Selection Committee or Departmental Promotion Committee;
- (u) **“Selection Board”** means a Selection Board constituted under these rules; and
- (v) **“Selection Committee”** means a Selection Committee constituted under these rules;

(2) The words and expressions used, but not defined in these rules shall have the meanings assigned to them by the General Clauses Act, 1897 (X of 1897).

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<sup>1</sup> The word should be “sanctioned”.

**PART-II**

**ESTABLISHMENT AND APPOINTMENT**

**3. Establishment.-** (1)<sup>1</sup> The establishment of the High Court shall consist of officers, officials and other staff as provided in Schedule, having qualifications, experience and other conditions as contained therein.

**4. Appointments.-** (1) Appointment to a post shall be made by initial recruitment, promotion or transfer or on deputation as prescribed by these rules by the Appointing Authority.

(2) No person shall be appointed to a post unless he is a citizen of Pakistan.

(3) A candidate for appointment to a post shall possess the prescribed educational qualifications, experience and fulfill other conditions as enumerated in the Schedule.

(4) In case of initial appointment a person also be within the age limit as mentioned in rule 5 or fixed by the Appointing Authority from time to time:

Provided that prescribed experience shall include equivalent experience in the service of a governmental organization as may be determined by the appointing authority.

(5) The members of other Services posted on deputation in the Islamabad High Court may apply for absorption in the establishment and the Chief Justice may order their absorption and appoint them on the posts for which they are eligible under these rules:

Provided that the seniority of members so appointed shall reckon in the manner as may be determined by the Chief Justice.

**5. Age limit.-** (1) No person shall be appointed through initial recruitment if he is less than twenty-one years and more than thirty years of age:

Provided that a candidate shall be entitled to relaxation in upper age limit in accordance with such rules as may be made by the High Court from time to time.

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<sup>1</sup> No sub-rule (2) is given in the Gazette.

(2) In the case of a Government servant who has served in connection with the affairs of the Federation or the Provinces, or an officer serving in the legal departments of statutory organizations, this rule shall not be applicable.

**6. Appointment of child of deceased member of a court staff.-** Notwithstanding anything contained to the contrary in any rule, whenever a member of court staff dies while in service or is declared invalid or incapacitated for further service, any one of his unemployed children may be employed against a post in BPS-1 to 15 for which he possesses the prescribed qualification and experience in relaxation of selection procedure under these rules.

**7. Recruitment Committee, Departmental Promotion Committee and Selection Board.-** (1) The Chief Justice may constitute one or more Recruitment Committees to recruit suitable persons for their appointment and a Departmental Promotion Committee to select for appointment by promotion to such posts in BPS-1 to BPS-15 as may be specified by him from time to time.

(2) The Chief Justice may constitute a Selection Board to select for appointment through initial recruitment and by promotion to such posts in BPS-16 and above as may be specified by him from time to time:

Provided that the Chief Justice may, by a special or general order, refer a post to the Selection Board for making its recommendations for a selection.

(3) The Chief Justice shall determine the composition of Selection or Departmental Promotion Committee or Selection Board and the procedure to be observed by them.

(4) The Chief Justice may authorize Selection or Departmental Promotion Committee or Selection Board to formulate a procedure to recruit and select suitable persons for appointment to any post.

(5) Where an appointing authority, other than the Chief Justice, does not accept the recommendation of a Selection or Departmental Promotion Committee or a Selection Board, it shall record the reasons therefrom and obtain orders of the Chief Justice and act accordingly.

**PART-III**

**PROCEDURE FOR INITIAL RECRUITMENT AND APPOINTMENT  
THROUGH PROMOTION AND TRANSFER**

**8. Initial recruitment.-** (1) Initial recruitment to all posts shall be made after proper advertisement of the vacancies in the newspaper having wide circulation and in any other manner to be determined by the Chief Justice or subject to his approval by the Selection Committee or Selection Board, as the case may be, and the applications of the candidates received whereof shall be scrutinized accordingly.

(2) Initial Recruitment to all posts in BPS-1 to BPS-15 shall be made on the basis of test and interview to be conducted by the concerned Selection Committee in the manner as determined by the Chief Justice or subject to his approval by the Selection Committee itself.

(3) Initial recruitment to all posts in BPS-16 and above or such other post specially referred by the Chief Justice to the Selection Board, shall be made on the basis of written examination and interview to be conducted by the Selection Board in the manner as determined by the Chief Justice or subject to his approval by the Selection Board itself.

(4) Notwithstanding anything contained in sub-rules (2) and (3) an appointment through initial recruitment shall be subject to verification of character and antecedents of the person appointed to the satisfaction of the Appointing Authority.

**<sup>1</sup>9. Quota for appointment through initial recruitment.-** The initial recruitment shall be made in the following manner:—

(1) fifty per cent appointments through initial recruitment shall be made from the eligible candidates having domicile of Islamabad Capital Territory; and

(2) fifty per cent appointments through initial recruitment shall be made from the eligible candidates of other provinces and FATA with ratio of twelve per cent for each Province and two per cent for FATA.

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<sup>1</sup> Corrected by corrigendum dated 8th December, 2011, published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 13th December, 2011, at pages 4404-4415.

9. (A) **Special quota for females.**- (1) Ten percent seats shall be reserved across the board for women in the establishment to be filled by direct recruitment subject to the condition of fulfilling the prescribed criteria and method.

(2) If sufficient number of women candidates are not available the posts shall be filled in on merit as prescribed:

Provided that there shall no carry forward of the seats reserved for women.]

10. **Appointment through Promotion or Transfer.**- (1) All officers and staffs of the High Court, who possess the minimum qualifications and experience prescribed for a higher post reserved under the rules for departmental promotion, shall be eligible to be considered for promotion to a higher post in the manner and subject to conditions as provided in the Schedule.

(2) Promotion to a higher post shall be made on the recommendations of the Departmental Promotion Committee.

(3) A post referred to in sub-rule (1) above may either be a selection post or a non-selection post to which promotion shall be made in the following manner namely:—

- (a) in the case of a selection post, on the basis of selection on merit; and,
- (b) in the case of a non-selection post, on the basis of seniority-*cum*-fitness.

11. **Probation.**- (1) An initial appointment to a post through initial recruitment shall be on probation for a period of two years:

Provided that the Appointing Authority may, for sufficient reasons, extend the period of probation for one year or curtail it before two years.

(2) If in the opinion of the Appointing Authority, the work or conduct of an employee on probation is unsatisfactory, or he is unlikely to become efficient, the Authority may discharge him without any notice.

(3) A person appointed to a post by promotion may also be placed on probation for the period mentioned in sub-rule (1):



Provided that if, in the opinion of the Appointing Authority, the work or conduct of any employee is unsatisfactory, it may revert him to his substantive post:

Provided further that if no order is passed before the expiry of initial or extended period of probation, the probation shall stand terminated.

#### **PART-IV**

#### **EFFICIENCY AND DISCIPLINE**

**12. Efficiency and Discipline.-** To ensure efficiency and discipline, the Appointing Authority may impose any of the penalties laid down in sub-rule (2) upon an employee, who is,—

- (a) inefficient or has ceased to be efficient; or
- (b) guilty of misconduct as defined in the Government Servants (Conduct) Rules, 1964; or
- (c) corrupt, or may reasonably be considered to be corrupt because he,—
  - (i) is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
  - (ii) has assumed a style of living beyond his ostensible means; or
  - (iii) has a persistent reputation of being corrupt; or
- (d) engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person; and his retention in service is therefore prejudicial to national security, the authority may impose on him one or more penalties.

(2) One or more of the following penalties may be imposed upon an employee found guilty of any of the charges mentioned in clause (1), namely:—

- (a) Censure;
- (b) withholding of promotion or increments for a specified period of time;
- (c) recovery of the whole or any part of any pecuniary loss caused to the Court or to a party litigating before the Court;
- (d) reduction in rank to a lower post;
- (e) compulsory retirement;
- (f) removal from service; and
- (g) dismissal from service.

(3) No penalty would be imposed upon an employee unless he is apprised of the allegations against him and has been given an opportunity of submitting his defense in writing and is personally heard by the Appointing Authority.

(4) The Appointing Authority may also, in appropriate cases, appoint an Enquiry Officer above the rank of the person against whom proceedings are initiated to hold a detailed fact-finding inquiry or examine evidence in the presence of the person being proceeded against:

Provided that no penalty shall be imposed unless the person proceeded against is provided with a copy of the enquiry report and given an opportunity of being heard.

## PART-V

### SENIORITY

13. **Seniority.**— Seniority lists of persons appointed against different posts enumerated in the Schedule shall be maintained in the following manner namely,—

- (a) the seniority of an employee shall be reckoned from the date of his regular appointment against the post held by him

or from the date of such appointment in an equivalent post in the Schedule; and

- (b) notwithstanding anything contained in clause (a), upon the commencement of these rules, the Chief Justice shall constitute a committee or committees comprising at least two Judges for determination of *inter-se* seniority of officers and staff in various pay scales and the findings of such committee or committees shall be final:

Provided that any order regarding the seniority of the officers or staff, before commencement of these rules, passed by the authority shall remain intact until varied by orders.

## PART-VI

### MISCELLANEOUS

**14. Terms and Conditions.-** Subject to these rules, other terms and conditions of service including pay, allowances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, group insurance, financial or family assistance in case of death during service, leave or other privileges of an employee shall be governed by the laws for the time being in force and applicable to the employees in posts in the same scale in the Federal Government:

Provided that the powers of the Federal Government shall be exercised by the Chief Justice or such other Judges upon whom such powers may be delegated by the Chief Justice:

Provided also that the Chief Justice whenever he thinks fit may grant a special allowance to any officer or an employee keeping in view the nature of the services that he is required to perform.

**15. Power to create, upgrade or abolish posts.-** The power to create or abolish, upgrade or down grade a post, temporary or permanent, vests in the Chief Justice.

**16. Relaxation.-** The Chief Justice may relax any of these rules, subject to reason in writing, if the Chief Justice is satisfied that a strict application of the rule would cause undue hardships and his decision shall be final in such matter.

**17. Delegation of power.-** The Chief Justice may delegate all or any of his powers under these rules to any Judge or officer of the High Court.

**18. Powers of the Chief Justice.-** Nothing in these rules shall be deemed to limit or abridge the powers of the Chief Justice to appoint or promote any person as may appear to him to be just and equitable.

**19. Appeal.-** An employee aggrieved by an order relating to the terms and conditions of his service may, within thirty days from the date of such order, prefer an appeal to the Appellate Authority indicated herein below, namely:—

<b>Authority passing the order.</b>	<b>Appellate Authority.</b>
1. Registrar	Administration Judge
2. Administration Judge	Chief Justice.
3. Chief Justice	Chief Justice for Review

<sup>1</sup>[SCHEDULE

Part I

[see Rule 3]

Name of Post	Basic Pay Scale	Appointing Authority	Method of recruitment/ eligibility
1	2	3	4
1. Registrar	21 and 22	Chief Justice	Appointment to the post of Registrar shall be made by the Chief Justice in his own discretion when he decides to appoint:- (a) by transfer of a District and Sessions Judge serving under the High Court or by borrowing the services a District and Sessions Judge from the Provincial High Courts on deputation; (b) by promotion of an officer of the establishment serving in BPS-20 on regular basis; and (c) by initial appointment, on contract basis, of a suitable person having reasonable experience of administration and financial matters or by way of transfer on deputation of an officer of equivalent of basic pay scale civil staff of equivalent from the Federal Government or Provincial Governments.
2. Member Inspection Team.	21	Chief Justice	(a) By transfer of a District and Sessions Judge serving under the High Court or by borrowing the services a District and Sessions Judge from the Provincial High Courts on deputation; or (b) by promotion of an officer of the establishment serving in BPS-20 on regular basis: Provided that length of service to this post shall be seven years in BPS-20

<sup>1</sup> Corrected by corrigendum dated 8th December, 2011, published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 13th December, 2011, at pages 4404-4415.

1	2	3	4
3. Secretary to Chief Justice	20	Chief Justice	It shall be a special post and the Chief Justice may fill it by initial recruitment or by borrowing the services of a Judicial officer or of an officer from the Provincial High Courts on deputation.
4. Additional Member Inspection Team.	20	-do-	<p>(a) By transfer of a Additional District and Sessions Judge serving under the High Court or by borrowing the services a Additional District and Sessions Judge from the Provincial High Courts on deputation basis; or</p> <p>(b) by promotion of an officer of the High Court serving in BPS-19 on regular basis: Provided that length of service to this post shall be seven years in BS-19.</p>
5. Additional Registrar	20	-do-	<p>Appointment to the post of Additional Registrar shall be made;</p> <p>(a) from amongst the Deputy Registrars on seniority-cum-fitness basis; or</p> <p>(b) by transfer of an Additional District and Sessions Judge serving under the High Court or the Provincial High Courts by borrowing his services on deputation basis.</p>
6. Deputy Member Inspection Team.	19	-do-	<p>(1) By transfer of a Senior Civil Judge serving under the High Court or the Provincial High Courts by borrowing his services on deputation basis; or</p> <p>(2) by promotion of an officer of the High Court serving in BPS-18 on regular basis provided he is a law graduate: Provided that length of service for promotion to this post shall be seven years in BPS-18.</p>

1	2	3	4
7. Deputy Registrar	19	Chief Justice	<p>Appointment to the post of Deputy Registrar shall be made:—</p> <p>(a) through promotion amongst the cadres of Assistant Registrars, Readers and Private Secretaries, on seniority-cum-fitness basis on rotation basis; or</p> <p>(b) by transfer of the Senior Civil Judge serving under the High Court or the other High Courts by borrowing his services on deputation basis.</p>
8. Research and Reference Officer.	19	-do-	<p>By promotion from amongst the Librarian on seniority-cum-fitness basis provided he is a law Graduate and has rendered at seven years service in BPS-17 and above.</p> <p>If none is available then by initial recruitment of a person having masters degree in Library and Information Sciences and preferably law graduate with seven years experience in the management and maintenance of Court Libraries in BPS-17 and above.</p>
9. Private Secretary	18	-do-	<p>(a) By promotions from Personal Assistants subject to qualifying the proficiency test with a short hand speed of 120 w.p.m. and typing speed of 60 w.p.m. or</p> <p>(b) by initial recruitment with following qualifications and experience:—</p> <p><b>Qualification:</b> B.A./B.Sc/B.Com.  <b>Experience:</b> Shorthand speed 120 w.p.m and Typing speed 60 w.p.m.</p>
10. Assistant Registrar	18	-do-	<p>(a) By promotion on seniority-cum-fitness basis from amongst the Assistants and Computer Operators in a ratio of 5:1 or</p> <p>(b) by initial recruitment with following qualifications and experience:—</p>

1	2	3	4
			<p><b>Qualification:</b> B.A./B.Sc/B.Com preferably law graduate; or</p> <p>(c) by transfer of the Civil Judge serving under the High Court or the other High Courts by borrowing his services on deputation basis.</p>
11. Staff Officer	18	Chief Justice	<p>(a) By posting of an officer of the establishment in BPS-18; or</p> <p>(b) by initial recruitment with qualification of B.A./B.Sc/B.Com and preferably a law graduate.</p>
12. Reader	18	-do-	<p>By initial recruitment from amongst the members of the establishment having five years experience on the basis of competitive examination as per syllabus prescribed from time to time by the Chief Justice, if none is available then by initial recruitment with the following qualifications and experience:</p> <p><b>Qualification:</b> B.A/ B.Sc/ B.Com preferably a law graduate, <b>Experience of Court work.</b></p>
13. Librarian	18	-do-	<p>By promotion of Assistant Librarian on seniority-<i>cum</i>-fitness basis having five years experience as such, if none is available for promotion then by initial recruitment having following qualifications and experience:-</p> <p><b>Qualification:</b> M.A. Library and Information Sciences, <b>Experience:</b> Five years in BPS-16 and above.</p>
14. Treasury Officer	18	-do-	<p>By promotion of Assistant Accounts Officer having five years experience as such, if none is available by promotion then by posting from amongst Assistant Registrars; or by way of initial recruitment with a minimum qualification of M.B.A. or M.Com with a minimum experience of three years.</p>



1	2	3	4
15. Assistant Accounts Officer	17	Chief Justice	By initial recruitment or on deputation basis with B.Com or equivalent qualification with experience in Budget and Accounts.
16. Assistant Librarian	17	-do-	By initial recruitment having master qualification in Library and Information Sciences.
17. Personal Assistant	17	-do-	By initial recruitment having following qualification and experience- <b>Qualification:</b> B.A./B.Sc/B.Com <b>Experience:</b> Shorthand speed 110 w.p.m and Typing speed 50 w.p.m.
18. Stenographer	17	-do-	By initial recruitment having following qualification and experience: <b>Qualification:</b> B.A./B.Sc/B.Com <b>Experience:</b> Shorthand speed 100 w.p.m. and typing speed of 40 w.p.m.]
<b>Part II</b>			
01	02	03	04
1. Computer Operator	15	Registrar	(i) 50% by promotion on seniority-cum-fitness basis from amongst Data Entry Operators. (ii) 50% by initial recruitment having B.Sc. qualification in Computer Science or B.A. with one year diploma in Computer Sciences.
2. Assistant	14	-do-	(i) 50% by promotion on seniority-cum-fitness basis from amongst Senior Clerk. (ii) 50% by initial recruitment having BA., B.Sc, B.Com. or equivalent qualification with; experience in Government job.
3. Data Entry Operator	13	-do-	By initial recruitment having following qualifications and experience: <b>Qualification:</b> FSc Computer Science or F.A. with one year diploma in Computer Sciences with typing speed of 40 w.p.m.

1	2	3	4
4. Imam Masjid	10	Registrar	By initial recruitment having Ma'ine, Fazil Ders-e-Nixami and Hafiz-e-Quran.
5. Senior Clerk	09	-do-	By promotion on seniority-cum-fitness basis from amongst Junior Clerks; or by direct recruitment with B.A. qualification and typing speed of 40 w.p.m.
6. Junior Clerk	07	-do-	(a) By promotion on seniority-cum-fitness basis from amongst the holders of posts of Daftri, Qasid, Naib Qasid or equivalent post who possess the qualification prescribed for initial recruitment; or (b) By initial recruitment: <b>Qualification:</b> Matric, Typing speed 30 w.p.m.
7. Bailiff	07	-do-	By initial recruitment:- <b>Qualification:</b> Matriculation, preferably higher education; Experience as Bailiff in courts.
8. Moazzan-cum-Khadim	06	Registrar	By initial recruitment <b>Qualification:</b> Qari or Hafiz-e-Quran
9. Calligraphist	06	-do-	By initial recruitment: <b>Qualification:</b> Matric, work experience as calligrapher.
10. Mechanic (Transport)	06	-do-	By initial recruitment: <b>Qualification:</b> one year diploma of auto mechanic from a recognized institute with experience of work in workshop.
11. Driver	05	-do-	By initial recruitment: <b>Qualification:</b> Primary LTV License, preferable Matriculate
12. Driver-cum-cleaner	05	-do-	By initial recruitment: LTV License, preferable Matriculate
13. Dispatch Rider	05	-do-	By initial recruitment: <b>Qualification:</b> Matriculation Motor Cycle driving license.
14. Cook	05	-do-	By promotion through selection from amongst bearers if none is available by promotion then by initial recruitment: <b>Qualification:</b> Primary, Expert in cooking.

1	2	3	4
15. Record Lifter	03	Registrar	By initial recruitment; <b>Qualification:</b> Middle or Primary.
16. Daftri	03	-do-	By initial recruitment: <b>Qualification:</b> Matriculation or Middle Experience of court work.
17. Qasid	03	-do-	By promotion on seniority-cum-fitness basis from amongst Naib Qasids.
18. Book Binder	03	Registrar	By initial recruitment: <b>Qualification:</b> Middle Experience of book binding
19. Head Mali	03	-do-	By promotion from amongst Malies.
20. Bearer	02	-do-	By initial recruitment: <b>Qualification:</b> Primary
21. Mali	02	-do-	By initial recruitment: <b>Qualification:</b> Primary
22. Naib Qasid	02	-do-	By initial recruitment: <b>Qualification:</b> Primary
23. Frash	02	-do-	By initial recruitment. <b>Qualification:</b> Primary
24. Water Man	02	-do-	By initial recruitment. <b>Qualification:</b> Primary
25. Dusting Coolie	02	-do-	By initial recruitment. <b>Qualification:</b> Primary
26. Beldar	02	-do-	By initial recruitment. <b>Qualification:</b> Primary
27. Chowkidar	02	-do-	By initial recruitment preferably Ex-Service man: <b>Qualification:</b> Primary
28. Sweeper	02	-do-	By initial recruitment: <b>Qualification:</b> Literate

**\*THE ISLAMABAD CAPITAL  
TERRITORY CIVIL AND  
SESSIONS COURTS  
MINISTERIAL ESTABLISHMENT  
SERVICE RULES, 2011**

[14th May, 2011]

**S. R. O. No. 443(1)/2011.**- In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973) the President of Pakistan is pleased to make the following rules, namely "The Islamabad Capital Territory Civil and Sessions courts Ministerial Establishment Service Rules, 2011":—

**PART-1**

**GENERAL**

**1. Short title, commencement and application.**- (1) These rules may be called the Islamabad Capital Territory Civil and Sessions Courts Ministerial Establishment Service Rules, 2011.

(2) They shall come into force at once.

(3) They shall apply to all persons borne on the ministerial establishment of the Islamabad capital Territory Civil and Sessions Courts.

**2. Definitions.**- (1) In these rules unless there is anything repugnant in the subject or context:—

(a) "Appointing Authority" means the appointing authority specified in column 5 of Schedule II;

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\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 20th May, 2011, at pages 1639-1657.

- (b) "Appointment" means an appointment to the Service, whether on permanent, temporary or officiating basis;
- (c) "Board" means a Board of Intermediate and Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government to be a Board;
- (d) "Chief Justice" means the Chief Justice of the High Court;
- (e) "Civil Court" means the civil court as defined in the Civil Court Ordinance, 1962 (W.P Ordinance II of 1962);
- (f) "Departmental Promotion Committee" means the committee specified in column No. 4 of schedule II;
- (g) "Departmental selection Committee" means the committee specified in column No. 4 of schedule II;
- (h) "High Court" means the Islamabad High Court, Islamabad;
- (i) "initial appointment" means appointment made otherwise, than by absorption, probation, promotion and transfer etc;
- (j) "member of the Service" means a person appointed or recruited to ministerial establishment of the Islamabad Capital Territory Civil and Sessions Courts;
- (k) "*prescribed*" means prescribed by these rules;
- (l) "recognized university" means any university established under a law in Pakistan or any other university which may be recognized by the Higher Education Commission as a university;
- (m) "schedule" means a schedule to these rules;
- (n) "sessions court" means the session court as referred to in the Code of criminal Procedure, 1898 (Act V of 1898); and
- (o) "service" means the Islamabad Capital Territory Ministerial Establishment of Civil and Sessions Courts;

(2) The words and expressions used, but not defined in these rules shall have the meanings as ascribed to them by the General Clauses Act 1897 (X of 1897).

## PART-II

### ESTABLISHMENT, CONSTITUTION AND STRENGTH

**3. Establishment and constitution of the service.-** (1) on commencement of these rules, there shall be established and constituted a Service to be known as the Islamabad Capital Territory Ministerial Establishment service of civil and Sessions Courts.

(2) The service shall consist of officers, officials and other staff as provided in Schedule-I.

(3) The Chief Justice may amend the schedules by a notification in the official Gazette, from time to time.

(4) For the purpose of these rules, the powers of the Federal Government shall be exercised by the Chief Justice unless otherwise provided.

**4. Strength of the Service.-** (1) The strength of the members of the service shall consist of such posts as may, from time to time, be determined by the Chief Justice.

(2) The permanent strength of the members of Service, shall, unless varied by orders passed in this behalf, be as specified in schedule-I.

(3) The High Court may, from time to time, leave unfilled or hold in abeyance, any vacant post in the Service without entitling any person to compensation or create, from time to time, additional posts, temporary or permanent, as may be deemed fit and necessary.

## PART-III

### APPOINTING AUTHORITY

**5. Appointing Authority.-** (1) All the appointments to the Service shall be made on recommendations of the Departmental Promotion Committees or Departmental Selection committees by the Appointing Authority as specified in columns 4 and 5 of Schedule-II.

(2) In case of initial appointment to any post of the service, the mode and criteria specified in schedule-III or as prescribed by the High Court, from time to time, shall be adopted.

#### **PART-IV**

#### **ABSORPTION AND POSTING ON DEPUTATION**

**6. Absorption.-** (1) On commencement of these rules all the ministerial officers, officials and staff already working in civil and sessions Courts at Islamabad shall stand absorbed and appointed in the service on their respective posts for which they are eligible under these rules.

(2) The seniority of members of the service appointed under sub-rule (1) shall reckon from the date of such absorption.

(3) Notwithstanding anything contained in sub-rule (2) the inter-se seniority being possessed by them shall remain intact.

**7. Posting on deputation.-** In case some vacancies remain unfilled after absorption, the High court may borrow the services of eligible ministerial officers, officials and staff from other departments of the Government:

Provided that such unfilled vacancies may be filled through initial appointment or promotion as prescribed in due course of time.

#### **PART-V**

#### **METHODS OF APPOINTMENTS AND ELIGIBILITY**

**8. Methods of appointment.-** After the appointments made under rules 6 and 7, the recruitment to the service shall be made in accordance with the method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in schedules II and III.

**9. Appointment of child of deceased member of a Court staff.-** Notwithstanding anything contained to the contrary in any rule, whenever a member of the service dies while in service or is declared invalid or incapacitated for further service, any one of his unemployed children may be employed against a post in BPS-1 to 15 for which he possesses the prescribed qualification and experience in relaxation of selection procedure under these rules.

**10. Initial recruitments.-** (1) The appointment through initial recruitment shall be made as prescribed or directed by the chief Justice from time to time:

- (2) The initial recruitment shall be made in the following manner,—
- (a) fifty *per cent* appointments through initial recruitment shall be made from the eligible candidates having domicile of Islamabad Capital Territory; and
  - (b) fifty *per cent* appointments through initial recruitment shall be made from the eligible candidates of other provinces and FATA with ratio of twelve *per cent* for each Province and two *per cent* for FATA.

(3) Ten percent of seats shall be reserved across the board for women to the posts in the service by initial appointments subject to suitability *i.e.* if sufficient number of women candidates are not available, then, the reservation shall not have any operation to the extent of such non-availability:

Provided that there shall be no carry forward of the seats reserved for women.

**11. Probation.-** (1) An appointment to a post through initial appointment shall be on probation for a period of one year:

Provided that the Appointing Authority may, for sufficient reasons, extend the period of probation for another one year or curtail it at any time before two years.

(2) If in the opinion of the Appointing Authority, the work or conduct of an employee on probation is unsatisfactory, or he is unlikely to become efficient, the Authority may discharge him or terminate his services on one month notice.

(3) A person appointed to a post by promotion shall also be placed on probation for the period mentioned in sub-rule (1):

Provided that if, in the opinion of the Appointing Authority, the work or conduct of any employee is unsatisfactory, it may revert him to his substantive post:



Provided further that if no order is passed before the expiry of initial or extended period of probation, the probation shall stand terminated.

**12. Confirmation of appointment by the High Court.-** All the appointments made by the District and Sessions Judge or the senior Civil Judge, shall be reported to the High Court for confirmation.

**13. Transfer.-** (1) The Appointing Authority may transfer any officer, official and staff attached to the establishment under his control within that establishment.

(2) The High Court may transfer any officer, official and staff to any place within its jurisdiction.

#### **PART-VI**

#### **CONDUCT, EFFICIENCY AND DISCIPLINE**

**14. Conduct.-** (1) Members of the Service shall observe the Government Servant (Conduct) Rules, 1964, and such other rules or instructions as may be framed or issued by the competent authority from time to time.

(2) whenever any officer or official or staff member is personally interested in a case to be heard by the Court, to which he is attached, he must bring the fact to the notice of the Presiding officer.

**15. Efficiency and Discipline.-** Members of the service in the matters relating to efficiency and discipline shall be governed by the Government Servants (Efficiency and Discipline) Rules, 1973.

**16. Penalties.-** (1) To ensure efficiency and discipline, the Appointing Authority may impose any of the penalties laid down in sub-rule (2) upon an employee, who:—

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct as defined in the Government Servants (Conduct) Rules, 1964; or
- (c) is corrupt, or may reasonably be considered to be corrupt because,—

- (i) he, is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
- (ii) he has assumed a style of living beyond his ostensible means; or
- (iii) he has a persistent reputation of being corrupt; or
- (d) he is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person; and his retention in service is therefore prejudicial to national security, the authority may impose on him one or more penalties.

(2) One or more of the following penalties may be imposed upon an employee found guilty of any of the charges mentioned in sub-rule (1), namely:—

- (a) censure;
- (b) withholding of promotion or increments for a specified period of time;
- (c) recovery of the whole or any part of any pecuniary loss caused to the Court or to a party litigating before the Court;
- (d) reduction in rank to a lower post;
- (e) compulsory retirement;
- (f) removal from service; and
- (g) dismissal from service.

(3) No penalty would be imposed upon an employee unless he is apprised of the allegations against him and has been given an opportunity of submitting his defense in writing and is personally heard by the Appointing Authority.

(4) The Appointing Authority may also, in appropriate cases, appoint an Enquiry officer above the rank of the person against whom proceedings are initiated to hold a detailed fact-finding or examine evidence in the presence of the person being proceeded against.

(5) No penalty shall be imposed unless the person proceeded against is provided with a copy of the enquiry report and given an opportunity of being heard.

## **PART-VII**

### **SENIORITY**

**17. Seniority.-** Seniority lists of persons appointed against different posts specified in schedule-II shall be maintained in the following manner, namely:—

- (a) the seniority of an employee shall be reckoned from the date of his regular appointment against the post held by him or from the date of such appointment in an equivalent post specified in Schedule II; and
- (b) notwithstanding anything contained in clause (a), upon the commencement of these rules, the Chief Justice may constitute a Committee or Committees comprising an officer or officials of the High Court, the concerned District Judge and the concerned Senior Civil Judge for determination of *inter-se* seniority of officers, officials and staff in various pay scales and the findings of such Committee or committees shall be final:

Provided that any order regarding the seniority of the officers or staff, before commencement of these rules, passed by the authority shall remain intact until varied by orders.

## **PART-VIII**

### **LEAVE, PAY, PENSION AND FUNDS ANOTHER MATTERS, E**

**18. Leave, Pay, Pension etc.-** (1) Matters relating to leave, pay, pension and funds shall be regulated under the respective rules as applicable to the Civil Servants under the Civil Servant Act, 1973, (LXXI of 1973) with such modifications and changes as made by the Chief Justice, if necessary.

(2) The rules made under the Civil Servants Act, 1973 (LXXI of 1973), relating to all other matter which are not particularly mentioned in these rules shall be applicable to all officers and officials or staff with such modifications and verifications as the Chief Justice may prescribe from time to time.

#### PART-IX

#### APPEAL

19. **Appeal.-** (1) An appeal from a penalty imposed under Part-VI of these rules by the Senior Civil Judge, shall lie to the District and Sessions Judge.

(2) An appeal from penalty imposed by the District and Sessions Judge other than on appeal under Part-VI of these rules, shall lie to the High Court.

#### PART-X

#### MISCELLANEOUS

20. **Relaxation of Rules.-** The President may, on the recommendation of the Chief Justice, relax any rule where it is causing impediments in the smooth administration of the affair of the service and in cases of hardships.

**SCHEDULE-I (AMENDED)<sup>1</sup>**

[See rule 3(2)]

**Permanent Strength of the Service**

Sr. No.	Posts.	Basic Pay Scale	Number		Total
			ICT-East	ICT-West	
1.	Superintendents	17	1	1	2
2.	Superintendent (for office of the Senior Civil Judge)	16	0	1	1
3.	Stenographers	16	<sup>2</sup> [45]	45	90]
4.	Stenotypist	14	0	4	04
5.	Assistants	14	<sup>2</sup> [20]	20	40]
6.	Civil Nazir	14	1	1	2
7.	Accountants	<sup>3</sup> [14]	1	1	2
8.	Record Keepers Senior Clerks	9	<sup>2</sup> [29]	29	58]
9.	Nazir	8	1	1	2
10.	Assistant Record Keepers/Ahlmad	7	<sup>2</sup> [61]	61	122]
11.	Naib Nazir	7	2	2	4
12.	Bailiffs	5	10	10	20
	Bailiffs	<sup>4</sup> [3]	1	1	2]
13.	Drivers	4	2	2	4
14.	Process Servers	4	50	50	100
15.	Daftri/Record Lifter	2	0	3 <sup>5</sup>	3
16.	Naib Qasids	1	<sup>2</sup> [59]	59	118]
17.	Chowkidar	1	<sup>6</sup> [5]	5	10]
18.	Mali/Baildars	1	5	5	10
19.	Water men	1	5	5	10
20.	Sweepers	1	5	5	10

<sup>1</sup> S.R.O. 1316(I)/2012, dated 6th June, 2012.

<sup>2</sup> Amended vide S.R.O. 745(I)/2014, dated 12th August, 2014.

<sup>3</sup> Subs. by S.R.O. 610(I)/2014, dated 24th June, 2014, for "11", w.e.f. 31.5.2014.

<sup>4</sup> Amended vide S.R.O. 745(I)/2014, dated 12th August, 2014.

<sup>5</sup> One for the office of Senior Civil Judge, ICT (West) and two for District and Sessions Judge, ICT (West).

<sup>6</sup> Added by S.R.O. 354(I)/2014, dated 5th May, 2014.

**(SCHEDULE-III)**

[See rule 8]

**Modes of filling of vacancies in miscellaneous posts in Establishment of Civil and Sessions Courts of the Islamabad Capital Territory through initial appointment**

The following criteria for appointments against the subject vacancies:

**1. For posts in BPS-1 to 4.**

Such method and procedure as may be adopted by the concerned Departmental Selection Committee and Departmental Promotion Committee, subject, however, to the minimum prescribed qualification.

**2. For posts in BPS-5 and above:—**

The total marks shall be 100 as per detail below:

(a)	Educational qualifications	30
(b)	Higher qualification	10
(c)	Experience	10
(d)	Test	25
(e)	Interview	25

**Comparative grading of the marks above shall be as under:**

**COMPARATIVE GRADING OF QUALIFICATIONS AND EXPERIENCE**

**A. Minimum prescribed Qualification:- Total Marks 30**

<b>Sr. No.</b>	<b>Qualification</b>	<b>1st Division</b>	<b>2nd Division</b>	<b>3rd Division</b>
(i)	Matric	30	20	10
(ii)	Matric	15	10	05
	F.A/F.Sc	15	10	05
(iii)	Matric	10	06	03
	F.A/F.Sc	10	06	03
	B.A/B.Sc	10	08	04

**B. HIGHER QUALIFICATION:**

(Higher qualification than prescribed under the rules)

One stage above..... 05 Marks.

Two stages above ..... 07 Marks.

Three or more stages above ..... 10 Marks

**C. EXPERIENCE:**

Experience upto one year ..... 04 Marks.

Experience upto two years..... 07 Marks.

Experience upto three years and above ..... 10 Marks.

**ILLUSTRATIONS:**

(a) Where qualification prescribed in the rules is Matric, comparative grading of candidates shall be done as shown at "A"(i) above. Where typing is prescribed in the rules as a part of the qualification after Matric, all persons possessing the prescribed speed shall be considered as equal.

(b) Where the prescribed qualification is Intermediate, grading shall be done as indicated at "A"(ii) above. To illustrate; if the candidate is a 2nd Divisioner in Metric and 1st Divisioner in Intermediate, he shall

get 10 plus 15 marks out of the total of 30 reserved for prescribed qualification.

- (c) Where prescribed qualification is Graduation, the comparative grading shall be done as shown at "A"(iii) above. If a candidate is 3rd Divisioner in Metric, 2nd Divisioner in Intermediate and 1st Divisioner in Graduation, he shall get 03, 06 and 10 marks respectively *i.e.* 19 marks out of 30.
- (d) The above gradings are applicable only where academic qualifications are Metric and above. In cases where technical qualifications (like Diploma or Certificate) are also prescribed in addition to basic qualifications, then in such cases 30 marks for comparative grading shall be calculated as below:—

1.	Total Marks	30
2.	Basic qualification like Matric, Intermediate or Graduation as prescribed by the rules	20
3.	Additional Technical qualification.	10

The method for further distribution of 10 marks shall be laid down on the analogy of the principles indicated above. 20 marks shall be distributed for the basic qualification by necessary modification in the formula indicated at "A" above. To illustrate, if the basic qualification is Matric, 20 marks shall be distributed as below:—

1st Division	20
2nd Division	13
3rd Division	07

- (e) The equation of grades *vis-a-vis* Division shall be as follows:

Grade A & B	1st Division
Grade C.	2nd Division
Grade D.	3rd Division

- (f) In case where no Division or grade is given in the respective Certificates, it shall be worked out on the basis of marks secured by the candidate as follows:—

(a)	60% and above marks	1st Division
(b)	45% - 59% marks	2nd Division
(c)	Below 45% marks	3rd Division



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- (g) If not specifically provided otherwise "experience" shall mean experience gained in the respective field after acquiring the basic prescribed qualifications.

A candidate securing less than 12 marks each in the test and interview shall not be considered for appointment.

*Note:*

3. For the Post in basic pay scale 5 and above, candidate shall have to undergo screening test, before the aforesaid test and interview, in case their number exceeds four times the number of vacancies to be filled in.

SCHEDULE-II (AMENDED)<sup>1</sup>

[SEE RULE 2]

Name of the Department	Functional unit	Name of the Post	Departmental Promotion committee & Departmental Selection Committee.	Appointing Authority	Minimum Qualification for appointment.		Method of Recruitment	Age of initial Recruitment	
					By initial Recruitment /Transfer	By Promotion		Minimum	Maximum
(1)	(2)	(3)	(4)	(5)	(6)		(7)	(8)	
Islamabad High Court	Civil & Sessions Courts Establishment	1. Superintendent, Office of Distt. & Sessions Judge (BPS-17)	The Honourable Chief Justice-Chairman, Registrar-Member, Member Inspection Team-Member.	Chief Justice	Graduate from a recognized university		By promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Stenographers/Assistant Superintendents/Accountants/Readers to District & Sessions Judges/Additional Distt. & Sessions Judges/Clerk of court to Senior Civil Judge/Clerk of Court to Judges Small Causes Court with five years experience.		
Islamabad High Court	Civil & Sessions Courts Establishment	1. Superintendent, Office of Senior Civil Judge-West (BPS-16)	District & Sessions Judge-West, Chairman. Nominee of the High Court-member. Nominee of the District & Sessions Judge of the concerned District-Member.	District & Sessions Judge of the concerned District where the vacancy occurs.	Graduate from a recognized university.		By promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Assistant Superintendents/Civil Nazir/Readers to District & Sessions Judges/Additional Distt. & Sessions Judges/Clerk of Court to Senior Civil Judge/Clerk of court to Judges Small Causes Court with three years experience.		

<sup>1</sup> S.R.O. 1316(I)/2012, dated 6th June, 2012.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
Islamabad High Court	Civil & Sessions Courts Establishment	3. Stenographer BPS-16	District & Sessions Judge of the concerned District. <i>Nominee of the High Court-member.</i> <i>Nominee of the District &amp; Sessions Judge of the concerned District-Member.</i>	District & Sessions Judge of the concerned District where the vacancy occurs.	Graduate from a recognized university having minimum typing speed 50 w.p.m. and 110 w.p.m. of shorthand speed. Candidates having computer knowledge will be preferred.	[(a) By promotion on seniority-cum-fitness basis on 10% quota from amongst Stenotypist BPS-14 subject to qualifying the proficiency test with Shorthand speed of 110 w.p.m. and typing speed 50 w.p.m. and (b) By initial recruitment.]	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	4. Stenotypist (BPS-14)	District & Sessions Judge of the concerned District. <i>Nominee of the High Court-member.</i> <i>Nominee of the District &amp; Sessions Judge of the concerned District-Member.</i>	District & Sessions Judge of the concerned District where the vacancy occurs.	Intermediate, also having shorthand and typing skill.	Through initial recruitment.	18	30
Islamabad High Court	Civil & Sessions Courts Establishment	5. Assistant Superintendent/ Reader to District & Sessions Judge/Reader to Additional District & Sessions Judge/Clerk of court of Senior Civil Judge/Clerk of Court to Judge Small Causes Court/Assistant-cum-Librarian (BPS-14)	District & Sessions Judge of the concerned District. <i>Nominee of the High Court-member.</i> <i>Nominee of the District &amp; Sessions Judge of the concerned District-Member.</i>	District & Sessions Judge of the concerned District where the vacancy occurs.	Graduate from a recognized university	(a) 2/3rd by promotion on seniority-cum-fitness basis from amongst Record Keepers/English clerks/Senior Clerks/ Readers to Civil Judges with three years experience and (b) 1/3rd by promotion through selection on merit from the above mentioned who are Graduates from a recognized University and if no suitable candidate is available then by initial recruitment.	18	25

<sup>1</sup> Added by S.R.O. 355(I)/2014, dated 10th April, 2014.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
Islamabad High Court	Civil & Sessions Courts Establishment	6. Civil Nazir (BPS-14)	District & Sessions Judge of the concerned District. Nominee of the High Court-member. Nominee of the District & Sessions Judge of the concerned District-Member.	District & Sessions Judge of the concerned District where the vacancy occurs.	Graduate from a recognized university.	By promotion through selection on merit from Naib Nazir's.	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	7. Accountant (BPS-11)	District & Sessions Judge of the concerned District. Nominee of the High Court-member. Nominee of the District & Sessions Judge of the concerned District-Member.	District & Sessions Judge of the concerned District where the vacancy occurs.	Graduate from a recognized university preferably B. Com.	Through initial recruitment on the basis of test.	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	8. Record Keepers/Senior Clerks (BPS-9)	District & Sessions Judge of the concerned District. Nominee of the High Court-member. Nominee of the District & Sessions Judge of the concerned District-Member.	District & Sessions Judge of the concerned District where the vacancy occurs.	Intermediate from a recognized Board/Institute	By promotion on Seniority-cum-Fitness basis from amongst Assistant Record Keeper/ Assistant English Clerk/Ahmad/ Copy Clerk/Typist Junior Clerk/ Copyist/Record Inspection Clerk/Dispatch clerk (BPS-7)	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	9. Nazir (BPS-8)	District & Sessions Judge of the concerned District. Nominee of the High Court-member. Nominee of the District & Sessions Judge of the concerned District-Member.	District & Sessions Judge of the concerned District where the vacancy occurs.	Graduate from a recognized university preferably B.Com.	Through initial recruitment on the basis of test.	18	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Islamabad High Court	Civil & Sessions Courts Establishment	10. Assistant Record Keeper/ Assistant English Clerk/ Ahlmad/ Copy Clerk/ Typist Junior Clerk/ Copyist/ Record Inspection Clerk/ Dispatch Clerk (BPS-7)	District & Sessions Judge of the concerned District. Nominee of the High Court-member. Nominee of the District & Sessions Judge of the concerned District-Member.	District & Sessions Judge of the concerned District where the vacancy occurs.	(a) Matric 2nd Division from a recognized Board/ Institute (b) Typing speed of 25 w.p.m.	<sup>1</sup> [(a) By promotion on 25% quota from amongst Naib Qasids BPS-01 subject to Matriculation degree. (b) 75% by initial recruitment]	18 25
Islamabad High Court	Civil & Sessions Courts Establishment	11. Naib Nazir (BPS-7)	Senior Civil Judge of the concerned Distt.-Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil Judge of the concerned District-Member.	Senior Civil Judge of the concerned District where the vacancy occurs.	Matric	By promotion on seniority-cum-fitness basis from among Bailiffs having at least 7-years service as such.	
Islamabad High Court	Civil & Sessions Courts Establishment	12. Bailiff (BPS-5)	Senior Civil Judge of the concerned Distt.-Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil Judge of the concerned District-Member.	Senior Civil Judge of the concerned District where the vacancy occurs.	Matric	By promotion from Process-Servers on seniority-cum-fitness having 2 years experience.	
Islamabad High Court	Civil & Sessions Courts Establishment	13. Driver (BPS-4)	District & Sessions Judge of the concerned District. Nominee of the High Court-Member. Nominee of the District & Sessions Judge of the	District & Sessions Judge of the concerned District	Middle LTV driving license holder with five years experience.	By initial recruitment.	25 35

<sup>1</sup> Subs. by S.R.O. 345(I)/2014, dated 30th April, 2014.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)		
			concerned District-Member.						
Islamabad High Court	Civil & Sessions Courts Establishment	14. Process Server (BPS-4)	Senior Civil Judge of the concerned Distt. Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil Judge of the concerned District-Member.	Senior Civil Judge of the concerned District where the vacancy occurs	Matric		By initial recruitment.	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	15. Daftri (BPS-02)	Senior Civil Judge-West, Chairman. Nominee of the High Court-member. Nominee of the Senior Civil Judge of the concerned District-Member.	Senior Civil Judge-West	Matriculation or Middle.		By initial recruitment.	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	16. Naib Qasid/ File Fetcher (BPS-01)	Senior Civil Judge of the concerned District-Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil Judge of the concerned District-Member. <i>Provided that for the vacancies of District &amp; Sessions Judges Courts, the District &amp; Sessions Judge concerned District.</i> Nominee of the High Court-Member. Nominee of the District & Sessions Judge of the concerned District-	Senior Civil Judge of the District where the vacancy occurs. <i>Provided that for the vacancies of District &amp; Sessions Judges Courts, the District &amp; Sessions Judge.</i>	Middle		By initial recruitment.	18	25

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)		
			Member.						
Islamabad High Court	Civil & Sessions Courts Establishment	17. Chowkidar (BPS-01)	Senior Civil Judge-West, Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil, Judge-West-Member.	Senior Civil Judge-West. Provided that for the vacancies of District & Sessions Judges Courts, the District & Sessions Judge.	Middle		By initial recruitment.	18	30
Islamabad High Court	Civil & Sessions Courts Establishment	18. Mali/Baildar (BPS-01)	Senior Civil Judge of the concerned Distt. Chairman. Nominee of the High Court-Member. Nominee the Senior Civil Judge of the concerned District-Member. Provided that for the vacancies of District & Sessions Judges Courts, the District & Sessions Judge concerned District. Nominee of the High Court-Member. Nominee of the District & Sessions Judge of the concerned District-Member.	Senior Civil Judge of the District where the vacancy occurs. Provided that for the vacancies of District & Sessions Judges Courts, the District & Sessions Judge.	Literate having knowledge of gardening.		By initial recruitment.	18	25
Islamabad High Court	Civil & Sessions Courts Establishment	19. Waterman/ Water Carrier (BPS-01)	Senior Civil Judge of the concerned Distt. Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil	Senior Civil Judge of the District where the vacancy occurs. Provided that	Literate having knowledge of the job.		By initial recruitment.	18	25

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(8)	
			<p>Judge of the concerned District-Member. Provided that for the vacancies of District &amp; Sessions Judges Courts, the District &amp; Sessions Judge concerned District. Nominee of the High Court-Member. Nominee of the District &amp; Sessions Judge of the concerned District-Member.</p>	<p>for the vacancies of District &amp; Sessions Judges Courts, the District &amp; Sessions Judge.</p>					
Islamabad High Court	Civil & Sessions Courts Establishment	20. Sweeper (BPS-1)	<p>Senior Civil Judge of the concerned Distt. Chairman. Nominee of the High Court-Member. Nominee of the Senior Civil Judge of the concerned District-Member. Provided that for the vacancies of District &amp; Sessions Judges Courts, the District &amp; Sessions Judge concerned District. Nominee of the High Court-Member. Nominee of the District &amp; Sessions Judge of the concerned District-Member.</p>	<p>Senior Civil Judge of the District where the vacancy occurs. Provided that for the vacancies of District &amp; Sessions Judges Courts, the District &amp; Sessions Judge.</p>	Literate having knowledge of the job.		By initial recruitment.	18	25



# **THE ISLAMABAD CAPITAL TERRITORY (CONSUMERS PROTECTION) RULES, 2011**

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# **<sup>1</sup>THE ISLAMABAD CAPITAL TERRITORY (CONSUMERS PROTECTION) RULES, 2011**

[12th October, 2011]

**S.R.O. 1157(I)/2011.-** In exercise of the powers conferred by section 12 of the Consumers Protection Act, 1995 (III of 1995), the Federal Government is pleased to make the following rules, namely:—

1. **Short title and commencement.-** (1) These rules may be called the Islamabad Capital Territory (Consumers Protection) Rules, 2011.

(2) They shall come into force at once.

2. **Definition.-** (1) In these rules, unless the context otherwise requires,

(a) **“Act”** means the Islamabad Capital Territory Consumers Protection Act, 1995 (III of 1995);

(b) **“person”** means any natural or artificial person;

(c) **“chairman”** means a chairman of the Council;

(d) **“convener”** means the convener of an ACA to be nominated by the ICA under rule 7;

<sup>2</sup>(e) **“Islamabad Consumers Association”** or **“ICA”** means the Islamabad Consumers Association constituted for the Islamabad Capital Territory under rule 4;

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 31st December, 2011, at pages 4633-4641.

<sup>2</sup> See also clause “(m)” infra.

- <sup>1</sup>(f) **“Area Consumers Association” or “ACA”** means an Area Consumers Association constituted for any specified area or sector of Islamabad under rule 7;
- (g) **“respondent”** means a person against whom a complaint has been filed;
- (h) **“rule”** means rule of these rules;
- (i) **“damage”** means any damage caused by any product or service including damage to the product itself or economic loss arising from a deficiency in or loss of use of the product or the service;
- (j) **“manufacturer”** includes a person who—
- (i) is in the business of manufacturing a product for the purpose of trade or commerce;
  - (ii) labels a product as his own or who otherwise presents himself as manufacturer of the product;
  - (iii) as a seller exercises control over the design, construction or quality of a product;
  - (iv) assembles a product by incorporating into his product any component or part manufactured by another manufacturer;
  - (v) is a seller of a product of a foreign manufacturer, or is affiliated with the foreign manufacturer by way of partial or complete ownership or control; or
  - (vi) modifies or prepares the product for sale or distribution and assumes or administers warranty obligations of the product;
- (k) **“manufacturing a product”** means and includes producing, fabricating, constructing, designing, remanufacturing, reconditioning or refurbishing a product.

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<sup>1</sup> See also clause “(n)” infra.

- (l) **“product”** has the same meaning as assigned to the word **“goods”** in the Sale of Goods Act, 1930 (III of 1930).
- <sup>1</sup>(m) Islamabad Consumer Association or **“ICA”** means the Islamabad Consumer Association set up under rule 4;
- <sup>2</sup>(n) Area Consumer Association or **“ACA”** means an Area Consumer Association set up under rule 7;
- (o) **“Provincial Government”** means the Chief Commissioner, Islamabad Capital Territory, specified in the Islamabad Capital Territory (Administration) Order, 1980 (PO 18 of 1980) and invested, *vide* Notification No. 17(2)/80-Pub, dated the 31st December, 1980, with the powers and duties conferred or imposed on the Provincial Government under any law for the time being in force in the Islamabad Capital Territory;

(2) Words and expressions used in these rules and not defined shall have the meanings respectively assigned to them in the Act.

**3. Procedure of the Council.-** (1) The chairman of the council shall be sanctioning authority of all activities of the council.

(2) The council shall elect one of its members to be its secretary who shall be responsible for running its affairs.

(3) The Secretary shall call meeting of the council after seeking approval from the chairman.

(4) The secretary shall maintain and put up all complaints and other record received during the period, for discussion and disposal, on a format as the Provincial Government may specify.

(5) The secretary shall convey the agenda and working paper to all members of the council, at least a week prior to the meeting of the council.

(6) The secretary shall circulate minutes of the meeting to all members after seeking approval from the chairman.

<sup>1</sup> See also clause (e) supra.

<sup>2</sup> See also clause (f) supra.

(7) The council may require the ICA to brief the council about the details of any complaint, before referring it to the Authority.

(8) The decision in meeting of the council shall be taken by simple majority of the members present and in case of tie, the chairman shall have the powers to decide the issue either way in accordance with the law.

(9) The secretary shall be assisted by an authorized officer and such staff as may be provided by the Provincial Government. He shall maintain record of all complaints received by the council and working thereto, coordinate with the council, ICA and the ACA(s) and represent the council before the Authority.

(10) There shall be a monthly meeting to be held on first working day of every forthcoming month.

(11) The council shall hold its meeting at such place and with such facilities as the Government may specify.

*Explanation.*- Only the complaints involving any issue of general public interest shall be referred to the council for action into the matter.

**4. Islamabad Consumer Association (ICA).**- (1) The council shall constitute an ICA, comprising of:—

- (a) a prominent social worker to be chairman of the ICA;
- (b) a lady social worker of repute;
- (c) three representatives from the ACA's;
- (d) three representatives from the shop keepers, vendors and manufacturers;
- (e) a representative from the office of Chief Commissioner, ICI;
- (f) A representative from the health department, CDA;
- (g) a representative from the agriculture industries and labour directorate, ICT;
- (h) a representative from the health department, ICT;

- (i) an expert in accounts and fiscal policies;
- (j) a representative from food department, ICT; and
- (k) District Attorney, ICT.

(2) The ICA may co-opt services of any other expert or any officer of the ICT for its assistance.

(3) The ICA shall elect a secretary who shall conduct its business in accordance with the procedure prescribed in the Act and these rules.

**5. Powers and functions of the ICA.-** (1) In addition to the powers and functions entrusted to it by the council, the following shall be the powers and functions of the ICA, namely:—

- (a) to assist the council in devising the ways and means to determine, promote and protect the rights of the consumers;
- (b) to scrutinize the complaints made to it by any complainant or any ACA before referring them to the council for onward submission to the Authority;
- (c) to take measures under the guidance of the council for ensuring smooth and regular supply of consumer items at the prices fixed by the Government;
- (d) to submit to the council quarterly or as directed by the council report of its activities, prepared by the secretary;
- (e) to adopt all ways and means, as approved by the council, to curb unfair trade practices and to carry out the purposes of the Act and these rules;

(2) The ICA may entrust its powers and functions, except those entrusted to it by the council, to any or all ACA(s) constituted under rule 7;

(3) All members, except *ex-officio* members of the ICA shall hold office for a period of one year unless removed by the council. This period shall be extendable for such terms as deemed appropriate by the council, provided that the extension shall be made on one term basis and nomination or removal of all *ex-officio* members shall be made by the Provincial Government.

*Explanation.*- The complaints not falling within the ambit of explanation to the rule 3 and rule 7 shall be dealt by the ICA.

**6. Procedure to be followed by the ICA.-** (1) A complaint, made to the council or ICA or ACA directly or by a registered post, addressed to the chairman of the council or the secretary, ICA or convener of an ACA shall contain:—

- (a) The name, description, address and contact number of the complainant;
- (b) The name, description, address and contact number of the respondent(s) so far as they can be ascertained;
- (c) The cause of action and the place where it arose;
- (d) The description of the documentary and oral evidence in support of the allegations contained in the complaint;
- (e) The relief which the complainant claims; and
- (f) The findings and recommendations of the ACA, if the complaint is referred by the ACA.

(2) Every complaint under sub-rule (1) shall be filed in such number of copies as may be determined in writing by the council, ICA or the ACA, as the case may be.

(3) The ICA shall complete its working upon the complaint within fifteen days, unless delay is caused due to some unavoidable circumstances, of its receipt from the ACA or the complainant, as the case may be.

(4) The ICA may require from the complainant and the respondent such oral and documentary evidence, if deemed necessary, and shall dispose of the complaint after personal hearing of both the parties, if there appears no cause of action or reasonable or legal grounds for action or a compromise is arrived at by the parties.

(5) If the ICA is of the opinion that the matter can not be resolved and calls for action by the Authority, due to any reason, it shall refer the complaint alongwith its recommendations to the council for further action.

(6) In the event of delay in deciding a complaint within the period specified in sub-rule (3), the ICA shall record, in writing, the reasons for the delay in such disposal.

(7) If the complainant or the respondent fails to appear before the ICA after having been duly summoned, the ICA shall forthwith decide the matter *ex-parte*.

(8) The ICA shall sit at such place and be provided with such facilities as the Provincial Government may determine. There shall be monthly meeting in the manner as the council may specify.

(9) Any member may by writing under his hand addressed to the chairman, resign from his office.

(10) No act or proceeding of the ICA shall be invalid merely on ground of any existing vacancy or defect in the composition of the ICA or irregularity in proceedings unless prejudice has been caused to the complainant or the respondent.

**7. ACA and its Procedure.-** (1) The ICA, in consultation with the council, shall cause constitution of as many ACA(s), sector-wise or otherwise, comprising of such members and for such areas as it may deem necessary.

*Explanation.-* Any convenient division like that of Magisterial/Police/Union Council/CDA Sector etc. may be adopted by the council for constitution of the ACA(s).

(2) The ACA(s) shall work under supervision of the convener nominated by the ICA and a secretary elected by the respective ACA and shall sit at such places as the Provincial Government may authorize.

(3) The ACA(s) shall ensure implementation of the Act and the rules made there under and may refer any complaint to the ICA on finding any contravention of the Act or the rules.

(4) The ACA may resort to reconciliation or *masalihat* between the complainant and the respondent and decide the matter at the local level within fifteen days of the written complaint made to the ACA or on any matter taken on *suo moto* action.

(5) In case reconciliation is not reached at, the ACA shall refer the case to the ICA immediately.



(6) The convener and the members of the ACA(s) shall hold office for a period of one year: [Provided that the convener or any member can be removed by the ICA before expiry of the period.] [Provided further that the period may be extended for such further terms as deemed appropriate by the ICA.] [Provided also that an extension granted, at a time, shall not exceed to more than one term.]

(7) The quorum in case of ACA or the ICA to carry out the proceedings shall be at least one half of the members of the ACA or the ICA respectively.

(8) The business of the ICA and ACA(s) shall be conducted in accordance with the provisions of these rules.

(9) The ACA(s) shall hold meetings at such place(s) with such facilities as the District Administration, may specify.

*Explanation.*- The complaints relating to the retail purchasers of the goods etc. shall be dealt by the respective ACA.

**8. Prices to be exhibited at the business place.-** Unless a price catalogue is available for issuance to every customer, the manufacturer or trader shall display prominently, in his shop or display-centre, a notice specifying the retail or wholesale prices alongwith brand and manufacturer's name, as the case may be, of every type of goods available for sale in his shop or display-centre.

**9. Receipt to be issued to the purchaser.-** Every manufacturer or trader who sells any goods shall provide the purchaser a receipt or any other reasonable proof showing that the item has been sold to that purchaser.

**10. Return and refund policy.-** Return and refund policy of a seller shall be disclosed and delivered to the buyer clearly before the transaction is completed and the same shall be displayed prominently and properly at the most conspicuous point of the sale or display centre. Also the return and refund policy shall be printed on the receipt issued on sale of any item:

Provided that the seller shall take back the sold item from the purchaser if the same has not been changed, altered or damaged by the purchaser, unless it is due to any act of the seller or fault of the item or a natural consequence of the act or the fault, on production of proof of purchase, within warranty period or reasonable time after the sale where warranty is not applicable:

Provided further that the reasonable time shall be determined keeping in view the terms and conditions of the sale, nature of the item and circumstances of each and every case.

**11. Prohibition on bait advertisement.-** (1) No person shall trade, advertise or supply, at a specified price, products or services which that person does not,—

- (a) intends to offer for supply; or
- (b) have reasonable grounds or capacity for believing that they can be supplied at that price for a period that is, and in quantities that are, reasonable, having regard to the nature of the products or services and the market in which the person carries on business and the nature of the advertisement made by him,

(2) Any person who has advertised products or services for supply, at specified price, shall offer such products or services for supply, at that price, for a period that is, and in quantities that are, reasonable, having regard to the nature of the products, services and the market in which the person carries on business and the nature of the advertisement made by him.

**12. Dismissal, return and filing of complaints.-** (1) Where a complaint is found to be frivolous or vexatious, the ACA or the ICA, or the Council, as the case may be, before which the proceedings are lying pending, shall not process the complaint further

(2) Any complaint not falling within the ambit of ACA, ICA or the Council, as the case may be, shall be returned forthwith, so as to file it before the competent forum.

(3) Every action taken by the ACA, ICA or the Council, *suo-moto* or otherwise, shall be filed before the Authority for decision.

*Explanation.-* Decision by the ACA, ICA or the Council, against any person, whether complainant or respondent, shall not bar the aggrieved person to file complaint before the Authority.

# **THE RIGHT TO FREE AND COMPULSORY EDUCATION ACT, 2012**

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# **<sup>1</sup>THE RIGHT TO FREE AND COMPULSORY EDUCATION ACT, 2012**

[24th December, 2012]

ACT No. XXIV OF 2012

*An Act to provide for free and compulsory education  
to all children of the age of five to sixteen years*

WHEREAS it is expedient to provide free and compulsory education to all children of the age of five to sixteen years in schools established by the Federal Government and Local Government in Islamabad Capital Territory;

It is hereby enacted as follows: —

**1. Short title, extent and commencement.**- (1) This Act may be called the Right to Free and Compulsory Education Act, 2012.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force on such date and in such areas, as the Federal Government may, by notification in the Official gazette, appoint.

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

(a) “Appropriate Government” means,—

(i) in relation to a school established, owned or controlled by the Federal Government, the Federal Government; and

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<sup>1</sup> The Act received the assent of the President on the 19th December, 2012 and published in the Gazette of Pakistan, Part I, Islamabad, dated 24th December, 2012, at pages 1327-1340.

- (ii) in relation to a school established, owned or controlled by the Local Government, the Local Government;
- (b) “capitation fee” means any donation, contribution or payment, by whatever name, other than the fee notified by the school or the appropriate government;
- (c) “child” means a child including a child with special education needs, male or female, of the age of five to sixteen years of age;
- (d) “disadvantaged child” means a child who belongs to a socially and economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit specified by the appropriate Government, by the notification in the Official gazette;
- (e) “education” means the prescribed education for a child by the academic authority, notified by the government;
- (f) “Education Advisory Council” means the Education Advisory Council established under this Act;
- (g) “free education” means education free of any education related costs including expenditure on stationery, school bags, and transport.
- (h) “notification” means a notification published in the Official gazette;
- (i) “parent” includes a person having the care and custody of a child and includes a natural guardian or legal guardian so appointed or declared by a court;
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “School” means any registered school imparting prescribed education and includes a,—
  - (i) A school established, owned or controlled by the appropriate Government;

- (ii) A school receiving aid or grants from the appropriate Government to meet the whole or part of its expenses; and
  - (iii) A school not receiving any kind of aid or grants from the appropriate Government to meet its expenses.;
- (l) “screening procedure” means the method of selection for admission of a child, in preference over another, other than a random method; and
- (m) “special education” means educational programmes and practices designed for students as handicapped or gifted students, whose mental ability, physical ability, emotional functioning, etc. require special teaching approaches, equipment, or care within or outside a regular classroom.

**3. Right of child to free education.-** (1) Every child, regardless of sex, nationality or race, shall have a fundamental right to free and compulsory education in a neighbourhood school.

(2) No child shall be liable to pay any kind of fee, charges, expenses, etc., which may prevent him from pursuing and completing the education.

(3) It is the obligation of the appropriate Government to,—

- (a) provide free education to every child;
- (b) ensure admission of children of migrant families;
- (c) ensure compulsory admission, attendance and completion of education;
- (d) ensure safety of travel of the child and the teacher to and from school;
- (e) ensure availability of a neighbourhood school;
- (f) ensure that the disadvantaged child is not discriminated against and prevented from, on any grounds whatsoever, pursuing and completing education;

- (g) provide infrastructure including school building, playgrounds, laboratories, teaching learning material and teaching staff;
- (h) monitor functioning of schools within its jurisdiction;
- (i) decide the academic calendar;
- (j) provide all training facilities for teachers and students;
- (k) ensure good quality education conforming to the prescribed standards and norms;
- (l) ensure timely prescribing of curriculum and courses of study for education; and
- (m) provide proper training facility for teachers.

**4. Special provisions for education.-** Where a child has not been admitted in any school or though admitted, could not complete his education, then he shall be admitted in an appropriate class in a formal or non-formal school:

Provided that he shall, in order to be *at par* with others, have a right to receive special training, in such a manner, and within one academic year.

**5. Right of transfer to other school.-** (1) Where in a school, there is no provision for completion of the prescribed education, a child shall have a right to seek transfer to any other school for completing his education.

(2) Where a child is required to move from one school to another, for any reason whatsoever, such child shall have a right to seek transfer to any other school for completing his education.

(3) For seeking admission in such other school, the in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing the transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the in-charge of the school delaying issuance of transfer certificate or delaying or denying admission shall be liable for disciplinary action under the service rules.



**6. Duty of appropriate Government to establish school.-** (1) The appropriate Government shall, for carrying out the provisions of this Act, establish, within such limits of neighbourhood as may be prescribed, a school, within a period of three years from the commencement of this Act.

(2) The appropriate government shall encourage enterprises, institutions and other segments of society, by offering incentives, to establish schools to facilitate free and compulsory education.

(3) The appropriate government shall establish a system of grants-in-aid to support the school attendance of poor students.

**7. Sharing of financial and other responsibilities.-** (1) The Federal Government and the Local Government, if any, shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Federal Government may provide to the Local Government as grants-in-aid such percentage of expenditure for education as it may determine, from time to time, in consultation with the Local Government.

(3) The Federal Government shall establish or specify, through notification, an academic authority to lay down the curriculum and evaluation procedures, including approval of syllabi and textbooks for students, to develop and enforce standards for training of teachers, and to provide technical support and resources for planning and capacity building of teachers and education managers.

**8. Duty of parents.-** (1) The parent of a child shall, except in the case of a reasonable excuse, cause a child to attend a school in the neighbourhood until the said child has completed the prescribed education.

(2) Reasonable excuse for the purpose of sub-section (1) shall include any of the following cases namely:—

- (a) where the School management Committee is satisfied that the child is incapable of attending school by reason of any infirmity or mental incapacity or it is not desirable that the child should be compelled to carry on his study further; or
- (b) where there is no School in the neighbourhood.

**9. Appropriate Government to provide pre-school education.-** The appropriate Government may make necessary arrangements for providing

free pre-school education and early childhood care for the children above the age of three years until they join the school for education.

**10. Responsibility of private school for free education.-** For the purposes of this Act, a school,—

- (a) specified in sub-clauses (i) and (ii) of clause (k) of section 2, shall provide free education to such proportion of children admitted therein as its annual aid or grant so received bears to its annual recurring expenses; and
- (b) specified in sub-clause (iii) of clause (k) of section 2, shall admit in class I in and then in every class, to the extent of at ten percent of the strength of that class, disadvantaged children in the neighbourhood and provide free education till the educational level of that school:

Provided that where a school specified in clause (b), imparts pre-school education, the provisions of clauses (a) and (b) shall apply for admission to such pre-school education.

**11. No capitation fee and screening procedure.-** (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his parents or parent to any screening procedure.

(2) Any school or person, if in contravention of the provisions of subsection (1),—

- (a) receives capitation fee, shall be punishable with fine which may extend to twenty times the capitation fee charged for the first contravention and fifty thousand rupees for each subsequent contravention; and
- (b) subjects a child or parent to screening procedure, shall be punishable with fine which may extend to fifty thousand rupees for the first contravention and one hundred thousand rupees for each subsequent contravention.

**12. Proof of age for admission.-** For the purposes of admission to a school, the age of a child shall be determined on the basis of the Form-B of NADRA and birth certificate issued as prescribed:

Provided that no child shall be denied admission in a school for lack of proof of age.

**13. No denial of admission and expulsion.-** (1) A child shall be admitted in a school at the commencement of every academic year:

Provided that no child shall be denied admission if such admission is sought subsequent to termination of admission period of the academic year:

Provided that any child subsequently admitted shall complete his studies in such manner as may be prescribed.

(2) No child admitted in a school shall be expelled from school till the completion of the prescribed education.

(3) No child shall be subjected to corporal punishment or mental harassment.

(4) Whoever contravenes the provisions of this section, shall be liable to disciplinary action under the service rules.

**14. Registration of Schools.-** (1) No school, other than a school established, owned or controlled by the appropriate Government, after the commencement of this Act, be established or function, without obtaining a certificate of registration from the prescribed authority.

(2) The prescribed authority shall issue the certificate of registration in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such registration shall be granted to a school unless it fulfils the prescribed norms and standards.

(3) The prescribed authority shall, on the contravention of the conditions of registration, by an order in writing, withdraw registration:

Provided that registration shall not be so withdrawn without giving a reasonable opportunity of being heard to such school:

Provided further that such order shall contain a direction as to which of the neighbourhood school, the children studying in the so de-registered school, shall be shifted.

(4) The appropriate government or an authorized officer may take such steps as it or he may deem necessary to close a unregistered or de-registered educational institution.

(5) Any person who establishes or runs a school without obtaining certificate of registration, or continues to run a school after withdrawal of registration, shall be liable to fine which may extend to two hundred thousand rupees and in case of continuing contraventions, to a fine of twenty five thousand rupees for each day during which such contravention continues.

**15. Norms and standards of school.-** (1) No school shall be established or registered or continue to function, unless it fulfils the prescribed norms and standards.

(2) Where a school established before the commencement of this Act does not conform to the prescribed norms and standards, it shall take steps to conform to prescribed norms and standards at its own expense, within a period of two years.

(3) Where a school fails to conform to the prescribed norms and standards within two years, the prescribed authority shall withdraw registration granted to such school.

(4) Any person who continues to run a school after the registration is withdrawn, shall be liable to fine which may extend to two hundred thousand rupees and in case of continuing contraventions, to a fine of twenty five thousand rupees for each day during which such contravention continues.

**16. School Management Committee.-** (1) Every school, other than a school specified in sub-clause (iii) of clause (k) of section 2, shall constitute a School Management Committee consisting of the representatives of the appropriate government, teachers, parents of children admitted in such school:

Provided that at-least two-thirds of members of such Committee shall be parents:

Provided further that one-third of members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

(a) monitor the general working of the school;

- (b) ensure that the prescribed norms and standards are observed;
- (c) ensure that the education policy of the appropriate government is implemented;
- (d) prepare and recommend the annual development plan;
- (e) monitor the utilization of the aids and grants received from the appropriate Government or any other source; and
- (f) perform such other functions as may be prescribed or entrusted to it by the appropriate government.

(3) The School Management Committee shall also ensure that every child required to attend a school under this Act attends a school and for this purpose, it shall take all steps as may be considered necessary or as may be prescribed by Government.

(4) Where a School Management Committee is satisfied that a parent who is required under this Act to cause a child to attend a school has failed to do so, the School Management Committee, after giving the parent an opportunity of being heard and after such enquiries as it considers necessary, may pass an order directing the parent to cause such child to attend a school on and from a date which shall be specified in the order.

(5) Any parent who fails to comply with an order issued under subsection (4) of this section, shall on conviction be punishable with fine which may extend to five thousand rupees and with further fine which may extend to five hundred rupees for every day after the conviction for which the failure continues or with imprisonment which may extend to three month or with both.

(6) Any employer of a child, who is required under this Act to attend a School, after receiving due warning from the School Management Committee, continues to employ a child, whether on remuneration or otherwise, shall on conviction, be punishable with fine which may extend to fifty thousand rupees or with imprisonment which may extend to six month or with both and with a further fine which may extend to one thousand rupees for every day after the conviction for which the non-attendance at a school continues.

**17: Terms and conditions of service of teachers.-** (1) No person shall be appointed as a teacher unless he possesses the prescribed qualifications.

(2) Where the persons having the prescribed qualifications are not available, the appropriate government may, by notification, relax the prescribed qualifications, for a period not exceeding two years:

Provided that a teacher, who at the commencement of this Act, does not possess the prescribed qualifications, shall acquire such qualifications within a period of two years.

**18. Duties of teachers.-** (1) A teacher shall perform the following duties, namely:—

- (a) maintain regularity and punctuality in attending the school;
- (b) complete the curriculum and syllabi within the specified time;
- (c) assess the learning abilities of every child and supplement additional instructions, if any, as required;
- (d) all round development of the child;
- (e) building up child's knowledge, potentiality and talent;
- (f) adopt learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (g) make the child free of fear, trauma and anxiety and help the child to express views freely;
- (h) hold regular meetings with parents and share with them the relevant information about the child; and
- (i) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the applicable service laws.

**19. Other teachers related matters.-** (1) The appropriate Government shall ensure that the prescribed pupil-teacher ratio, is maintained in each school within one year from the date of commencement of this Act.

(2) The appointing government shall ensure that vacancies of teachers in a school shall not exceed ten per cent of the total sanctioned strength and such vacancy shall be filled within four months.

(3) No teacher shall be deployed for any non-educational purposes other than the population census, disaster relief duties or duties relating to elections.

(4) Every child completing his education shall be awarded a proper certificate, in such form and in such manner, as may be prescribed.

(5) The grievances, if any, of a teacher shall immediately be redressed in such manner as may be prescribed.

**20. Monitoring of child's right to education.-** (1) The appropriate government, shall, in addition to the functions assigned to them under this Act, also perform the following functions, namely:—

(a) take all necessary measures for the effective implementation of the child rights under this Act; and

(b) inquire into complaints relating to child's right and take appropriate action.

(2) Any person having any grievance relating to the rights of a child under this Act may make a written complaint to the appropriate government.

(3) After receiving the complaint under sub-section (2), the appropriate government shall decide the matter within the period of one month after affording a reasonable opportunity of being heard to the parties concerned.

**21. Medical and dental inspection of children.-** (1) Every school shall, so far as it is reasonable and practicable so to do, provide for the medical and dental inspection, at appropriate intervals, of the students.

(2) The school may require the parent of a student to cause the student to undergo medical or dental inspection in accordance with arrangements made by the school authorities, or by a registered medical or dental practitioner, and a person who fails without reasonable excuse to comply with the requirement shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand rupees.

**22. Education Advisory Council.-** (1) The appropriate Governments shall constitute an Education Advisory Council consisting of such number of members, not exceeding nine, to be appointed from amongst persons having knowledge and practical experience in the field of the education, child rights and child development to advise the appropriate Governments on implementation of the provisions of this Act in an effective manner.

(2) The Education Advisory Council shall also ensure that every child required to attend a school under this Act attends a school and for this purpose it shall take all steps as may be considered necessary or as may be specified by Government.

(3) The terms and conditions of the appointment of members of the Education Advisory Council shall be such as may be prescribed.

**23. Awards.-** (1) The teachers, educational administrators, educational researchers, individuals and organizations who meet the set criteria may be awarded the prescribed awards.

(2) The students with excellent achievements in learning and training may be awarded the prescribed awards.

**24. No Advertisement without Registration.-** (1) No person shall promote an educational institution, whether by advertisement, prospectus, brochure or otherwise, unless the educational institution has been registered or a provisional certificate of registration has been issued.

(2) A person who contravenes sub-section (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both.

**25. Inspections and directions.-** (1) The appropriate government shall, from time to time, inspect or cause to be inspected a registered educational institution for the purpose of ascertaining that this Act and the rules made under this Act have been and are being complied with.

(2) The appropriate government may issue such guidelines and give such directions as it deems fit for the proper implementation of the provisions of this Act.

(3) Every school shall provide such information as may be required by the appropriate government.



**26. Prosecution of the offences.-** (1) No prosecution for offences punishable under this Act shall be instituted except upon a complaint with the previous sanction of the appropriate Government.

(2) All the offences under this Act are bailable and compoundable.

(3) The authorized officer in a case where he deems it fit and proper so to do, may compound any offence committed by a person which is punishable under this Act on payment, within such time as may be specified in the order, of such sum of money, as may be so specified, which shall not exceed fifty per centum of the amount of the maximum fine to which the person would have been liable if he had been convicted of the offence.

**27. Protection of action taken in good faith.-** No suit or other legal proceeding shall lie against the appropriate government, the School Management Committee or any other person, in respect of anything which is in good faith done, in pursuance of this Act, or any rules or order made there under.

**28. Repeal.-** The Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002 (XIV of 2002) shall stand repealed:

Provided that such repeal shall not affect the previous operations of the law under repeal or order passed or anything duly done or suffered there under.

**29. Powers to make rules.-** (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the area or limits for establishment of a neighbourhood school;
- (b) the manner of maintenance of records of children;
- (c) determining the age of child;
- (d) the extended period for admission and the manner of completing study if admitted after the extended period;
- (e) the manner of giving special training and the time-limit thereof;

- (f) the authority, the form and manner of making application for Certificate of Registration;
- (g) the form, the period, the manner and the conditions for issuing Certificate of Registration;
- (h) the manner of giving opportunity of hearing under this Act;
- (i) the functions of School Management Committees;
- (j) school annual development plan;
- (k) the salary and allowances payable to, and the terms and conditions of service of teachers;
- (l) the duties to be performed by the teachers;
- (m) the manner of redressing grievances of teachers, students or any other person;
- (n) the form and manner of awarding certificate for completion of the education; and
- (o) the allowances and other terms and conditions of appointment of members of the relevant Education Advisory Council.

# THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES RULES, 2012

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# **<sup>1</sup>THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES RULES, 2012**

[16th July, 2012]

**S. R. O. 885 (I)/2012.-** In exercise of the powers conferred by section 17 of the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), the Federal Government is pleased to make the following rules, namely:—

**1. Short title, commencement and extent.-** (1) These rules may be called the Transplantation of Human Organs and Tissues Rules, 2012.

(2) They shall come into force at once.

(3) These rules shall extend to the Islamabad Capital Territory.

**2. Definitions.-** (2)<sup>2</sup> The words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

In these rules unless there is anything repugnant to the subject or context,—

- (a) “Act” means the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010);
- (b) “Authority” mean the Monitoring Authority constituted under section 8 of the Act;
- (c) “Form” means a form annexed to these rules;
- (d) “Institution for retrieval of human organ on brain stem death” means any hospital or institution where a

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 17th July, 2012, at pages 4057-4094.

<sup>2</sup> No sub-rule (1) is given in the Gazette.

prospective brain death human being is maintained on artificial life support.

- (e) "Non close blood relation" means on altruistic genetically unrelated donor or any other relation defined by the Authority in consultation with the Federal Government, from time to time; and
- (f) "Evaluation Committee" means a Committee or Committees constituted under the sub-section (1) of Section 5 of the Act.

**3. Authorization for removal of human organ.-** Any donor may authorize the removal, before his death, of any organ of his/her body for therapeutic purposes in the manner and on such conditions as specified in Form 1, 2 or 3, as the case may be.

**4. Duties of the recognized transplant surgeon or physician.-** (1) A recognized transplant surgeon or physician shall, before removing a human organ from the body of a donor before his death, satisfy himself that,—

- (a) the donor has given his/her authorization in the relevant Form 1, 2 or 3;
- (b) the donor is in proper state of health and is fit to donate the organ or tissues. Thereafter the recognized transplant surgeon or physician shall sign a certificate as specified in Form 4;
- (c) in case the recipient is spouse of the donor, the donor has given a statement to the effect that they are so related by signing a certificate in Form 2. Thereafter the recognized transplant surgeon or physician shall sign a certificate as specified in Form 5; and
- (d) the donor has submitted an application in Form 10 jointly with the recipient to grant approval for removal and transplantation of a human organ to the Evaluation Committee.

(2) A recognized transplant surgeon or physician shall, before removing a human organ or tissue from the body of a person after his/her death satisfy himself that.-

- (a) the donor had, in the presence of two or more witnesses (at least one of whom is a close blood relative of such donor), unequivocally authorized as specified in Form 6 before his death, the removal of the human organ of his body, after his death, for therapeutic purposes and there is no reason to believe that the donor had subsequently revoked the authority as aforesaid; and
- (b) that the person lawfully in possession of the dead body has signed a certificate as specified in Form 7.

(3) A recognized transplant surgeon or physician shall, before removing a human organ from the body of a person in the event of his brain-stem death, satisfy himself that.—

- (a) a certificate as specified in Form 8 has been signed by all the members of the Board;
- (b) in the case of brain-stem death of a person of less than eighteen years of age, an authority as specified in Form 9 has been signed by either of the parents or close blood relatives of such dead person.

**5. Board.-** (1) The Evaluation Committees shall ensure that every hospital or institution shall have a Board to be constituted by that Hospital or Institution for deceased donor, which shall consist of:

- (a) Executive Director or Medical Superintendent or Head of the Hospital;
- (b) a neurosurgeon or neurophysician; and
- (c) an intensivist.

Provided that no medical practitioner who shall be part of transplant team shall be part of the Board.

(2) The quorum of the Evaluation Committee should be four. However, quorum shall not to be considered to be complete without the participation of one of the members from category (b) above.

(3) At the time of the meeting, the Evaluation Committee should take note of all relevant contents and documents in the course of its decision making

process and in the event any document or information is found to be inadequate or doubtful, explanation should be sought from the applicant and if it is considered necessary that any fact or information requires to be verified in order to confirm its veracity or correctness, the same be ascertained through the concerned officer of the Government concerned.

**6. Donation from close blood relatives.-** (1) Where the proposed transplant is between close blood relative, as specified in sub-section (1) of Section (3) of the Act, the concerned Evaluation Committee shall ensure and evaluate,—

- (i) results of tests for Human Leukocyte Antigen (HLA), alleles A, B and DR performed by serology or DN A-PCR methods and if necessary further testing by contemporary technology to confirm relationship *i.e.* micro satellite gene analysis;
- (ii) documentary evidence of relationship *e.g.* relevant National Identity Card, birth certificate and marriage certificate;
- (iii) documentary evidence of identity and residence of the proposed donor *e.g.* computerized National Identify Card, passport, driving license or bank account where possible:

Provided that where such relationship is not conclusively established after evaluating the above evidence, the Evaluation Committee, may in its discretion direct further medical tests as applicable in that case under the current medical best practices and where these test referred to above do not establish a genetic relationship between the donor and the recipient, the same tests are to be performed on preferably both parents or at least one parent. If parents are not available, same tests are to be performed on such relatives of donor and recipient as are available and are willing to be tested failing which, genetic relationship between the donor and the recipient shall be deemed to have not been established.

(2) The papers for approval of transplantation should be processed by the recognized transplant surgeon or physician and administrative division of the recognized institution while the approval shall be granted by the Evaluation Committee concerned.

- (3) Where the proposed donor or the recipient or both are foreigners;
- (a) a senior Embassy official of the country of origin has to certify the relationship between the donor and the recipient; and
  - (b) Evaluation Committee shall examine the cases of Pakistani donors consenting to donate organs to a foreign national (who is a close blood relative), including a foreign national of Pakistani origin, with greater caution. Such cases should be considered on case to case basis.

**7. Transplants between married couple.-** Where the proposed transplant is between a married couple, the Evaluation Committee shall evaluate all available evidence to establish the factum and duration of marriage and ensure that relevant documents including marriage certificate, is placed before the committee along with the information on the number and age of children and birth certificate of children containing the particulars of parents, if any.

**8. Donation from non close blood relatives.-** (1) Where the proposed transplant is between individuals who are "non close blood relatives" the Evaluation Committee shall evaluate that,—

- (a) there is no commercial transaction between the recipient and the donor. No payment of money or money's worth as referred to in Act, has been made to the donor or promised to be made to the donor or any other person. In this connection, the Evaluation Committee shall take into consideration,-
  - (i) an explanation of the link between recipient and donor and the circumstances which led to the offer being made;
  - (ii) documentary evidence of the link *e.g.* proof that they have lived together etc; and
  - (iii) reason why the donor wishes to donate;
- (b) there is no middleman / tout involved;
- (c) that financial status of the donor and the recipient is probed by asking them to give appropriate evidence of their



vocation and income for the previous three financial years. Any gross disparity between the status of the two, must be evaluated in the backdrop of the objective of preventing commercial dealing;

- (d) the donor is not a drug addict or a known person with criminal record; and
- (e) the next of kin of the proposed altruistic unrelated donor is interviewed regarding awareness about his / her intention to donate an organ, the authenticity of the link between the donor and the recipient and the reasons for donation. Any strong views of disagreement or objection of such kin may also be recorded and taken note of.

(2) In the course, of determining eligibility of the applicant to donate, the applicant should be personally interviewed by the Evaluation Committee and minutes of the interview should be recorded. The final interview with the donor should be video recorded.

(3) In case of female donor, her identity and independent consent should be confirmed by a person other than the recipient.

(4) Any document with regard to the proof of the residence or domicile and particulars of parentage should be relatable to the photo identify of the applicant in order to ensure that the documents pertain to the same person, who is the proposed donor and in the event of any inadequate or doubtful information to this effect, the Evaluation Committee may in its discretion seek such other information or evidence as may be expedient and desirable in the peculiar facts of the case.

(5) The Evaluation Committee should state in writing its reason for rejecting or approving, as the case may be, the application of the proposed donor and all approvals should be subject to the following conditions; namely:—

- (a) the approved proposed donor should be subject to all such medical tests as required at the relevant stages to determine his biological capacity and compatibility to donate the organ in question;
- (b) the psychiatrist clearance shall also be mandatory to certify his mental condition, awareness, absence of any over or

latent psychiatric disease and ability to give free consent;

- (c) all prescribed forms have been filled up by all relevant persons involved in the process of transplantation; and
- (d) final interview to be video recorded.

(6) The Evaluation Committee shall expedite its decision making process and use its discretion judiciously and pragmatically in all such cases where, the patient requires transplantation on medical priority.

(7) The secretariat of the Monitoring Authority shall evaluate and recommend the cases referred to it by the respective Evaluation Committee through treating hospital citing cogent reasons *viz*: non availability or non compatibility of any close blood relative as a donor after ensuring that no monetary<sup>1</sup> transaction is involved between recipient and the donor. The Evaluation Committee shall proceed in accordance with section 5 read with sub-section 2 of section 3 of the Act. Each application such referred shall be accompanied by a processing fee of ten thousand rupees to be paid into Authority's authorized bank account to be used on the activities of the Authority.

(8) Every recognized institution shall have its own website. The Evaluation Committee is required to take final decision about donor selection within thirty six hours of holding the meeting for grant of permission or refusal for transplant. The decision of the Evaluation Committee shall reflect transparency and the same shall be posted on the website of the recognized institution within thirty six hours of the decision. Apart from this, the website of the recognized institution must be updated regularly in respect of the total number of the transplantations done in that recognized institution along with the essential details of each transplantation. The same data should be accessible for compilation, analysis and further use by Authority.

**9. Preservation of organs and tissues.-** The organ or tissue removed shall be preserved according to the best scientific methods in order to ensure viability for the purpose of transplantation.

**10. Monitoring Authority.-** (1) Monitoring Authority is a body constituted to monitor, supervise and scrutinize transplantation of human organs and tissues.

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<sup>1</sup> The word should be "monetary".

(2) The Monitoring Authority shall determine the basis for the ratification of the approval of the case by the Evaluation Committee.

(3) The Federal Government shall dissolve or de-notify any Evaluation Committee after an enquiry conducted on the basis of a complaint received in writing or upon receipt of complaint of negligence, misconduct or not complying with any provision of the Act or rules framed their under. Such an action shall be notified. The reconstituted Evaluation Committee shall be formed within fifteen days of the dissolution of the earlier Committee.

(4) The Monitoring Authority may organize events to recognize and acknowledge the act of supreme altruism of living donors and the family of deceased donors.

(5) The Monitoring Authority shall create national organ sharing network (NOSN) which may liaise with Organ Procurement Organization (OPO) consisting of a doctor, a psychologist or sociologist and a nurse at the capital cities of the provinces and Islamabad which shall generate the request of brain death patients whose families have consented for donation. The OPO will refer the request to the NOSN which shall allocate organs according to the current international practices for allocation.

(6) The Monitoring Authority under sub-section (4) of section 8 shall request the Federal government to institute an endowment fund which shall be used by the Authority especially for the transplantation of indigent patients including post transplant care, medicines and related costs of the Authority.

**11. Registration and functions of recognized medical institution or hospital.-** (1) An application for registration shall be made to the Monitoring Authority as specified in Form 11. The application shall be accompanied by a processing fee of rupees two hundred thousands to the Monitoring Authority paid into Authority's authorized bank account as processing fee to be used on the activities of the Authority.

(2) The Monitoring Authority shall, after holding an inquiry and after satisfying itself that the applicant has complied with all the requirements, grant a certificate of interim registration as specified in Form 12. After inspecting the hospital physically the Monitoring Authority shall grant a certificate of registration in Form 13 which shall be renewable on the payment of renewal fee of rupees one hundred thousands on yearly basis to be paid into Authority's authorized bank account to be used on the activities of the Authority.

(3) Every recognized institution shall maintain complete record of all transplants undertaken including details of the donor. All such institutions shall report to the Monitoring Authority on the follow-up of the donor and the recipient. The record of follow-up shall be maintained in a manner as laid down in Form 14 and Form 15.

(4) Transplant Registry Form specified in Form 16, Form 16 (a), Form 16 (b) and Form 16 (c) in respect of each and every transplant done by the recognized institution shall be submitted to Authority on day of operation by electronic mail or fax, followed by a copy by post and processing fee to be fixed by the Authority from time to time.

**12. Renewal of registration.-** (1) An application for the renewal of a certificate of registration shall be made to the Monitoring Authority within a period of three months prior to the date of expiry of the original certificate of registration and shall be accompanied by a fee of rupees two hundred thousands payable to the Monitoring Authority into its bank account.

(2) A renewal certificate of registration as specified in Form 17 shall be valid for one year.

(3) If, after an inquiry including inspection of the hospital and scrutiny of its past performance and after giving an opportunity of being heard to the applicant, the Monitoring Authority is satisfied that the applicant, since grant of certificate of registration under sub-rule (2) of rule 11 has not complied with the requirements of the Act and the Rules made thereunder and conditions subject to which the certificate of registration has been granted, shall for reasons to be recorded in writing, refuse to grant renewal of the certificate of registration.

**13. Essential Conditions for grant of certificate of registration.-** No hospital shall be granted a certificate of registration under the Act unless it fulfils the following requirement of manpower, equipment, specialized services and facilities etc., as laid down below,—

(a) *General manpower requirement, specialized services and facilities,—*

- (1) twenty four hours availability of medical and surgical, (senior and junior) staff;
- (2) twenty four hours availability of nursing staff, (general and specialty trained);

- (3) twenty four hours availability of intensive care units with adequate equipments, staff and supports system, including specialists in anaesthesiology, intensive care;
  - (4) twenty four hours availability of laboratory with multiple discipline testing facilities including but not limited to microbiology, bio-chemistry, pathology and hematology and radiology departments with trained staff;
  - (5) twenty four hours availability of operation theatre facilities for planned and emergency procedures with adequate staff, support system and equipments;
  - (6) twenty four hours availability of communication system, with power backup, including but not limited to multiple line telephones, public telephone systems, fax, computers and paper photo-imaging machine; and
  - (7) experts, (other than the experts required for the relevant transplantation) of relevant and associated specialties including but not limited to and depending upon the requirements, the experts in internal medicine, diabetology, gastroenterology, nephrology, neurology, paediatrics, gynaecology, immunology and cardiology etc., should be available to the transplantation centre;
- (b) *Equipments.*— Equipments as per current and expected scientific requirements specific to organ being transplanted. The transplant centre shall ensure the availability of the accessories, spare-parts and back-up, maintenance and service support system in relation to all relevant equipments;
- (c) *Experts and their qualifications.*—
- (i) For Kidney transplantation,—

FCPS or M.S. General surgery or Urology or equivalent qualification with three years post FCPS or M.S. training in a recognized centre in Pakistan or abroad and having attended to adequate number of renal transplantation as an active member of team;

- (ii) Transplantation of liver and other abdominal organs,—

FCPS or M.S. General surgery or equivalent qualification with at least three years post FCPS or M.S. training in an established centre with reasonable experience of performing liver transplantation as an active member of team;

- (iii) Cardiac, pulmonary, cardio-pulmonary transplantation,—

FCPS or M.S. Cardio-thoracic and vascular surgery or equivalent qualification in Pakistan or abroad with at least three years experience as an active member of the team performing an adequate number of open heart operations per year and well-versed with coronary by-pass surgery and heart-valve surgery; and

- (iv) Cornea transplantation,—

FCPS or M.S. ophthalmology or equivalent qualification with at least one year post FCPS or M.S. training in a recognized hospital carrying out corneal transplant operations.

**FORM 1**

[See rule 3]

*(To be completed by the prospective close blood related donor)*

Name of the Donor \_\_\_\_\_

To be  
affixed and  
attested by  
Notary  
Public after  
it is  
affixed.

**Photograph of the  
Donor (Attested by  
Notary Public)**

Permanent address:—

\_\_\_\_\_  
\_\_\_\_\_

Tel: \_\_\_\_\_

Present address:—

\_\_\_\_\_  
\_\_\_\_\_

Tel: \_\_\_\_\_

Date of birth \_\_\_\_\_ (day/month/year)

\* National Identity Card number and Date of issue & place: \_\_\_\_\_  
(Photocopy attached)

and/or

\* Form B of National Data Registration Authority (NADRA) of that family unit.

and/or

- \* Passport number and country of issue \_\_\_\_\_  
where available (Photocopy attached)

and/or

- \* Driving License number, Date of issue, licensing authority \_\_\_\_\_  
where available (Photocopy attached)

and/or

- \* Other proof of identity and address \_\_\_\_\_

I hereby authorize removal for the therapeutic purposes/consent to donate my \_\_\_\_\_ (state which organ) to my relative \_\_\_\_\_ (specify son / daughter/ father/mother/brother/sister), whose name is \_\_\_\_\_ and who was born on \_\_\_\_\_ (day/month/year) and whose particulars are as follows:

<p>To be affixed and attested by Notary Public after it is affixed.</p>
---

**Photograph of the  
Recipient (Attested  
by Notary Public)**

- \* National Identity Card number and Date of issue & place: \_\_\_\_\_  
(Photocopy attached)

and/ or

- \* Form B of National Data Registration Authority (NADRA) of that family unit.

and/or

- \* Passport number and country of issue \_\_\_\_\_  
where available (Photocopy attached)



and/ or

- \* Driving License number, Date of issue, licensing authority \_\_\_\_\_  
where available (photocopy attached)

and/or

- \* Other proof of identity and address \_\_\_\_\_

**I solemnly affirm and declare that:**

Sections 2, 3 and 11 of The Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010) have been explained to me and I confirm that:

1. I understand the nature of criminal offences referred to in the sections.
2. No payment of money or money's worth as referred to in the Sections of the Ordinance has been made to me or will be made to me or any other person.
3. I am giving the consent and authorization to remove my \_\_\_\_\_ (organ) of my own free will without any undue pressure, inducement, influence or allurement.
4. I have been given a full explanation of the nature of the medical procedure involved and the risks involved for me in the removal of my \_\_\_\_\_ (organ). That explanation was given by \_\_\_\_\_ (name of recognized transplant surgeon or physician).
5. I understand the nature of that medical procedure and of the risks to me as explained by that practitioner.
6. I understand that I may withdraw my consent to the removal of that organ at any time before the operation takes place.
7. I state that particulars filled by me in the form are true and correct to my knowledge and nothing material has been concealed by me.

\_\_\_\_\_  
Signature of the prospective donor

\_\_\_\_\_  
Date

*Note:* To be sworn before Notary Public, who while attesting shall ensure that the person/persons swearing the affidavit(s) signs(s) on the Notary Register, as well.

FORM 2

[See rule 3]

(To be completed by the prospective spousal donor)

I \_\_\_\_\_

To be  
affixed and  
attested by  
Notary  
Public after  
it is  
affixed.

**Photograph of the  
Donor (Attested by  
Notary Public)**

Permanent Address:

\_\_\_\_\_

\_\_\_\_\_ Tel: \_\_\_\_\_

Present Address:

\_\_\_\_\_

\_\_\_\_\_ Tel: \_\_\_\_\_

Date of birth \_\_\_\_\_ (day/month/year)

I authorize to remove for therapeutic purposes/consent to donate my \_\_\_\_\_ (state which organ) to my husband/wife \_\_\_\_\_ whose full name is \_\_\_\_\_ and who was born on \_\_\_\_\_ (day/month/year) and whose particulars are \_\_\_\_\_

**Photograph of the Recipient  
(Attested by Notary Public)**

To be  
affixed and  
attested by  
Notary  
Public after  
it is  
affixed.

- \* National Identity Card number and Date of issue & place:  
(photocopy attached)

and/or

- \* Passport number and country of issue \_\_\_\_\_  
where available (photocopy attached)

and/or

- \* Driving License number, Date of issue, licensing authority \_\_\_\_\_  
where available (photocopy attached)

and/or

- \* Other proof of identity and address

I submit the following as evidence of being married to the recipient:-

- (a) a certified copy of a marriage certificate

or

- (b) an affidavit of a 'close blood relative' confirming the status of  
marriage to be sworn before Class-I Magistrate/Notary Public.

- (c) Family photographs / marriage photographs

- (d) Letter from Nazim / Councilor certifying factum and status of  
marriage.

- (e) Other credible evidence including the Form B of National Data  
Registration Authority (NADRA) of that family unit.

**I solemnly affirm and declare that:**

Sections 2, 3 and 11 of The Transplantation of Human Organs and Tissues  
Act, 2010 (VI of 2010) have been explained to me and I confirm that

1. I understand the nature of criminal offences referred to in the Sections.
2. No payment of money or money's worth as referred to in the Sections of the Ordinance has been made to me or will be made to me or any other person.
3. I am giving the consent and authorization to remove my \_\_\_\_\_ (organ) of my own free will without any undue pressure, inducement, influence or allurement.
4. I have been given a full explanation of the nature of the medical procedure involved and the risks involved for me in the removal of my \_\_\_\_\_ (organ). That explanation was given by \_\_\_\_\_ (name of recognized transplant surgeon or physician).
5. I understand the nature of that medical procedure and of the risks to me as explained by that practitioner.
6. I understand that I may withdraw my consent to the removal of that organ at any time before the operation takes place.
7. I state that particulars filled by me in the form are true and correct to my knowledge and nothing material has been concealed by me.

\_\_\_\_\_  
Signature of the prospective donor

\_\_\_\_\_  
Date

*Note* : To be sworn before Notary Public, who while attesting shall ensure that the person /persons swearing the affidavit(s) signs(s) on the Notary Register, as well.

**FORM 3**

[See rule 3]

*(To be completed by the prospective non close blood related donor)*

Name of the Donor \_\_\_\_\_

To be  
affixed and  
attested by  
Notary  
Public after  
it is  
affixed.

**Photograph of the  
Donor (Attested by  
Notary Public)**

Permanent address:

\_\_\_\_\_  
Tel: \_\_\_\_\_

Present address \_\_\_\_\_

\_\_\_\_\_  
Tel: \_\_\_\_\_

Date of birth \_\_\_\_\_ (day/month/year)

\* National Identity Card number and Date of issue and place: \_\_\_\_\_  
(photocopy attached)

and/or

\* Passport number and country of issue \_\_\_\_\_  
where available (photocopy attached)

and/or

\* Driving License number, Date of issue, licensing authority \_\_\_\_\_  
where available (photocopy attached)

and/or

- \* Other proof of identity and address \_\_\_\_\_
- \* Details of last three years income and vocation of donor \_\_\_\_\_
- \* A description of the relationship / interaction with the recipient in the past.  
\_\_\_\_\_  
\_\_\_\_\_

I hereby authorize to remove for therapeutic purposes/consent to donate my \_\_\_\_\_ (state which organ) to a person whose full name is \_\_\_\_\_ and who was born on \_\_\_\_\_ (day/month/year) and whose particulars are.

**Photograph of the  
Recipient (Attested  
by Notary Public)**

<p>To be affixed and attested by Notary Public after it is affixed.</p>
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- \* National Identity Card number and Date of issue & place: \_\_\_\_\_  
(photocopy attached)
- and/or
- \* Passport number and country of issue \_\_\_\_\_  
where available (photocopy attached)
- and/or
- \* Driving License number, Date of issue, licensing authority \_\_\_\_\_  
where available (photocopy attached)
- and/or
- \* Other proof of identity and address \_\_\_\_\_

**I solemnly affirm and declare that:**

Sections 2, 3 and 11 of The Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010) have been explained to me and I confirm that

1. I understand the nature of criminal offences referred to in the Sections.
2. No payment of money or money's worth as referred to in the Sections of the Ordinance has been made to me or will be made to me or any other person.
3. I am giving the consent and authorization to remove my \_\_\_\_\_ (organ) of my own free will without any undue pressure, inducement, influence or allurement.
4. I have been given a full explanation of the nature of the medical procedure involved and the risks involved for me in the removal of my \_\_\_\_\_ (organ). That explanation was given by \_\_\_\_\_ (name of recognized transplant surgeon or physician).
5. I understand the nature of that medical procedure and of the risks to me as explained by that practitioner.
6. I understand that I may withdraw my consent to the removal of that organ at any time before the operation takes place.
7. I state that particulars filled by me in the form are true and correct to my knowledge and nothing material has been concealed by me.

---

Signature of the prospective donor

---

Date

*Note* : To be sworn before Notary Public, who while attesting shall ensure that the person/persons swearing the affidavit(s) signs(s) on the Notary Register, as well.

\* ✓ wherever applicable.

**FORM 4**

[See rule 4(1)(b)]

*(To be completed by the recognized transplant surgeon or physician)*

I, Dr \_\_\_\_\_ possessing qualification of \_\_\_\_\_ registered as medical practitioner at serial no \_\_\_\_\_ by the \_\_\_\_\_ Medical Council, certify that I have examined Mr./Mrs./Ms \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ aged \_\_\_\_\_ who has given informed consent about donation of the organ, namely \_\_\_\_\_ to Mr./Mrs./Ms \_\_\_\_\_ who is a 'close blood relative' of the donor/non close blood relative of the donor, who had been approved by the Evaluation Committee and that the said donor is in proper state of health and is medically fit to be subjected to the procedure of organ removal.

Place: \_\_\_\_\_

Date: \_\_\_\_\_

 \_\_\_\_\_  
 Signature of Doctor  
 Seal

To be affixed and attested by the doctor concerned. The signatures and seal should partially appear on photograph and document without disfiguring the face in photograph

To be affixed and attested by the doctor concerned. The signatures and seal should partially appear on photograph and document without disfiguring the face in photograph.

**Photograph of the Donor**  
**(Attested by doctor)**

**Photograph of the recipient**  
**(Attested by the doctor)**



**FORM 5**

*[See rule 4 (1)(c)]*

*(To be completed by the recognized transplant surgeon or physician)*

I, Dr \_\_\_\_\_ possessing qualification of \_\_\_\_\_ registered as medical practitioner at serial no. \_\_\_\_\_ by the \_\_\_\_\_ Medical Council, certify that-

(i). Mr \_\_\_\_\_ S/o Mr. \_\_\_\_\_ aged \_\_\_\_\_ resident of \_\_\_\_\_ and Mrs \_\_\_\_\_ d/o, w/c. Mr \_\_\_\_\_ aged \_\_\_\_\_ resident of \_\_\_\_\_ are related to each other as spouse according to the statement given by them and their statement has been confirmed by means of following evidence before effecting the organ removal from the body of the said Mr/ Mrs/Ms \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Doctor  
Seal

**FORM 6**

*[See rule 4 (2)(a)]*

*(To be completed by person in his/her lifetime and willing to donate his/her organs/tissues after death)*

I, \_\_\_\_\_ s/o, d/o, w/o. Mr. \_\_\_\_\_ aged \_\_\_\_\_ resident of \_\_\_\_\_ in the presence of persons mentioned below hereby unequivocally authorize the removal of my organ/organs, namely, \_\_\_\_\_ from my body after my death for therapeutic purposes.

\_\_\_\_\_  
Signautre of the donor

Date: \_\_\_\_\_

(Signature) \_\_\_\_\_

(1). Mr./Mrs/Ms \_\_\_\_\_ s/o, d/o, w/o, Mr. \_\_\_\_\_ aged \_\_\_\_\_  
resident of \_\_\_\_\_ Tel \_\_\_\_\_

(Signature) \_\_\_\_\_

(2). Mr./Mrs/Ms \_\_\_\_\_ s/o, d/o, w/o, Mr. \_\_\_\_\_ aged \_\_\_\_\_ resident  
of \_\_\_\_\_ Tel \_\_\_\_\_ is a close blood relative to the donor as \_\_\_\_\_

Date \_\_\_\_\_

### FORM 7

[See rule 4 (2)(b)]

*(To be filled by a person having lawful possession of the dead body)*

I, \_\_\_\_\_ s/o, d/o, w/o. Mr. \_\_\_\_\_ aged \_\_\_\_\_ resident of \_\_\_\_\_  
having lawful possession of the dead body of Mr./Mrs/Ms \_\_\_\_\_ s/o./d/o/w/o.  
Mr \_\_\_\_\_ aged of \_\_\_\_\_ resident of \_\_\_\_\_ having known that the deceased  
has not expressed any objection to his/her organ/organs being removed for  
therapeutic purposes after his/her death and also having reasons to believe that no  
close blood relative of the said deceased person has objection to any of his/her  
organs being used for therapeutic purposes, authorize removal of his/ her body  
organs, namely \_\_\_\_\_

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

Place \_\_\_\_\_

Person in lawful possession of the dead body

Address: \_\_\_\_\_

\_\_\_\_\_

**FORM 8**

[See rule 4 (3)(a)]

*(To be filled by the Board of Medical Experts)*

We, the following members of the Board of Medical Experts after careful personal examination, hereby certify that Mr./Mrs/Ms \_\_\_\_\_ aged \_\_\_\_\_ s/o, d/o., w/o. Mr \_\_\_\_\_ resident of \_\_\_\_\_ is dead on account of permanent and irreversible cessation of all functions of the brain-stem. The tests carried out by us and the findings therein are recorded in the brain-stem death certificate annexed hereto.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Medical Director or Medical Superintendent of the Hospital  
A neurosurgeon/neurophysician; and  
An intensivist.

**BRAIN-STEM DEATH CERTIFICATE**

**(A). Patient Details:**

1. Name of the patient: Mr./Mrs./Ms \_\_\_\_\_  
s/o, d/o. w/o \_\_\_\_\_

Sex:  Male  Female Age \_\_\_\_\_ years

2. Address: \_\_\_\_\_

\_\_\_\_\_ Tel # \_\_\_\_\_

3. Hospital \_\_\_\_\_ Number \_\_\_\_\_

4. Name and address of next of kin or person responsible for the patient (if none exist, this must be specified) \_\_\_\_\_ resident of \_\_\_\_\_

5. Has the patient or next of kin agreed to any transplant ? \_\_\_\_\_

6. Is this a police case ?  Yes  No

**(B) Pre-conditions:**

1. **Diagnosis:** Did the patient suffer from any illness or accident that led to irreversible brain damage? Specify details \_\_\_\_\_

Date and time of accident/onset of illness \_\_\_\_\_

Date and onset of no-responsible coma ? \_\_\_\_\_

2. **Finding of Board of Medical Experts :**

(1) **The following reversible causes of coma have been excluded:**

Intoxication (Alcohol)

Depressant Drugs

Relaxants (Neuromuscular blocking agents)

Others

**First Medical Examination**

**Second Medical Examination**

1<sup>st</sup> 2<sup>nd</sup>

1<sup>st</sup> 2<sup>nd</sup>

Primary hypothermia

Hypovolaemic shock

Metabolic or endocrine disorders

Tests for absent of brain stem functions

(2) Coma

(3) Cessation of spontaneous breathing

(4) Pupillary Size

- (5) Pupillary light reflexes
- (6) Doll's head eyes movement
- (7) Corneal reflexes (Both Sides)
- (8) Motor response in any cranial nerve distribution, any responses to simulation of face, limb or trunk
- (9) Gag reflex
- (10) Cough (Tracheal)
- (11) Eye movements on caloric testing bilaterally
- (12) Apnoea tests as specified
- (13) Were any respiratory movements seen?

\_\_\_\_\_

Date and Time of first testing \_\_\_\_\_

Date and Time of second testing \_\_\_\_\_

This to certify that the patient has been carefully examined twice after an interval of about six hours and on the basis of findings recorded above,

Mr/Mrs/Ms \_\_\_\_\_ is declared brain-stem dead.

1. Medical Director or Medical Superintendent of the Hospital
2. A neurosurgeon/ neurophysician; and
3. An intensivist.

NB.

The minimum time interval between the first testing and second testing will be six hours.

**FORM 9***[See 4 (3)(b)]**(to be filled by either parent of dead child under 18 years)*

I, Mr/Mrs/Ms \_\_\_\_\_ son of / wife of \_\_\_\_\_ resident of \_\_\_\_\_ hereby authorize removal of the organ/organs namely \_\_\_\_\_ for therapeutic purposes from the dead body of my son/daughter, Mr/Ms \_\_\_\_\_ aged \_\_\_\_\_ whose brain stem death has been duly certified in accordance with the law.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

**FORM 10***[See 4 (1)(d)]***Application for Approval for Transplantation (Live Donor)***(To be completed by the proposed recipient and the proposed donor)*

To be self  
attested  
across the  
affixed  
photograph.

Photograph of the Donor  
(Self-attested)

To be self  
attested  
across the  
affixed  
photograph.

Photograph of the recipient  
(Self-attested)

Whereas I \_\_\_\_\_ s/o, d/o, w/o \_\_\_\_\_ aged \_\_\_\_\_  
residing at \_\_\_\_\_ have been advised by my doctor \_\_\_\_\_ that I am suffering  
from \_\_\_\_\_ and may be benefited by transplantation of \_\_\_\_\_ into my body.

And whereas I \_\_\_\_\_ s/o, d/o, w/o, \_\_\_\_\_ aged \_\_\_\_\_  
residing at \_\_\_\_\_ by the following reason(s):—

- (a) by virtue of being a close blood relative *i.e.* \_\_\_\_\_
  - (b) by reason of affection/attachment/other special reason as explained  
below:—
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

I would therefore like to donate my \_\_\_\_\_  
to Mr./Mrs./Ms \_\_\_\_\_

We \_\_\_\_\_ and \_\_\_\_\_  
(Donor) (Recipient)

hereby apply to Evaluation Committee for permission for such transplantation to  
be carried out.

We solemnly affirm that the above decision has been taken without any  
undue pressure, inducement, influence or allurements and that all possible  
consequences and options of organ transplantation have been explained to us.

Instructions for the applicants:—

1. Form 10 must be submitted along with the completed Form 1, or  
Form 2 or Form 3 as may be applicable.
2. The applicable Form *i.e.* Form 1 or Form 2 or Form 3 as the case  
may be, should be accompanied with all documents mentioned in  
the applicable form and all relevant queries set out in the  
applicable form must be adequately answered.
3. Laboratory reports of tissue typing.

4. The doctor's advice recommending transplantation must be enclosed with the application.
5. In addition to above, in case the proposed transplant is between non close blood relative, appropriate evidence of vocation and income of the donor as well as the recipient preferably for the last three years must be enclosed with this application. It is clarified that the evidence of income does not necessarily mean the proof of income tax returns, keeping in view that the applicant(s) in a given case may not be filing income-tax returns.
6. The application shall be accepted for consideration by the Evaluation Committee only if it is complete in all respects and any omission of the documents or the information required in the forms mentioned above, shall render the application incomplete.
7. A brief description of relationship / interaction in the past in case of non close blood relative.

We have read and understood the above instructions.

\_\_\_\_\_  
Signature of the Prospective Donor

\_\_\_\_\_  
Signature of Prospective Recipient

Date : \_\_\_\_\_

Date : \_\_\_\_\_

Place: \_\_\_\_\_

Place: \_\_\_\_\_



**Form-11**

[See Rule 11(1)]

**APPLICATION FOR REGISTRATION / RECOGNITION OF INSTITUTION / UNIT FOR TRANSPLANTATION**

Proforma to be completed and sent to Human Organ Transplant Authority (HOTA), House No. 80, Street, No. 23, Sector, F-10/2, Islamabad, Fax No. 051- 9266107, Email: gen.usmani@gmail.com

Name of the Institution \_\_\_\_\_

Mailing Address \_\_\_\_\_

Tel No. \_\_\_\_\_ Fax No. \_\_\_\_\_ Email \_\_\_\_\_

Name of the Head of the Institution \_\_\_\_\_

Designation \_\_\_\_\_ Mailing Address \_\_\_\_\_

Tel No. \_\_\_\_\_ Fax No. \_\_\_\_\_ Email \_\_\_\_\_

Status of Institution  Public Sector  Private  Any other \_\_\_\_\_

Specialty units/departments accredited with CPSP/PMDC/University \_\_\_\_\_

S. No	Name of Specialty	Accreditation Authority	Name of Deptt. Heads with postgraduate qualifications
1.	Urology (Kidney Transplant)		
2.	Nephrology (Kidney Transplant)		
3.	GI and Hepatology (Liver & intestinal transplant)		
4.	Pulmonology (Lung Transplant)		
5.	Cardiology (Cardiac Transplant)		
6.	Hematology (BMT, Stem cell Transplant)		
7.	Ophthalmology (Corneal Transplant)		
8.	Radiology		
9.	Anesthesiology		
10.	Pathology		

(Please provide list of faculty in all Specialties with qualification and experience in Transplant as Annexure)

Total beds in the institution \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_ Children.

No. of OPDs \_\_\_\_\_ Attendance/year Male \_\_\_\_\_ Female \_\_\_\_\_ Children.

Total beds in Transplant Unit: \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_ Children

### **SUPPORT FACILITIES**

#### **Blood bank**

Is the blood bank present? Yes No

If No please specify about storage \_\_\_\_\_

Are cross matching facilities available? Yes No

Are blood products available in house? Yes No

If No. what arrangements are in place for 24 hours availability \_\_\_\_\_  
(Attach separate sheet if needed)

#### **Laboratory**

Please supply a list of tests, which are done in the laboratory in the following area. (Attach separate sheet if needed)

Bio- Chemistry \_\_\_\_\_

Histopathology \_\_\_\_\_

Microbiology \_\_\_\_\_

Hematology \_\_\_\_\_

Immunology \_\_\_\_\_

Drug Monitoring \_\_\_\_\_

**Radiology**

Please furnish a list of radiological test routinely carried out in the Institution  
(Attach separate Sheet if needed)

Specialized diagnostic facilities:

Ultrasound	Yes <input type="checkbox"/>	No <input type="checkbox"/>	MRI	Yes <input type="checkbox"/>	No <input type="checkbox"/>
CT Scan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Radioisotopes	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Doppler	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Portable X-Ray	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Intensive Care Unit**

If yes No. of ICU beds with high end monitoring and ventilation \_\_\_\_\_

Number of Monitors \_\_\_\_\_ Total ventilator available \_\_\_\_\_

ABG machine in ICU      Yes      No      Other Facilities \_\_\_\_\_

**Dialysis**      Yes      No      Availability of dialysis facility in ICU

Yes      NO

If yes No. of Dialysis machine in hospital \_\_\_\_\_ Number of Sessions / day \_\_\_\_\_

If the following Specialties are not available in house please mention the arrangements for access at all time (Attach separate sheet if needed).

Cardiology \_\_\_\_\_

Pulmonology \_\_\_\_\_

G1 / Hepatology \_\_\_\_\_

Infectious Disease \_\_\_\_\_

Neurology \_\_\_\_\_

Orthopedics \_\_\_\_\_

**Operation Theatre and Anesthesiology**

Please provide List of Equipment available for Transplant surgery as annexure.

**Record Keeping**

System of storage and retrieval of records \_\_\_\_\_

Do you produce Annual Report?  Yes  No

(If yes please furnish the copy of annual report of last year)

How are the case records maintained?  Manual  Computerized

**Library**  Yes  No

Working days of the library \_\_\_\_\_ Daily working hours \_\_\_\_\_

(Please provide the list of Textbooks of Transplant Sciences and Journals available in the Institution Department)

**Research Facilities:**

No. of in hand projects and title of research conducted by the faculty of the department:

(Attach separate sheet if needed)

**Additional Essential Activities / Facilities**

**Nursing** Adequate number and of sufficient seniority to cover Transplant ward ICU

**Medical Social Officer (Transplant Coordinator)** Depending on transplant activity minimum of 3 to help put pre transplant assessment and donor selection

**Isolation Facility** 1 to 2 rooms for isolation of patients when required

**Pharmacy** Dedicated staff to respond to needs of transplant patients specially immunosuppressant, antibiotics and other drugs

<b>Seminar Room</b>	For daily patient related Meetings (AM and PM).Morbidity Mortality review, Clinical Audits
<b>Other resources</b>	Computers, Video films, internet access, multimedia Videoconferencing facilities with reference centre in future

**Form-12**

[See Rule 10(2)]

**CERTIFICATE OF INTERIM REGISTRATION**

In pursuance of Section 6, Sub-section (3) of “The Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010)” \_\_\_\_\_ Hospital has been accorded Interim Recognition for \_\_\_\_\_ transplantation.

2. Interim Recognition will NOT be a guarantee for formal recognition, which will be subject to detailed scrutiny of the hospital record, infrastructure, faculty and facilities available for transplant procedures. Hospital/institutions will facilitate the Inspection Team and provide free access to necessary information/record/data.

**Administrator**  
**Human Organ Transplant Authority (HOTA)**

**Official Seal**

**Form-13**

[See Rule 11(2)]

**CERTIFICATE OF REGISTRATION**

in pursuance of section 6, sub-section (3) of “The Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010)” \_\_\_\_\_ Hospital has been recognized for \_\_\_\_\_ transplantation for a period of one year with effect from the date of issuance of this certificate. Notification in the Official Gazette will be published in due course.

**Administrator**  
**Human Organ Transplant Authority (HOTA)**

**Official Seal**

**FORM 14***[See Rule 10(3)]***PROFORMA FOR DONOR FOLLOW-UP**

S. No. \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ s/w/d/o \_\_\_\_\_

Age \_\_\_\_\_ Sex  Male  Female Occupation \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

Education:  Uneducated  Primary School  Secondary School  
 Graduate  Post-graduate  Professional

Recipient's Name \_\_\_\_\_ Relationship \_\_\_\_\_

Tx No. \_\_\_\_\_

Site of Nephrectomy:  Right  Left Date of Nephrectomy \_\_\_\_\_

Habits:  Cigarettes  Pan  Tobacco  Gutka  
 Naswar  Bidis  Alcohol

Rehabilitation:  Working  Not working

Reason for not working \_\_\_\_\_

illnesses in intervening period:  Liver Disease  Tuberculosis  UTI  
 Malaria  Hypertension  Diabetes  Surgery  
 Others

**Long Term Medications:**

Name of Drugs	Dose	Duration
---------------	------	----------

Family History:  Diabetes  Hypertension  Renal Failure  Angina/MI

Marital History:  Married  Unmarried  Divorced

Number of wives \_\_\_\_\_ Total Children: \_\_\_\_\_ Males \_\_\_\_\_ Females \_\_\_\_\_

Father: alive/expired Mother: alive/expired Brothers: \_\_\_\_\_ Sisters: \_\_\_\_\_

**Obstetric History**

**Menstrual History**

FTND \_\_\_\_\_ I.SCS \_\_\_\_\_

Menarche \_\_\_\_\_

Abortions \_\_\_\_\_

D/C \_\_\_\_\_

Still Births \_\_\_\_\_

Flow \_\_\_\_\_

Last Delivery \_\_\_\_\_

LMP \_\_\_\_\_

**Dietary Recall**

Time	Diet
------	------

Breakfast

Mid-Morning Snack

Lunch

Afternoon Snack

Dinner

Bed-Time Snack

Cooking Medium     Ghee     Oil     Atta    Exercise: \_\_\_\_\_

**General Examination:**    Weight \_\_\_\_\_ Height \_\_\_\_\_ BMI \_\_\_\_\_

Oedema     Lymph Nodes     Thyroid     Pallor     Jaundice     Clubbing

Blood Pressure: Lying \_\_\_\_\_    Sitting \_\_\_\_\_    Standing \_\_\_\_\_

**Systemic Examination:**

Cardiovascular System:

JVP \_\_\_\_\_    Heart Sounds \_\_\_\_\_    Murmurs \_\_\_\_\_

Respiratory System:

Auscultation of Lung Fields \_\_\_\_\_    Advent. Sounds \_\_\_\_\_

GI:    Oral Cavity: Teeth \_\_\_\_\_    Gums \_\_\_\_\_    Tongue \_\_\_\_\_

Abdomen: Liver \_\_\_\_\_    Spleen \_\_\_\_\_

Kidney \_\_\_\_\_    Sear \_\_\_\_\_

Nervous System :    Cranial Nerves \_\_\_\_\_    Reflexes \_\_\_\_\_

Coordination \_\_\_\_\_    Deep Reflexes \_\_\_\_\_

**Psychoanalysis:**     Depression     Satisfaction     Fear

Doctor's Name \_\_\_\_\_    Signature \_\_\_\_\_



**FORM-15**

[see rule 10(3)]

**PROFORMA FOR RECIPIENT FOLLOW UP**

*[Misprint in the Gazette]*

**FORM-16(a)**

**TRANSPLANT REGISTRY FORM**

**KIDNEY TRANSPLANT FIRST REPORT**

*[Misprint in the Gazette]*

**FORM-16(b)**

**TRANSPLANT REGISTRY FORM**

**LIVER TRANSPLANT FIRST REPORT**

*[Misprint in the Gazette]*

**FORM-16(c)***[See Rule 11(4)]***TRANSPLANT REGISTRY FORM****STEM CELL TRANSPLANT FIRST REPORT**

Transplant Centre

Name of Physician

Recipient name

Father's name

NIC number

Address

Donor's name (if applicable)

Father's name

Relationship of recipient

Indication for transplant

Source of stem cells

- (i) Adult stem cells:
  - a. Bone marrow
  - b. Blood
  - c. Tissue

If source is blood or tissue please mention by what process stems were harvested.

Is this harvesting procedure	experimental	YES	NO
	accepted norm	YES	NO

(ii) Cord Blood Cells:

(iii) Embryonal stem cells: Derived either from blastocysts or foetal tissues

---

Date reported: \_\_\_\_\_

Signature \_\_\_\_\_

Signature: \_\_\_\_\_

Head Transplant Centre

Member Evaluation Committee

Name:

Name:

---

**Note: In case donor/recipient is a married woman, Name of husband as well as father will be endorsed.**

**Fax/Mail to Administrator,  
Monitoring Authority Transplantation  
of Human Organs & Tissues,  
On the day of Transplantation on  
Fax: 051-9216107 followed by a copy  
by Courier/post.**

**Form-17***[See Rule 12(2)]***CERTIFICATE OF RENEWAL OF REGISTRATION****(For Transplantation of Human Organs and Tissues)**

In pursuance of section 6, sub-section (3) of "The Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010)" \_\_\_\_\_ Hospital has been accorded renewal of registration for a further period of three years with effect from the date of issuance of this certificate for \_\_\_\_\_ transplantation. Notification in the Official Gazette will be published in due course.

**Administrator  
Human Organ Transplant Authority (HOTA)**

**Official Seal**

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**[F.No.2-2/2012-HOTA.]**

**Director General Health  
to the Government of Pakistan**

# THE DAR-UL-MADINA INTERNATIONAL UNIVERSITY ISLAMABAD ACT, 2013

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# **<sup>1</sup>THE DAR-UL-MADINA INTERNATIONAL UNIVERSITY ISLAMABAD ACT, 2013**

[14th March, 2013]

ACT No. V OF 2013

*An Act to provide for the establishment of  
Dar-ul-Madina International University*

WHEREAS it is expedient to provide for the establishment of Dar-ul-Madina International University and for matters ancillary thereto;

It is hereby enacted as follows:—

## **CHAPTER I**

### **PRELIMINARY**

**1. Short title and commencement.-** (1) This Act may be called the Dar-ul-Madina International University Islamabad Act, 2013.

(2) It shall come into force at once.

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

- (i) “Academic Council” means the Academic Council of the University;
- (ii) “Affiliated institution” means educational institution authorized by Board to conduct academic programs,

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<sup>1</sup> The Act received the assent of the President on the 11th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, dated 14th March, 2013, at pages 99-128.

- research and development projects and approved by the University;
- (iii) "Authority" means any of the authorities of the University set up under section 18;
  - (iv) "Board" means the Board of executives of the University;
  - (v) "Board of trustees" means the Board of trustees of the University;
  - (vi) "Chancellor" means the Chancellor of the University;
  - (vii) "College" means a constituent college;
  - (viii) "Commission" means the Higher Education Commission of Pakistan;
  - (ix) "Constituent college" means an educational institution, by whatever manner described, maintained and administered by the University;
  - (x) "Controller" means the head of examination department of the University;
  - (xi) "Dean" means the head of a faculty of the University;
  - (xii) "Department" means a teaching department of the University;
  - (xiii) "Director" means the head of an institute established as a constituent institute by the University;
  - (xiv) "Executive Committee" means the Executive Committee of the University;
  - (xv) "Faculty" means an administrative and academic unit of the University consisting of one or more departments;
  - (xvi) "Government" means the Federal Government;
  - (xvii) "Institute" means an institute maintained and administered by the University;



- (xviii) "Officer" means any officer of the University;
- (xix) "Patron" means the Patron of the University;
- (xx) "prescribed" means prescribed by the statutes, regulations or rules;
- (xxi) "Professor emeritus" means a retired Professor appointed by the Chancellor on honorary basis;
- (xxii) "Principal" means the head of a college;
- (xxiii) "Registrar" means the Registrar of the University;
- (xxiv) "Selection committee" means the selection committee set up by the Board;
- (xxv) "Shariah Advisory Committee" means the Shariah Advisory Committee of the University;
- (xxvi) "Statutes", "regulations" and "rules" means respectively the statutes, regulations and rules made under this Act;
- (xxvii) "Trust" means the Dawat-e-Islami Trust;
- (xxviii) "teacher" means and includes any Professor, Associate Professor, Assistant Professor and or Lecturer engaged whole-time by the University, or by a constituent college;
- (xxix) "University" means the Dar-ul-Madina International University;
- (xxx) "University Teacher" means a whole-time Professor, Associate Professor, Assistant Professor or Lecturer teacher appointed whole-time and paid by the University; and
- (xxxi) "Vice-Chancellor" means the Vice-Chancellor of the University.

**CHAPTER II****THE UNIVERSITY**

**3. Establishment and incorporation of the University.-** (1) There shall be established a University to be called the Dar-ul-Madina International University consisting of the following, namely:—

- (a) the Patron, the Chancellor, the Vice-Chancellor, the members of the Board and the Board of Trustees;
- (b) the members of Executive Committee, Deans, the chairmen of the teaching departments and members of the Academic Council of the University;
- (c) the members of the Executive or governors Boards, committees and other bodies as the Board may establish;
- (d) the members of faculties and students of the University and its constituent units in accordance with the terms prescribed from time to time, and all other; and
- (e) such other officers and members of the staff as the Board may, from time to time, specify.

(2) The University shall be a body corporate by the name of Dar-ul-Madina International University having perpetual succession and a common seal, with powers, among others, to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(3) The principal seat of the University shall be at Islamabad and it may set up its campuses, colleges, institutes, offices, research or study centers and other facilities at such places in Pakistan as well as abroad as the Board of trustees may determine. The additional campuses shall be set up in other parts of the country, and in other parts of the world.

(4) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the powers to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act.

(5) In particular and without prejudice to the authority granted to the Commission by the law, the Government or any authority or auditor shall have no power to question the policy underlying the acquisition and allocation of resources approved by the Board in the annual budget of the University.

**4. Powers and purposes of the University.-** The University shall have the following powers, namely:—

- (i) to promote and disseminate of knowledge and technology and to provide education, training, research demonstration and scholarship in such branches of knowledge as it may determine;
- (ii) to make provisions for research, service to society and for the application, advancement and dissemination of knowledge by employing information technology including satellite, television, internet, radio etc., or through conventional and innovative methods in all field of knowledge as it may determine by the Board of trustees;
- (iii) to determine courses for study at the under graduate level in its constituent units as well as in its affiliated institutions, centers and colleges;
- (iv) to prescribe courses of studies to be conducted by it and its affiliated constituent units and appropriate bodies;
- (v) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
- (vi) to prescribe the terms and conditions of employment of the officers, teachers and other employees of the University;
- (vii) to affiliate itself or associate with any other institutions or universities and relevant bodies whether national or international;
- (viii) to pursue and co-ordinate research innovation and development;

- (ix) to use the financial and other resources allocated to it for execution of its functions;
- (x) to engage, where necessary, persons on contract of specified duration and to specify the terms of each engagement;
- (xi) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (xii) to provide for such instruction for persons not being students of the University as it may prescribe and to grant certificates and diplomas to such persons;
- (xiii) to institute programs for the academic collaboration and exchange of students and teachers between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (xiv) to provide career counseling and job search services to the students and alumni as it may deem fit;
- (xv) to maintain linkages with alumni and the industry;
- (xvi) to develop and implement fund-raising plans;
- (xvii) to provide and support the academic development of the faculty of the University;
- (xviii) to confer degrees on persons who have carried on independent research under prescribed conditions;
- (xix) to accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;
- (xx) to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it, may prescribe;

- (xxi) to institute professorships, associate professorships, assistant professorships and lectureships and any other posts and to appoint persons thereto;
- (xxii) to create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xxiii) to recognize selected members of teaching staff of colleges or educational institutions admitted to the privileges of the University or such other persons, as it may deem fit, as University teachers;
- (xxiv) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xxv) to establish teaching departments, schools, colleges, faculties, institutes, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xxvi) to affiliate and disaffiliate educational institutions or relevant organizations under prescribed conditions;
- (xxvii) to inspect colleges and other educational institutions affiliated or seeking affiliation with it;
- (xxviii) to maintain order, discipline and security on campuses of the University and the colleges;
- (xxix) to promote extra-curricular and recreational activities of the students and to make arrangements for promoting their health and general welfare;
- (xxx) to demand and receive such fees and other charges as it may determine from time to time;
- (xxxi) to make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;

- (xxxii) to enter into, carry out, vary or cancel contracts;
- (xxxiii) to receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xxxiv) to provide for the printing and publication of research and other works;
- (xxxv) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education, learning and research; and
- (xxxvi) to decide virtual, distance learning or online teaching methods and strategies in order to ensure the conduct of most effective educational and training programs in the light of policy on the subject made by the Commission.

**5. University open to all classes, creeds, etc.-** (1) The University shall be open to all persons of either gender and of whatever religion, race, creed, class, color or domicile who qualify for the admission as set forth in the rules and regulations and the criteria and the policy maintained by the body.

(2) An increase in any fee or charge that is in excess of ten percent per annum on an annualized basis from the last such increase may not be made except in special circumstances and only with approval of the Board of trustees.

(3) The University shall institute financial aid and support programs for students in need, to the extent considered feasible by the Board given the resources available, so as to enable admission and access to the University and the various opportunities provided by it to be based on merit rather than ability to pay.

**6. Teaching at the University.-** (1) All recognized teaching in various courses shall be conducted by the University or the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other organizations.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

### CHAPTER III

#### OFFICERS OF THE UNIVERSITY

7. **Officers of the University.-** The following shall be the officers of the University, namely:—

- (a) Patron;
- (b) Chancellor;
- (c) Vice-Chancellor;
- (d) Deans;
- (e) Principals of the constituent colleges;
- (f) Head of the teaching departments;
- (g) Registrar;
- (h) Treasurer;
- (i) Controller of examinations; and
- (j) such other persons as may be prescribed by the statutes or regulations.

8. **Patron.-** (1) The Patron will be appointed by Trust in the manner as may be determined by the Trust.

(2) The Patron shall, when present, preside at the convocation of the University. In the absence of the Patron, the Board may request a person of eminence or the Chancellor to preside over the convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation by the Patron.

9. **Visitation.-** (1) The Patron may, in accordance with the terms and procedures as may be prescribed, cause an inspection or inquiry to be made on his

own motion or at the request of the Commission in respect of any matter connected with affairs of the University and shall, from time to time, direct any person or persons to inquire into or carry out inspection of—

- (a) the University, its building, laboratories, libraries and other facilities;
- (b) any institution, department or hostel maintained by the University;
- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examination and other matters of the University; and
- (e) such other matters as the Patron may specify.

(2) The Patron shall communicate to the Board of trustees his views with regard to the result of visitation and shall, after ascertaining the views of the Board, advise the Chancellor on the action to be taken by it.

(3) The Chancellor shall, within such time as may be specified by the Patron, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of visitation.

(4) Where the Board as per Chancellor's does not, within the time specified, take action to the satisfaction of the Patron, the Patron may issue such directions as he deems fit and the Board shall comply with all such directions.

(5) The patron shall be appointed by the prescribed term from the Board of trustees and he may be removed by the Board of trustees.

**10. Chancellor.-** (1) The Chancellor of the University shall be appointed by the Board of trustees to hold the office at the pleasure of, and for a term determined by the Board of trustees.

(2) The Chancellor shall also act as the chairperson of the Board.

(3) The members of the Board except the Vice-Chancellor shall be appointed by the Chancellor as in the manner prescribed in accordance with this Act and the statutes.



(4) Where the Chancellor is satisfied that serious irregularity or mismanagement with respect to affairs of the University has occurred, he may,—

- (a) as regards proceedings of the Board, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued; and
- (b) as regards proceedings of any authority or with respect to matters within the competence of any authority other than the Board, direct the Board to exercise powers under section 19.

(5) If the Chancellor will be incapacitated from acting as such due to absence or any other cause, the Vice-Chancellor or a nominee of the Chancellor himself, or a nominee of the Board of trustees shall act for him.

**11. Removal from the Board.-** (1) The Chancellor may remove any person from membership of the Board on the ground that such person after satisfaction of Board of trustees—

- (a) has become of unsound mind; or
- (b) has become incapacitated to function as member of the Board; or
- (c) has been convicted by a court of law for an offence involving moral turpitude; or
- (d) has absented himself from two consecutive meetings without just cause; or
- (e) has been guilty of misconduct, including use of position for personal advantage of any kind, or gross inefficiency in the performance of functions.

(2) The Chancellor shall remove any person from membership of the Board if he deems fit.

**12. Vice-Chancellor.-** (1) There shall be a Vice-Chancellor of the University who shall hold office at the pleasure of the Board of trustees. He will be an eminent academician or a distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic, functions of the University and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed.

(3) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any authority or body of the University.

(4) The Vice-Chancellor may, in an emergency that in his opinion requires an immediate action ordinarily not in competence of the Vice-Chancellor, take such action and report to the Board,

(5) The Vice-Chancellor shall also have the following powers, namely:—

- (a) to direct teachers, officers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in the University as he may consider necessary for purposes of the University;
- (b) to sanction by re-appropriation an amount, not exceeding an amount prescribed by the Board, for an unforeseen item not provided for in the budget;
- (c) to make appointment of such categories of employees of the University and in such manner as may be prescribed by statutes;
- (d) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the University except those appointed by or with approval of the Board;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the University; and
- (f) to exercise and perform such other powers and functions as may be prescribed.

**13. Appointment and removal of Vice-Chancellor.-** (1) The Vice-Chancellor shall be appointed by the Board of trustees on recommendations made by the selection committee.

(2) A selection committee for recommendation of person suitable for appointment as Vice-Chancellor shall be constituted by the Board of trustees on the date and in the manner prescribed by statutes.

(3) The person proposed by the selection committee for appointment as Vice-Chancellor shall be considered by the Board and shall be recommended by the Board to the Chancellor.

(4) The Vice-Chancellor shall be appointed for a renewable tenure as determined by the Board of trustees on terms and conditions prescribed by statutes. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Board in support of such renewal:

Provided that the Chancellor may call upon the Board to reconsider such resolution once.

(5) The Board may, pursuant to a resolution in this behalf recommend to the Chancellor the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind.

(6) The Chancellor may make a reference to the Board stating about inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that has come to his notice. After consideration of the reference, the Board may, pursuant to a resolution in this behalf recommend to the Chancellor the removal of the Vice-Chancellor:

Provided that prior to a resolution for removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(7) A resolution recommending removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Board.

(8) At any time when office of the Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to perform functions of his office due to

illness or some other cause, the Board of trustees shall make such arrangements for performance of the duties of the Vice-Chancellor as it may deem fit.

**14. Dean.-** (1) There shall be a Dean of each faculty to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The Dean shall be in charge of the faculty and shall assist the Vice-Chancellor on matters relating to teaching, research, academic program and extension of other development projects.

(3) Subject to overall supervision of the Vice-Chancellor, the Dean shall formulate and recommend to the Academic Council, rules and regulations relating to academic and research matters of the faculty.

(4) The Dean shall also have the following powers, namely:—

- (a) to collaborate with universities, industry and other research organizations;
- (b) to formulate recommendations to the Academic Council on the courses of study to be taught in different departments of the faculty;
- (c) to co-ordinate the award of fellowships, stipends, medals and prizes;
- (d) to co-ordinate the teaching and research work of the faculty;
- (e) to perform such other functions and exercise such other powers as may be entrusted or delegated to him by the Board or the Vice-Chancellor; and
- (f) to delegate any of his powers to appropriate levels of management, subject to such conditions as may be prescribed.

**15. Registrar.-** (1) There shall be a Registrar of the University to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the University and shall,—

- (a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the authorities of the University;
- (b) be the custodian of the common seal and the academic record of the University;
- (c) maintain a register of registered graduates in the prescribed manner;
- (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**16. Treasurer.-** (1) There shall be a Treasurer of the University to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Treasurer shall be as may be prescribed.

(3) The Treasurer shall be the chief financial officer of the University and shall,—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;

- (b) prepare annual and revised budget estimates of the University and present them to the Executive Committee or a committee thereof for approval and incorporation in the budget to be presented to the Board;
- (c) ensure that funds of the University are expended on the purposes for which they are provided;
- (d) have accounts of the University audited annually; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be for a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**17. Controller of examinations.-** (1) There shall be a Controller of examinations to be appointed by the Board on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2) The minimum qualifications necessary for appointment to the post of the Controller of examinations shall be as may be prescribed.

(3) The Controller of examinations shall be a full-time officer of the University and shall be responsible for all matters connected with the conduct of examinations and shall perform such other duties as may be prescribed.

(4) The Controller of examinations shall be appointed for a renewable term of three years:

Provided that the Chancellor may, on advice of the Vice-Chancellor, terminate appointment of the Controller of examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

#### CHAPTER IV

#### AUTHORITIES OF THE UNIVERSITY

**18. Authorities.-** The following shall be the authorities of the University, namely:—

- (a) authorities established by the Act;
  - (i) Board of trustees;
  - (ii) Board;
  - (iii) Executive Committee; and
  - (iv) Academic Council; and
- (b) authorities to be established by the statutes:-
  - (i) Board of advanced studies and research;
  - (ii) Board of studies;
  - (iii) Selection Board;
  - (iv) finance and planning committee;
  - (v) selection committee for the appointment of the Vice-Chancellor;
  - (vi) representation committees for appointment to the Board, Executive Committee and the Academic Council;
  - (vii) quality assurance committee;
  - (viii) discipline committee; and
  - (ix) such other authorities as may be prescribed by the Board.

**19. Board of trustees.-** The Board of trustees will be the apex authority of the University and authorized to make or change statutes, rules and regulations as it may deem fit. All the members of the Board of trustees shall be appointed by the Trust. All the decisions of the Board shall be referred to the Board of trustees for final approval. The decision of the Board of trustees shall be considered as final and cannot be challenged in any court of law.

**20. Board.-** (1) The body responsible for the functioning of the University shall be described as the Board and shall consist of the following, namely:—

- (a) the Chancellor who shall be chairperson of the Board;
- (b) the Vice-Chancellor;
- (c) one member of the Government not below the rank of Additional Secretary from any Ministry of Federal government of Pakistan;
- (d) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, Islamic jurisprudence, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering, such that the appointment of these persons reflects a balance across the various fields:

Provided that special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Board;

- (e) one person from amongst the alumni of the University;
- (f) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college;
- (g) four University teachers; and
- (h) one person nominated by the Commission.

(2) The number of members of the Board described under clauses (e) to (h) of sub-section (1) may be increased by the Board through statutes subject to the condition that total membership of the Board does not exceed twenty-one, with a maximum of five University teachers and the increase is balanced, to the extent possible, across different categories specified in sub-section (1).

(3) All appointments to the Board shall be made by the Chancellor. Appointment of persons described under clauses (e) and (f) of sub-section (1)



shall be made from amongst a panel of three names for each vacancy recommended by the representation committee set up in terms of section 25 and in accordance with procedure as may be prescribed.

(4) Members of the Board, other than *ex officio* members, shall hold office for three years. One-third of the members, other than *ex officio* members, of the first restructured Board, to be determined by lot, shall retire from office on expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex officio* members, of the first restructured Board, to be determined by lot, shall retire from office on expiration of two years from the date of appointment and the remaining one-half, other than *ex officio* members, shall retire from office on expiration of the third year.

(5) The Board shall meet at least twice in a calendar year.

(6) Service on the Board shall be on honorary basis:

Provided that actual expenses may be reimbursed as may be prescribed.

(7) The Registrar shall be Secretary of the Board.

(8) In absence of the Chancellor, meetings of the Board shall be presided over by such member, not being an employee of the University or the Government, as the Chancellor may, from time to time, nominate. The member so nominated shall be convener of the Board.

(9) Unless otherwise prescribed by this Act, all decisions of the Board shall be taken on the basis of opinion of a majority of the members present. In the event of the members being evenly divided on any matter, the person presiding over the meeting shall have a casting vote.

(10) The quorum for a meeting of the Board shall be two thirds of its membership, a fraction being counted as one.

**21. Powers and functions of the Board.-** (1) The Board shall have power of general supervision over the University and shall hold the Vice-Chancellor and the authorities accountable for all functions of the University. The Board shall have all powers of the University not expressly vested in an authority or officer by this Act and all other powers not expressly provided by this Act that are necessary for performance of its functions but which are not inconsistent with the provisions of this Act or the statutes, regulations and rules made thereunder.

(2) Without prejudice to the generality of the foregoing powers, the Board shall have the following powers, namely:—

- (a) to approve proposed annual plan of work, annual and revised budgets, annual report and annual statement of accounts;
- (b) to hold, control and lay down policy for administration of the property, funds and investments of the University, including approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee quality and relevance of the University's academic programs and to review academic affairs of the University in general;
- (d) to approve appointment of Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University;
- (f) to approve the strategic plans of the University;
- (g) to approve financial resource development plans of the University;
- (h) to consider drafts of statutes and regulations proposed by the Executive Committee and the Academic Council and deal with them in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Board may make a statute or regulation on its own initiative and approve it after calling for advice of the Executive Committee or the Academic Council, as the case may be;

- (i) to annul by order in writing the proceedings of any authority or officer if the Board is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations after calling upon such

authority or officer to show cause why such proceedings should not be annulled;

- (j) to recommend to the Chancellor removal of any member of the Board in accordance with the provisions of this Act;
- (k) to make appointment of members of the Executive Committee, other than *ex officio* members, in accordance with the provisions of this Act;
- (l) to make appointment of members of the Academic Council, other than *ex officio* members, in accordance with the provisions of this Act;
- (m) to appoint Professors emeritus on such terms and conditions as may be prescribed;
- (n) to remove any person from membership of any authority if such person has—
  - (i) become of unsound mind; or
  - (ii) become incapacitated to function as member of such authority; or
  - (iii) been convicted by a court of law for an offence involving moral turpitude; and
- (o) to determine the form, provide for the custody and regulate the use of the common seal of the University.

(3) The Board may, subject to the provisions of this Act delegate all or any of the powers and functions of any authority, officer or employee of the University at its main campus, to any authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus and for this purpose the Board may create new posts or positions at the additional campus.

**22. Executive Committee.-** (1) There shall be an Executive Committee of the University consisting of the following, namely:—

- (a) Vice-Chancellor who shall be its chairperson;

- 
- (b) Deans of faculties of the University;
  - (c) three Professors from different departments, who are not members of the Board, to be elected by the University teachers in accordance with procedure to be prescribed by the Board;
  - (d) Principals of the constituent colleges;
  - (e) Registrar;
  - (f) Treasurer;
  - (g) Controller of examinations; and
  - (h) a member of the Shariah advisory committee.

(2) Members of the Executive Committee, other than *ex officio* members, shall hold office for three years.

(3) As regards the three Professors described in clause (c) of subsection (1), the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on recommendation of the Vice-Chancellor.

(4) The quorum for a meeting of the Executive Committee shall be one-half of the total number of members, a fraction being counted as one.

(5) The Executive Committee shall meet at least once in each quarter of the year.

**23. Powers and duties of the Executive Committee.-** (1) The Executive Committee shall be the executive body of the University and shall, subject to the provisions of this Act and the statutes, exercise general supervision over affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act, the statutes and directions of the Board, the Executive Committee shall have the following powers to—

- (a) consider annual report, annual and revised budget estimates and to submit these to the Board;

- (b) transfer, and accept transfer, of movable property on behalf of the University;
- (c) enter into, vary, carry out and cancel contracts on behalf of the University;
- (d) cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) invest any money belonging to the University including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882) or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;
- (f) receive and manage any property transferred and grants, bequests, trust, gifts, donations, endowments and other contributions made to the University;
- (g) administer any funds placed at the disposal of the University for specified purposes;
- (h) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;
- (i) establish and maintain halls of residence and hostels or approve or license hostels or lodgings for residence of students;
- (j) recommend to the Board admission of educational institutions to the privileges of the University and withdraw such privileges;
- (k) arrange for the inspection of colleges and the departments;
- (l) institute professorships, associate professorships, assistant professorships, lectureships and other teaching posts or to suspend or to abolish such posts;

- (m) create, suspend or abolish such administrative or other posts as may be necessary;
- (n) prescribe the duties of officers, teachers and other employees of the University;
- (o) report to the Board on matters with respect to which it has been asked to report;
- (p) appoint members to various authorities in accordance with the provisions of this Act;
- (q) propose drafts of statutes for submission to the Board;
- (r) regulate conduct and discipline of students of the University;
- (s) take actions necessary for good administration of the University in general and to this end exercise such powers as are necessary;
- (t) delegate any of its powers to any authority or officer or a committee; and
- (u) perform such other functions as have been assigned to it by provisions of this Act or may be assigned to it by statutes.

**24. Academic Council.-** (1) There shall be an Academic Council of the University consisting of the following, namely:—

- (a) Vice-Chancellor who shall be its chairperson;
- (b) Deans of faculties and such heads of departments as may be prescribed;
- (c) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Board;
- (d) five Professors including Professors emeritus;
- (e) Registrar;

- (f) Controller of examinations;
- (g) Librarian; and
- (h) a member of the Shariah advisory committee.

(2) The Board shall appoint members of the Academic Council, other than *ex officio* and elected members, on recommendation of the Vice-Chancellor:

Provided that as regards the five Professors and the members representing the departments, institutes and the constituent colleges, the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on recommendation of the Vice-Chancellor.

(3) Members of the Academic Council shall hold office for three years.

(4) The Academic Council shall meet at least once in each quarter.

(5) The quorum for meetings of the Academic Council shall be one-half of the total number of members, a fraction being counted as one.

**25. Powers and functions of the Academic Council.-** (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the statutes, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the University and the colleges.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and the statutes, the Academic Council shall have the power to—

- (a) approve the policies and procedures pertaining to the quality of academic programs;
- (b) approve academic programs;
- (c) approve the policies and procedures pertaining to student-related functions including admissions, expulsions, punishments, examinations and certification;

- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) propose to the Executive Committee schemes for the constitution and organization of faculties, teaching departments and Board of studies;
- (f) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (g) institute programs for the continued professional development of University teachers at all levels;
- (h) recognize examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (i) regulate award of studentships, scholarships, exhibitions, medals and prizes;
- (j) make regulations for submission to the Board;
- (k) prepare an annual report on academic performance of the University; and
- (l) perform such functions as may be prescribed by regulations.

**26. Representation committees.-** (1) There shall be a representation committee constituted by the Board through statutes for recommendation of persons for appointment to the Board in accordance with the provisions of section 19.

(2) There shall also be a representation committee constituted by the Board of trustees through statutes for recommendation of persons for appointment to the Executive Committee and the Academic Council in accordance with the provisions of sections 22 and 24.

(3) Members of the representation committee for appointment to the shall consist of the following, namely:—



- (a) three members of the Board who are not University teachers;
- (b) two persons nominated from amongst the University teachers;
- (c) one person from the academic community, not employed by the University, at the level of professor or college principal to be nominated by the University teachers in the manner prescribed;
- (d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy; and
- (e) a member of the Shariah advisory committee.

(4) The representation committee for appointments to the Executive Committee and the Academic Council shall consist of the following, namely:—

- (a) two members of the Board who are not University teachers; and
- (b) three persons nominated from amongst the University teachers.

(5) The tenure of the representation committees shall be determined by the Board of trustees.

(6) The procedures of the representation committees shall be as may be prescribed.

(7) There may also be such other representation committees set up by any of the other authorities of the University as are considered appropriate for recommending persons for appointment to the various authorities and other bodies of the University.

**27. Appointment of committees by certain authorities.**— The Board of trustees, Board, the Executive Committee, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the authorities appointing the committees.

**28. Shariah advisory committee.-** The Chancellor will appoint three members of this committee headed by a competent Mufti or scholar in Islamic jurisprudence. The Shariah advisory committee will give its recommendations in the light of Islamic Shariah on any matter referred to it by any of the committees mentioned herein above in this Act for consideration and taking decision on a compliant with regard to Islamic jurisprudence.

## CHAPTER V

### STATUTES, REGULATIONS AND RULES

**29. Statutes.-** (1) Subject to the provisions of this Act, statutes, to be published in the official Gazette, may be made to regulate or prescribe all or any of the following matters, namely:—

- (a) the contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Board shall be prepared;
- (b) the University fees and other charges;
- (c) scales of pay and other terms and conditions of service of officers, teachers and other University employees;
- (d) maintenance of the register of registered graduates;
- (e) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (f) establishment of faculties, departments, institutes, colleges, study centers and other academic divisions;
- (g) powers and duties of officers and teachers;
- (h) conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (i) conditions for appointment of emeritus Professors and award of honorary degrees;
- (j) efficiency and discipline of University employees;

- (k) constitution and procedure to be followed by the representation committees in carrying out functions in terms of this Act;
- (l) constitution and procedure to be followed by the search committee for appointment of the Vice-Chancellor;
- (m) constitution, functions and powers of the authorities of the University; and
- (n) all other matters which by this Act are to be or may be prescribed or regulated by statutes.

(2) The draft of statutes shall be proposed by the Executive Committee to the Board which may approve or pass with such modifications as the Board may think fit or may refer back to the Executive Committee, as the case may be, for reconsideration of the proposed draft:

Provided that statutes concerning any of the matters mentioned in clauses (a) and (1) of sub-section (1) shall be initiated and approved by the Board, after seeking views of the Executive Committee:

Provided further that the Board of trustees may initiate a statute with respect to any matter in its power or with respect to which a statute may be made in terms of this Act and approve such statute after seeking views of the Board and the Executive Committee.

**30. Regulations.-** (1) Subject to the provisions of this Act and the statutes, the Academic Council may make regulations, to be published in the official Gazette, for all or any of the following matters, namely:—

- (a) courses of study for degrees, diplomas and certificates of the University;
- (b) manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) admission and expulsion of students to and from the University;
- (d) conditions under which students shall be admitted to the courses and examinations of the University and shall

become eligible for award of degrees, diplomas and certificates;

- (e) conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) use of the library;
- (i) formation of faculties, departments and Board of studies; and
- (j) all other matters which by this Act or the statutes are to be or may be prescribed by regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A regulation proposed by the Academic Council shall not be effective unless it receives approval of the Board.

(3) Regulations regarding or incidental to matters contained in clauses (g) and (i) of sub-section (1) shall not be submitted to the Board without prior approval of the Executive Committee.

**31. Amendment and repeal of statutes and regulations.-** The procedure for adding to, amending or repealing the statutes and the regulations shall be the same as that prescribed respectively for framing or making Statutes and Regulations.

**32. Rules.-** (1) The authorities and other bodies of the University may make rules, to be published in the official Gazette, consistent with this Act, statutes and the regulations, to regulate any matter relating to affairs of the University which has not been provided for under this Act or that is not required to be regulated by statutes and regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Executive Committee and the Shariah advisory committee.

## CHAPTER VI

### UNIVERSITY FUND

**33. University fund.-** (1) The University shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources.

(2) Capital recurrent expenditure of the University shall be met from contributions made by the Board and any other source, including other foundations, universities and individuals and from the income derived from such sources.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University, shall be accepted without prior approval of the Board.

**34. Audit and accounts.-** (1) The accounts of the University shall be maintained in such form and manner as may be determined by the Board and shall work under the Finance and Planning committee. The committee shall consist of Vice-Chancellor, all the Deans, one member of the Board nominated by the Board, one nominee of the Academic Council and one member of the independent auditor. The quorum of the meeting shall be five and term of nominated members will be three years. The Director finance shall be the Secretary of the Finance and Planning Committee.

(2) Function of committee shall be to prepare the annual statement of accounts, propose and annual budget estimates and advice to the Board thereon, review periodically the financial position of the university and advice the Board on all matters related to finance, investment and accounts of the university and perform such other functions as may be prescribed by the statutes.

## CHAPTER VII

### GENERAL PROVISIONS

**35. Commencement of term of members of authorities.-** (1) When a member of an authority is elected, appointed or nominated, his term of office, as fixed under this Act shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remained absent from the University for a period of not less than six months, he shall be deemed to have resigned and vacated his seat.

**36. Disputes about membership of authorities.-** (1) Notwithstanding anything contained in this Act, a person nominated or appointed to any authority shall cease to be member of such authority as soon as he ceases to hold the position by virtue of which he was nominated or appointed.

(2) If a question arises whether any person is entitled to be a member of any authority, the matter shall be referred to a committee consisting of the Chancellor, two nominees of the Board and a nominee of the Vice-Chancellor and decision of the committee thereon shall be final and binding.

**37. Proceedings of authorities not invalidated by vacancies.-** No act, resolution or decision of any authority shall be invalid by reason of any vacancy on the authority doing, passing or making it or by reason of any want of qualification or appointment or nomination of any *de facto* member or the authority, whether present or absent.

**38. Removal of difficulties.-** If any difficulty arises as to the first constitution or reconstitution of any authority upon coming into force of this Act or otherwise in giving effect to any provision of this Act, the Patron may give appropriate directions to remove such difficulty.

**39. Indemnity.-** No suit or legal proceedings shall lie against the Government, the University or any authority or employee of the University or any person, in respect of anything which is done or purported to have been done in good faith under this Act.

# **THE SOUTH ASIAN STRATEGIC STABILITY INSTITUTE UNIVERSITY ISLAMABAD ACT, 2013**

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# **<sup>1</sup>THE SOUTH ASIAN STRATEGIC STABILITY INSTITUTE UNIVERSITY ISLAMABAD ACT, 2013**

[14th March, 2013]

ACT No. VI OF 2013

*An Act to provide for the establishment of South Asian Strategic Stability  
Institute(SASSI) University, Islamabad*

WHEREAS it is expedient to provide for the establishment of South Asian Strategic Stability Institute (SASSI) University at Islamabad and for matters connected with and ancillary thereto:—

It is hereby enacted as follows:

## **CHAPTER I**

### **PRELIMINARY**

**1. Short title and commencement.-** (1) This Act may be called the South Asian Strategic Stability Institute University Islamabad Act, 2013.

(2) It shall come into force at once.

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

- (i) “Academic Council” means the Academic Council of the University;
- (ii) “Authority” means any of the authorities of the University;

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<sup>1</sup> The Act received the assent of the President on 11th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 14th March, 2013, at pages 129-156.

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- (iii) "Affiliated institution" means Educational institution authorized by the board to conduct academic programs, research and development projects as approved by the University;
  - (iv) "Board" means the Board of Governors of the University;
  - (v) "Board of trustees" means Board of Trustees of the University;
  - (vi) "Chancellor" means the Chancellor of the University;
  - (vii) "College" means a constituent college, department, Institute or Centers;
  - (viii) "Commission" means the Higher Education Commission of Pakistan;
  - (ix) "Constituent college" means an educational institution, by whatever manner described, maintained and administered by the University;
  - (x) "Controller" means the head of examination department of the University;
  - (xi) "Dean" means the head of a faculty of the University;
  - (xii) "Department" means teaching department of the University;
  - (xiii) "Director" means the head of an institute established as a constituent institute by the University;
  - (xiv) "Executive Committee" means the Executive Committee of the University;
  - (xv) "Faculty" means an administrative and academic unit of the University consisting of one or more departments. It also includes any Professor, Associate Professor, Assistant Professor or Lecturer, tutor, engaged whole-time or part-time by the University, or by a constituent college, institute or Centre;

- (xvi) "Government" means the Federal Government;
- (xvii) "Institute" means an institute or Centre, maintained and administered by the University;
- (xviii) "Officer" means any officer of the University;
- (xix) "Patron" means the Patron of the University;
- (xx) "prescribed" means prescribed by the statutes, regulations or rules;
- (xxi) "Professor Emeritus" means a retired Professor appointed by the Chancellor on honorary basis;
- (xxii) "Principal" means the head of a college, or the institution under the university by whatever name or the designation;
- (xxiii) "Registrar" means the Registrar of the University;
- (xxiv) "Committee" means the committee set up by the Board of Trustees;
- (xxv) "Statutes", "regulations" and "rules" mean respectively the statutes, regulations and rules made under this Act;
- (xxvi) "Trust" means the South Asian Strategic Stability Institute SASSI Trust;
- (xxvii) "University" means South Asian Strategic Stability Institute University Islamabad, established under this Act; and
- (xxviii) "Vice-Chancellor" means the Vice-Chancellor of the University.

## CHAPTER II

### THE UNIVERSITY

**3. Establishment and incorporation of the University.-** (1) There shall be established a University to be called as the South Asian Strategic Stability Institute University Islamabad, consisting of,—

- 
- (a) the Patron, the Chancellor, the Vice-Chancellor, the members of the Board and the Board of Trustees;
  - (b) the members of Executive Committee, Deans, the Chairmen of the teaching departments and members of the Academic Council or any other Councils, Committee or Advisory Committees, as the Board of Governors may establish or authorize from time to time of the University;
  - (c) the members of the boards, committees and other bodies as the Board may establish;
  - (d) the members of the Faculties and students of the University and its constituent units in accordance with the terms prescribed from time to time, and all other; and
  - (e) such other officers and members of the staff as the Board may, from time to time, specify.

(2) The University shall be a body corporate by the name of South Asian Strategic Stability Institute (SASSI) University, having perpetual succession and a common seal, with powers, among others, to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(3) The principal seat of the University shall be at Islamabad and it may set up its campuses, colleges, institutes, offices, research or study centers and other facilities at such places in Pakistan as well as abroad as the Board of Governors may determine. The additional campuses shall be set up in other parts of the country, and in other parts of the world.

(4) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the powers to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act.

(5) In particular and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board in the annual budget of the University.

**4. Powers and purposes of the University.**-The University shall have the following powers, namely:-

- (i) to promote and dissemination of knowledge and technology and to provide education, training, research, demonstration and scholarship in such branches of learning, as it may determine.
- (ii) to make provisions for research, service to society and for the application, advancement and dissemination of knowledge by employing information technology including satellite, television, internet etc., or through conventional and innovative methods in the fields of management sciences, medical sciences, computer sciences, professional psychology strategic studies, security studies, environmental sciences, engineering and such other disciplines from the fields of natural and social sciences as it may determine;
- (iii) to determine courses for study at the under graduate level in its constituent units as well as in its affiliated institutions, centers and colleges;
- (iv) to prescribe courses of studies to be conducted by it and its affiliated constituents units and appropriate bodies;
- (v) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
- (vi) to prescribe the terms and conditions of employment of the officers, Faculty and other employees of the University;
- (vii) to affiliate itself or associate with any other Institutions or Universities and relevant bodies whether national or international;
- (viii) to pursue and coordinate research innovation and development;

- (ix) to decide teaching methods and strategies in order to ensure most effective research and academic programmes;
- (x) to use the financial and other resources allocated to it for execution of its functions;
- (xi) to engage, where necessary, any persons on contract of specified duration and to specify the terms of each engagement;
- (xii) to confer honorary degrees or other distinctions on approved persons in the manner prescribed by the board of Governors in consultation with board of Trustees for the purpose;
- (xiii) to confer degrees on the person who have carried out an independent research under prescribed conditions;
- (xiv) to liaison with other research or academic organizations, industry and the relevant organizations or institutions to promote public private partnership, innovation and research, development, industrialization for the purposes of education, training and development;
- (xv) to provide for such instruction for persons not being students of the University as it may prescribe and to grant certificates and diplomas to such persons;
- (xvi) to institute programs for the academic collaboration and exchange of students and Faculty between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (xvii) to maintain linkages with alumni and the industry and the relevant bodies;
- (xviii) to develop and implement fund-raising plans;
- (xix) to provide and support the academic development of the faculty of the University;
- (xx) to affiliate and disaffiliate educational institutions or relevant organizations under prescribed conditions;

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- (xxi) to inspect colleges and other educational institutions affiliated or seeking affiliation with it;
  - (xxii) to accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;
  - (xxiii) to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it, may prescribe;
  - (xxiv) to institute professorships, associate professorships, assistant professorships and lectureships and any other posts and to appoint persons thereto;
  - (xxv) to create posts for teaching, research, extension, administration and other related purposes and to appoint persons thereto;
  - (xxvi) to recognize selected members of teaching staff of colleges or educational institutions admitted to the privileges of the University or such other persons, as it may deem fit, as University Faculty;
  - (xxvii) to institute and award fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
  - (xxviii) to establish teaching departments, schools, colleges, faculties, institutes, workshops, laboratories, Museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
  - (xxix) to maintain order, discipline and security on campuses of the University and the colleges as per the rules and regulations of the University;

- (xxx) to promote extra-curricular and recreational activities of the students and to make arrangements for promoting their health and general welfare;
- (xxxii) to demand and receive such fees and other charges as it may determine from time to time;
- (xxxiii) to make provisions for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises relevant Government, International, Nongovernmental Bodies, under prescribed conditions;
- (xxxiv) to enter into, carry out, vary or cancel contracts;
- (xxxv) to receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions and convert one kind of property into other in such manner as it may deem fit;
- (xxxvi) to provide for the printing and publication of research and other works;
- (xxxvii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education, learning and research; and
- (xxxviii) to decide virtual, online and distance teaching methods and strategies in order to ensure the conduct of most effective educational and training programs in the light of policy on the subject made by the Board of trustees.

**5. University open to all classes, creeds, etc.-** The University shall be open to all persons of either gender and of whatever religion, race, creed, class, color or domicile who qualify for the admission as set forth in the rules and regulations and the criteria and the policy maintained by the body and no person



shall be denied privileges of the University on the ground of religion, race, caste, creed, class, color or domicile.

6. **Teaching at the University.-** (1) All recognized teaching in various courses shall be conducted by the University or the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other organizations as it may deem appropriate.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

### CHAPTER III

#### OFFICERS OF THE UNIVERSITY

7. **Officers of the University.-** The following shall be the officers of the University, namely:—

- (a) Patron;
- (b) Chancellor;
- (c) Vice-Chancellor;
- (d) Deans;
- (e) Principals of the constituent colleges;
- (f) Head of the teaching and research departments;
- (g) Registrar;
- (h) Treasurer;
- (i) Controller of examinations and academic affairs; and
- (i) such other persons as may be prescribed by the statutes or regulations or by the Board.

8. **Patron.-** (1) The Patron shall be appointed by the Trust.

(2) The Patron shall, when present, preside at the convocation of the University. In the absence of the Patron, the Board may request a person of eminence or the Chancellor to preside over the convocation of the University.

(3) The Patron shall have the authority to annul any decision or action of the Board of Governors, which he thinks was taken against the interest of academic excellence, religious and cultural ideology and national integrity.

**9. Visitation.-** (1) The Patron may, in accordance with the terms and procedures as may be prescribed, cause an inspection or inquiry to be made at the request of the Board of trustees or on his own motion in respect of any matter connected with affairs of the University and shall, from time to time, direct any person or persons to inquire into or carry out inspection of,—

- (a) the University, its building, laboratories, libraries and other facilities;
- (b) any institution, department or hostel maintained by the University;
- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examination and other matters of the University; and
- (e) such other matters as the Patron may specify.

(2) The Patron shall communicate to the Board of trustees his views with regard to the result of visitation and shall, after ascertaining the views of the Board, advise the Chancellor on the action to be taken by it.

(3) The Chancellor shall, within such time as may be specified by the Patron, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of visitation.

(4) The Chancellor shall communicate to the Board his views with regard to the results of inspection or inquiry and shall after ascertaining the views of said board, advise the action to be taken.

(5) Where the Board of Governors as per Chancellor's direction does not, within the time specified; take action to the satisfaction of the Patron, the Patron may issue, in consultation with the board of trustees, such directions, as he deems fit and the Board shall comply with all such directions.

**10. Appointment and removal of Patron.-** The Patron may be appointed for a fixed period of time two years and can be extended for another term of same length. He may be removed before expiry of his term by the Board of trustees resolution on any misconduct.

**11. Chancellor.-** (1) The Chancellor of the University shall be appointed by the board of Trustees to hold the office for a term determined by the Trust.

(2) The Chancellor shall in the absence of Patron, preside over the convocations and meetings of the university of which his presence is desirable in the light of business being transacted. Every proposal to confer an honorary degree shall be subject to confirmation of the Chancellor.

(3) Where the Chancellor is satisfied that the proceedings or orders of any authority are not in accordance with provision of the act, the statutes, regulations or rules, he may after, calling upon such authority to show cause in writing, annul such proceedings or order, after the final approval from the board of trustees.

**12. Appointment and removal of the Chancellor.-** (1) The terms of the office of chancellor shall be for period of three years:

Provided that there will be no bar to appoint a chancellor for a second or subsequent term.

(2) The Board of trustees may, in consultation with the patron, remove the chancellor; if he,—

- (a) has become of unsound mind; or
- (b) has been incapacitated to function as member of such authority; or
- (c) has been convicted by a court of law of Pakistan of an offence involving moral turpitude; or
- (d) on the resolution of the board of trustees for misconduct.

**13. Vice-Chancellor.-** (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Board of Trustees in consultation with the chancellor. The Vice-Chancellor shall be an eminent academician or a

distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic, functions of the University and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed.

(3) He shall have the overall responsibility for the direction, organization, administration and programmes of the university, in accordance with the guidelines and general policies formulated by the board of governors and for the implementation of the decisions and policies of the board.

(4) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any authority or body of the University.

(5) The Vice-Chancellor may, in an emergency that in his opinion requires an immediate action ordinarily not in his competence, take such action and report to the Board.

(6) The Vice-Chancellor shall be appointed for a renewable tenure of five years on terms and conditions prescribed by statutes. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Board in support of such renewal and under recommendation of Board of trustees:

Provided that the Chancellor may call upon the Board to reconsider such resolution once.

(7) The Board may, pursuant to a resolution in this behalf passed by simple majority vote of its membership, and on the final recommendation of the board of trustees recommend to the Chancellor the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may make a reference to the Board stating about inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that has come to his notice. After consideration of the reference, the Board under recommendation may, pursuant to a resolution in this behalf passed by simple majority of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided further that prior to a resolution for removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(8) A resolution recommending removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Board of Governors.

(9) At any time when office of the Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to perform functions of his office due to illness or some other cause, the Board of Governors shall make such arrangements for performance of the duties of the Vice-Chancellor as it may deem fit.

(10) The Vice-Chancellor shall also have the following powers, namely:—

- (a) to oversee, monitor and supervise all academic activities, including examinations and applied research to ensure that proper academic standards are maintained, in consultation with the academic council and the board of governors.
- (b) to direct, faculty, scholars, officers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in the University, as he may consider necessary for purposes of the University;
- (c) to sanction by re-appropriation an amount, not exceeding an amount prescribed by the Board, for an unforeseen item not provided for in the budget;
- (d) to make appointment of such categories of employees of the University and in such manner, as may be prescribed by statutes;
- (e) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the University except those appointed by or with approval of the Board;

- (f) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the University; and
- (g) to exercise and perform such other powers and functions as may be prescribed.

**14. Dean.-** (1) There shall be a Dean of each faculty, department, college, institution or centre to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The dean shall be incharge of the faculty and shall assist the Vice-Chancellor on matters relating to teaching, research, academic program and extension of other development projects.

(3) Subject to overall supervision of the Vice-Chancellor, the dean shall formulate and recommend to the Academic Council, rules and regulations relating to academic and research matters of the faculty.

(4) The dean shall also have the following powers, namely:—

- (a) to collaborate with universities, industry and other research organizations;
- (b) to formulate recommendations to the Academic Council on the courses of study to be taught in different departments of the faculty;
- (c) to co-ordinate the award of fellowships, stipends, medals and prizes;
- (d) to co-ordinate the teaching and research work of the faculty;
- (e) to perform such other functions and exercise such other powers as may be entrusted or delegated to him by the Board or the Vice-Chancellor; and
- (f) to delegate any of his powers to appropriate levels of management, subject to such conditions as he may deem fit.

**15. Registrar.-** (1) There shall be a Registrar of the University to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions, as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the University and shall,—

(a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the authorities of the University;

(b) be the custodian of the common seal and the academic record of the University;

(c) maintain a register of registered graduates in the prescribed manner;

(d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**16. Treasurer.-** (1) There shall be a Treasurer of the University to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Treasurer shall be as may be prescribed.

(3) The Treasurer shall be the chief financial officer of the University and shall,—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;
- (b) prepare annual and revised budget estimates of the University and present them to the Executive Committee or a committee thereof for approval and incorporation in the budget to be presented to the Board;
- (c) ensure that funds of the University are expended on the purposes for which they are provided;
- (d) have accounts of the University audited annually; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be for a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**17. Controller of examinations.-** (1) There shall be a Controller of examinations to be appointed by the Board on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2) The minimum qualifications necessary for appointment to the post of the Controller of examinations shall be as may be prescribed.

(3) The Controller of examinations shall be a full-time officer of the University and shall be responsible for all matters connected with the conduct of examinations and shall perform such other duties as may be prescribed.

(4) The Controller of examinations shall be appointed for a renewable term of three years:

Provided that the Chancellor may, on advice of the Vice-Chancellor, terminate appointment of the Controller of examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.



**CHAPTER IV**

**AUTHORITIES OF THE UNIVERSITY**

**18. Authorities.-** (1) The following shall be the authorities of the University, namely:

- (a) authorities established by the Act,—
  - (i) Board;
  - (ii) Executive Committee;
  - (iii) Academic Council; and
  - (iv) Board of Advance Study and Research; and
- (b) authorities to be established by the statutes,—
  - (i) board of studies;
  - (ii) selection board;
  - (iii) finance and planning committee;
  - (iv) search committee for appointment of the Vice-Chancellor;
  - (v) representation committees for appointment to the Board;
  - (vi) Board of The Trustees;
  - (vii) quality assurance committee;
  - (viii) discipline committee; and
  - (ix) such other authorities as may be prescribed by the Board.

**19. Board of Governors.-** (1) The body responsible for governance of the University shall be described as the Board and shall consist of the following, namely:—

- (a) the Chairmen of the Trust who shall be a chairperson of the board (the board of governors);
- (b) the Chancellor;
- (c) the Vice-Chancellor;
- (d) one member of the Government not below the rank of Additional Secretary from any Ministry of Government;
- (e) four persons from society at large being persons of distinction in the fields of administration, government, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology, engineering, social and natural sciences and such that the appointment of these persons reflects a balance across the various fields:

Provided that special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Board;

- (f) one person nominated by the Patron of the University;
- (g) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college nominated by the Board of Governors or Chancellor; and
- (h) one person nominated by the Higher Education Commission.

(2) The number of members of the Board of Governors described under clauses (e) to (g) of sub-section (1) may be increased by the Board of Governors through statutes subject to the condition that total membership of the Board does not exceed twenty-one, with a maximum of five University teachers (faculty) and the increase is balanced, to the extent possible, across different categories specified in sub-section (1).

(3) Appointment of persons described under clause (e) of sub-section (1) shall be made in accordance with procedure as may be prescribed. All

appointments to the Board shall be made by the Chancellor in consultation of the board of trustees and the Chairman of the Board will be permanent member of the Board of Governor with veto powers.

(4) Members of the Board, other than *ex officio* members, shall hold office for three years. One-third of the members, other than *ex officio* members, of the first restructured Board, to be determined by lot, shall retire from office on expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex officio* members, of the first restructured Board, to be determined by lot, shall retire from office on expiration of two years from the date of appointment and the remaining one-half, other than *ex officio* members, shall retire from office on expiration of the third year.

(5) The Board shall meet at least twice in a calendar year.

(6) Service on the Board shall be on honorary basis:

Provided that actual expenses may be reimbursed as may be prescribed.

(7) The Registrar shall be secretary of the Board.

(8) In absence of the Chancellor, meetings of the Board shall be presided over by such member, not being an employee of the University or the Government, as the Chancellor may, from time to time, nominate. The member so nominated shall be convener of the Board.

(9) Unless otherwise prescribed by this Act, all decisions of the Board shall be taken on the basis of opinion of a majority of the members present. In the event of the members being evenly divided on any matter, the person presiding over the meeting shall have a casting vote.

(10) The quorum for a meeting of the Board shall be two thirds of its membership, a fraction being counted as one.

**20. Powers and functions of the Board of Governors.-** (1) The Board shall have power of general supervision over the University and shall hold the Vice-Chancellor and the authorities accountable for all functions of the University.

(2) The Board shall have all powers of the University not expressly vested in an authority or officer by this Act and all other powers not expressly provided by this Act that are necessary for performance of its functions but which

are not inconsistent with the provisions of this Act or the statutes, regulations and rules made there under.

(3) Without prejudice to the generality of the foregoing powers, and subject to the provision of this ordinance, the statutes and prior approval of the board of trustees, the Board shall have the powers,—

- (a) to approve proposed annual plan of work, annual and revised budgets, annual report and annual statement of accounts;
- (b) to hold, control and lay down policy for administration of the property, funds and investments of the University, including approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee quality and relevance of the University's academic programs and to review academic affairs of the University in general;
- (d) to approve appointment of Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, faculty, teachers and other employees of the University;
- (f) to approve the strategic plans of the University;
- (g) to approve financial resource development plans of the University;
- (h) to consider drafts of statutes and regulations proposed by the Executive Committee and the Academic Council and deal with them in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Board of Governors may make a statute or regulation on its own initiative and approve it

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\* This should be "Act".

after calling for advice of the Executive Committee or the Academic Council, as the case may be;

- (i) to annul by order in writing the proceedings of any authority or officer if the Board is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations after calling upon such authority or officer to show cause why such proceedings should not be annulled;
- (j) to recommend to the Chancellor removal of any member of the Board in accordance with the provisions of this Act;
- (k) to make appointment of members of the Executive Committee, other than *ex officio* members, in accordance with the provisions of this Act;
- (l) to make appointment of members of the Academic Council, other than *ex officio* members, in accordance with the provisions of this Act;
- (m) to appoint Professors emeritus on such terms and conditions as may be prescribed;
- (n) to remove any person from membership of any authority if such person has,—
  - (i) become of unsound mind; or
  - (ii) become incapacitated to function as member of such authority; or
  - (iii) been convicted by a court of law for an offence involving moral turpitude; and
- (o) to determine the form, provide for the custody and regulate the use of the common seal of the University.

(3) The Board may, subject to the provisions of this Act delegate all or any of the powers and functions of any authority, officer or employee of the University at its main campus, to any authority, committee, officer or employee at its additional campus, colleges, institutions or centers for the purpose of exercising such powers and performing such functions in relation to such

additional campus and for this purpose the Board of Governors may create new posts or positions at the additional campus as it deems appropriate.

**21. Executive Committee.-** (1) There shall be an Executive Committee of the University consisting of the following, namely:—

- (a) Vice-Chancellor who shall be its chairperson;
- (b) deans of faculties of the University;
- (c) three Professors from different departments, who are not members of the Board, to be elected by the University teachers in accordance with procedure to be prescribed by the Board of Trustees in consultation with the Board;
- (d) Principals of the constituent colleges, centers and institutions;
- (e) Registrar;
- (f) Treasurer; and
- (g) Controller of examinations.

(2) Members of the Executive Committee, other than *ex officio* members, shall hold office for three years.

(3) As regards the three Professors described in clause (c) of sub-section (1), the Board of Governors may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on recommendation of the Vice-Chancellor.

(4) The quorum for a meeting of the Executive Committee shall be one-half of the total number of members, a fraction being counted as one.

(5) The Executive Committee shall meet at least once in each quarter of the year.

**22. Powers and duties of the Executive Committee.-** (1) The Executive Committee shall be the executive body of the University and shall,

subject to the provisions of this Act and the statutes, exercise general supervision over affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act, the statutes and directions of the Board of trustees, the Board of Governors, the Executive Committee shall have the following powers to,—

- (a) consider annual report, annual and revised budget estimates and to submit these, to the Board of trustees;
- (b) transfer, and accept transfer, of movable property on behalf of the University;
- (c) enter into, vary, carry out and cancel contracts on behalf of the University;
- (d) cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) invest any money belonging to the University including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882) or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;
- (f) receive and manage any property transferred and grants, bequests, trust, gifts, donations, endowments and other contributions made to the University;
- (g) administer any funds placed at the disposal of the University for specified purposes;
- (h) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;
- (i) establish and maintain halls of residence and hostels or approve or license hostels or lodgings for residence of students;

- (j) recommend to the Board admission of educational institutions to the privileges of the University and withdraw such privileges;
- (k) arrange for the inspection of colleges and the departments;
- (l) institute professorships, associate professorships, assistant professorships, lectureships and other teaching posts or to suspend or to abolish such posts;
- (m) create, suspend or abolish such administrative or other posts as may be necessary;
- (n) prescribe the duties of officers, teachers and other employees of the University;
- (o) report to the Board on matters with respect to which it has been asked to report;
- (p) appoint members to various authorities in accordance with the provisions of this Act;
- (q) propose drafts of statutes for submission to the Board;
- (r) regulate conduct and discipline of students of the University;
- (s) take actions necessary for good administration of the University in general and to this end exercise such powers as are necessary;
- (t) delegate any of its powers to any authority or officer or a committee; and
- (u) perform such other functions as have been assigned to it by provisions of this Act or may be assigned to it by statutes.

**23. Academic Council.-** (1) The Academic Council of the University shall be the academic body of the University and shall by statutes have the powers to lay down proper standards of instructions, research and publication and examination and to regulate and promote academic life of the University.

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\* The word should be "statutes".



(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and the statutes the Academic Council shall have the powers to,—

- (a) advice the board of Governors on the academic matters;
- (b) regulate the conduct of teaching, research, publication and examination;
- (c) approve the policies and procedures pertaining to the quality of academic programs;
- (d) approve academic programs;
- (e) approve the policies and procedures pertaining to student-related functions including admissions, expulsions, punishments, examinations and certification;
- (f) approve the policies and procedures assuring quality of teaching and research;
- (g) propose to the Executive Committee schemes for the constitution and organization of faculties, teaching departments and boards of studies;
- (h) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (i) institute programs for the continued professional development of University teachers at all levels;
- (j) recognize examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (k) regulate award of studentship,, scholarships, exhibitions, medals and prizes;
- (l) make regulations for submission to the Board of Governors for the constitution of faculties and the teaching departments;

- (m) prepare an annual report on academic performance of the University;
- (n) regulate the admission of students to the courses of studies and the examinations at the University;
- (o) regulate the conduct and the discipline of the students and faculty; and
- (p) perform such functions as may be prescribed by regulations and statutes.

(3) There shall be academic department for the each subject or group of subjects as may be prescribed by regulations and each academic department shall be headed by a head of department.

(4) The Head of Academic Department shall be appointed be<sup>1</sup> the board on the recommendation of the Vice-Chancellor from amongst three senior most professors shall be eligible for re-appointment provided that in a department where there are less than three eligible professors, the appointment shall be made amongst three most senior associates professors and professors of departments. The head of department shall plan, organize and supervise the work of department and shall be responsible to the dean for the work of department.

(5) The Head of department shall under the supervision of Vice-Chancellor and dean supervise all administrative, financial and academic powers and such other duties and powers as may be delegated to him.

(6) The head of departments shall prepare a comprehensive reports regarding the performance of departments at the under graduate, graduate and post graduate level, faculty research and development and submit the report to the dean of faculty for his evaluation.

(7) The Board of advance studies and research shall consist of,—

- (a) Vice-Chancellor;
- (b) all the deans;
- (c) one University professor from each faculty other than dean to be appointed by the Board;

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<sup>1</sup> The word should be "by".

- (d) one member nominated by the Patron; and
- (e) three members from the relevant research originations<sup>1</sup> and Government departments to be nominated by the board of Governors and registrar as the secretary.

Term of the members of board of advance studies other than the *ex-officio* member shall be three years and the quorum will be one half of total number of members.

24. **First Statutes.**- The schedule prescribes the regulations for the establishment of departments, faculties and bodies under the first statutes of the University.

25. **Appointment of committees by certain authorities.**- (1) The Board, the Executive Committee, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the authorities appointing the committees.

(2) The Board of trustees shall take necessary actions on all related issues of the University and its decision shall be the final after Chairman of the trust decision on that issue.

(3) The constitution, functions and powers of the authorities for which no specific provision has been made in this Act shall be such as may be prescribed by statutes or regulations.

## CHAPTER V

### STATUTES, REGULATIONS AND RULES

26. **Regulations.**- (1) Subject to the provisions of this Act and the statutes<sup>2</sup>, the Academic Council may make regulations, to be published in the Official Gazette, for all or any of the following matters, namely:—

- (a) courses of study for degrees, diplomas and certificates of the University;

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<sup>1</sup>The word should be "organizations".

<sup>2</sup>The word should be "statutes".

- (b) manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) admission and expulsion of students to and from the University;
- (d) conditions under which students shall be admitted to the courses and examinations of the University and shall become eligible for award of degrees, diplomas and certificates;
- (e) conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) use of the library;
- (i) formation of faculties, departments and board of studies; and
- (j) all other matters which by this Act or the statutes are to be or may be prescribed by regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A regulation proposed by the Academic Council shall not be effective unless it receives approval of the Board.

(3) Regulations regarding or incidental to matters contained in clauses (g) and (i) of sub-section (1) shall not be submitted to the Board without prior approval of the Executive Committee.

**27. Amendment and repeal of statutes and regulations.-** The procedure for adding to, amending or repealing the statutes and the regulations shall be the same as that prescribed respectively for framing or making Statutes and Regulations.

**28. Rules.-** (1) The authorities and other bodies of the University may make rules, to be published in the official Gazette, consistent with this Act, statutes and the regulations, to regulate any matter relating to affairs of the University which has not been provided for under this Act or that is not required to be regulated by statutes and regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Executive Committee and the Board of trustees.

## **CHAPTER VI**

### **UNIVERSITY FUND**

**29. The University fund.-** (1) The University shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources.

(2) Capital recurrent expenditure of the University shall be met from contributions made by the Board and any other source, including other foundations, universities and individuals and from the income derived from such sources.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University, shall be accepted without prior approval of the Board.

**30. Audit and accounts.-** (1) The accounts of the University shall be maintained in such form and manner as may be determined by the Board and work under the Finance and Planning committee. The committee shall consist of Vice-Chancellor, all the Deans, one member of the Board nominated by the Board, one nominee of the Academic Council, and one member of the independent auditor. The quorum of the meeting shall be five and the term of nominated members will be three years. The Director finance shall be the Secretary of the Finance and Planning Committee.

(2) Function of committee shall be to prepare the annual statement of accounts, propose and annual budget estimates and advice to the Board thereon, review periodically the Financial position of the university and advice the Board on all matters related to finance, investment and accounts of the university and to perform such other functions as may be prescribed by the statutes.

## CHAPTER VII

## GENERAL PROVISIONS

**31. Commencement of term of members of authorities.-** (1) When a member of a authority is elected, appointed or nominated, his term of office, as fixed under this Act shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remained absent from the University for a period of not less than six months, he shall be deemed to have resigned and vacated his seat.

**32. Disputes about membership of authorities.-** (1) Notwithstanding anything contained in this Act, a person nominated or appointed to any authority shall cease to be member of such authority as soon as he ceases to hold the position by virtue of which he was nominated or appointed.

(2) If a question arises whether any person is entitled to be a member of any authority, the matter shall be referred to a committee consisting of the Chancellor, two nominees of the Board of Governors and a nominee of the Vice-Chancellor and decision of the committee thereon shall be final and binding.

**33. Proceedings of authorities not invalidated by vacancies.-** No act, resolution or decision of any authority shall be invalid by reason of any vacancy on the authority doing, passing or making it or by reason of any want of qualification or appointment or nomination of any *de facto* member or the authority, whether present or absent.

**34. Removal of difficulties.-** If any difficulty arises as to the first constitution or reconstitution of any authority upon coming into force of this Act or otherwise in giving effect to any provision of this Act, the Patron may give appropriate directions to remove such difficulty.

**35. Indemnity.-** No suit or legal proceedings shall lie against the Government, the University or any authority or employee of the University or any person, in respect of anything which is done or purported to have been done in good faith under this Act.

# **THE MY UNIVERSITY ISLAMABAD ACT, 2013**

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# **<sup>1</sup>THE MY UNIVERSITY ISLAMABAD ACT, 2013**

[14th March, 2013]

ACT No. VII OF 2013

*An Act to provide for the establishment  
of MY University, Islamabad*

WHEREAS it is expedient to provide for the establishment of MY University at Islamabad and for matters connected with and ancillary thereto;

It is hereby enacted as follows:

## **CHAPTER I**

### **PRELIMINARY**

**1. Short title and commencement.-** (1) This Act may be called the My University Islamabad Act, 2013.

(2) It shall come into force at once.

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

- (i) “Academic Council” means the Academic Council of the University;
- (ii) “Authority” means any of the authorities of the University;
- (iii) “Affiliated institution” means Educational institution authorized by the Board to conduct academic programs,

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<sup>1</sup> The Act received the assent of the President on 11th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 14th March, 2013, at pages 157-181.

- research and development projects as approved by the University;
- (iv) "Board" means the Board of the University;
  - (v) "Board of trustees" means Board of Trustees of the University;
  - (vi) "Chancellor" means the Chancellor of the University;
  - (vii) "College" means a constituent college, department, Institute or Centers;
  - (viii) "Commission" means the Higher Education Commission of Pakistan;
  - (ix) "Constituent college" means an educational institution, by whatever manner described, maintained and administered by the University;
  - (x) "Controller" means the head of examination department of the University;
  - (xi) "Dean" means the head of a faculty of the University;
  - (xii) "Department" means teaching department of the University;
  - (xiii) "Director" means the head of an institute established as a constituent institute by the University;
  - (xiv) "Executive Committee" means the Executive Committee of the University;
  - (xv) "Faculty" means an administrative and academic unit of the University consisting of one or more departments. It also includes any Professor, Associate Professor, Assistant Professor or Lecturer, tutor, engaged whole-time or part-time by the University, or by a constituent college, institute or Centre;
  - (xvi) "Government" means the Federal Government;

- (xvii) "Institute" means an institute or Centre, maintained and administered by the University;
- (xviii) "Officer" means any officer of the University;
- (xix) "Patron" means the Patron of the University;
- (xx) "prescribed" means prescribed by the statutes, regulations or rules;
- (xxi) "Professor Emeritus" means a retired Professor appointed by the Chancellor on honorary basis;
- (xxii) "Principal" means the head of a college, or the institution under the University by whatever name or the designation;
- (xxiii) "Registrar" means the Registrar of the University;
- (xxiv) "Committee" means the committee set up by the Board of Trustees;
- (xxv) "Statutes", "regulations" and "rules" mean respectively the statutes, regulations and rules made under this Act;
- (xxvi) "Trust" means the My Trust;
- (xxvii) "University" means MY University Islamabad, established under this Act; and
- (xxviii) "Vice-Chancellor" means the Vice-Chancellor of the University.

## CHAPTER-II

### THE UNIVERSITY

**3. Establishment and incorporation of the University.-** (1) There shall be established a University to be called as MY University Islamabad, consisting of,—

- (a) the Patron, the Chancellor, the Vice-Chancellor, the members of the Board and the Board of Trustees;

- (b) the members of Executive Committee, Deans, the Chairmen of the teaching departments and members of the Academic Council or any other Councils, Committee or Advisory Committees, as the Board of Governors may establish or authorize from time to time of the University;
- (c) the members of the Boards, committees and other bodies as the Board may establish;
- (d) the members of the Faculties and students of the University and its constituent units in accordance with the terms prescribed from time to time, and all other; and
- (e) such other officers and members of the staff as the Board may, from time to time, specify.

(2) The University shall be a body corporate by the name of MY University, having perpetual succession and a common seal, with powers, among others, to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(3) The principal seat of the University shall be at Islamabad and it may set up its campuses, colleges, institutes, offices, research or study centers and other facilities at such places in Pakistan as well as abroad as the Board may determine. The additional campuses shall be set up in other parts of the country, and in other parts of the world.

(4) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the powers to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act.

(5) In particular and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board in the annual budget of the University.

**4. Powers and Purposes of the University.-** The University shall have the following powers, namely:—

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- (i) to promote and dissemination of knowledge and technology and to provide education, training, research, demonstration and scholarship in such branches of learning, as it may determine;
  - (ii) to make provisions for research, service to society and for the application, advancement and dissemination of knowledge by employing information technology including satellite, television, internet etc., or through conventional and innovative methods in the fields of management sciences, medical sciences, computer sciences, professional psychology, strategic studies, security studies, environmental sciences, engineering and such other disciplines from the fields of natural and social sciences as it may determine;
  - (iii) to determine courses for study at the under graduate level in its constituent units as well as in its affiliated institutions, centers and colleges;
  - (iv) to prescribe courses of studies to be conducted by it and its affiliated constituent units and appropriate bodies;
  - (v) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
  - (vi) to prescribe the terms and conditions of employment of the officers, Faculty and other employees of the University;
  - (vii) to affiliate itself or associate with any other Institutions or Universities and relevant bodies whether national or international;
  - (viii) to pursue and co-ordinate research innovation and development;
  - (ix) to decide teaching methods and strategies in order to ensure most effective research and academic programs;

- (x) to use the financial and other resources allocated to it for execution of its functions;
- (xi) to engage, where necessary, any persons on contract of specified duration and to specify the terms of each engagement;
- (xii) to confer honorary degrees or other distinctions on approved persons in the manner prescribed by the Board in consultation with Board of trustees for the purpose;
- (xiii) to confer degrees on the person who have carried out an independent research under prescribed conditions;
- (xiv) to liaison with other research or academic organizations, industry and the relevant organization or institutions to promote Public Private partnership, innovation and research, development, industrialization for the purposes of education, training and development;
- (xv) to provide for such instruction for persons not being students of the University as it may prescribe and to grant certificates and diplomas to such persons;
- (xvi) to institute programs for the academic collaboration and exchange of students and Faculty between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (xvii) to maintain linkages with alumni and the industry and the relevant bodies;
- (xviii) to develop and implement fund-raising plans;
- (xix) to provide and support the academic development of the faculty of the University;
- (xx) to affiliate and dis-affiliate educational institutions or relevant organizations under prescribed conditions;
- (xxi) to inspect colleges and other educational institutions affiliated or seeking affiliation with it;

- (xxii) to accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;
- (xxiii) to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it, may prescribe;
- (xxiv) to institute professorships, associate professorships, assistant professorships and lectureships and any other posts and to appoint persons thereto;
- (xxv) to create posts for teaching, research, extension, administration and other related purposes and to appoint persons thereto;
- (xxvi) to recognize selected members of teaching staff of colleges or educational institutions admitted to the privileges of the University or such other persons, as it may deem fit, as University Faculty;
- (xxvii) to institute and award fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (xxviii) to establish teaching departments, schools, colleges, faculties, institutes, workshops, laboratories. Museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xxix) to maintain order, discipline and security on campuses of the University and the colleges as per the rules and regulations of the University;
- (xxx) to promote extra-curricular and recreational activities of the students and to make arrangements for promoting their health and general welfare;

- (xxxix) to demand and receive such fees and other charges as it may determine from time to time;
- (xxxixii) to make provisions for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises, relevant Government, International, non-governmental bodies, under prescribed conditions;
- (xxxixiii) to enter into, carry out, vary or cancel contracts;
- (xxxixiv) to receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions and convert one kind of property into other in such manner as it may deem fit;
- (xxxixv) to provide for the printing and publication of research and other works;
- (xxxixvi) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education, learning and research; and
- (xxxixvii) to decide virtual, online and distance teaching methods and strategies in order to ensure the conduct of most effective educational and training programs in the light of policy on the subject made by the Board of trustees.

**5. University open to all classes, creeds, etc.-** The University shall be open to all persons of either gender and of whatever religion, race, creed, class, color or domicile who qualify for the admission as set forth in the rules and regulations and the criteria and the policy maintained by the body and no person shall be denied privileges of the University on the ground of religion, race, caste, creed, class, color or domicile.

**6. Teaching at the University.-** (1) All recognized teaching in various courses shall be conducted by the University or the colleges in the



prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other organizations as it may deem appropriate.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

### CHAPTER III

#### OFFICERS OF THE UNIVERSITY

7. **Officers of the University.**- The following shall be the officers of the University, namely:—

- (a) Patron;
- (b) Chancellor;
- (c) Vice-Chancellor;
- (d) Deans;
- (e) Principals of the constituent colleges;
- (f) Head of the teaching and research departments;
- (g) Registrar;
- (h) Treasurer;
- (i) Controller of examinations and academic affairs; and
- (j) such other persons as may be prescribed by the statutes or regulations or by the Board.

8. **Patron.**- (1) The Patron shall be appointed by the Trust.

(2) The Patron shall, when present, preside at the convocation of the University. In the absence of the Patron, the Board may request a person of eminence or the Chancellor to preside over the convocation of the University.

(3) The Patron shall have the authority to annul any decision or action of the Board, which he thinks was taken against the interest of academic excellence, religious and cultural ideology and national integrity.

9. **Visitation.**- (1) The Patron may, in accordance with the terms and procedures as may be prescribed, cause an inspection or inquiry to be made at the request of the Board of trustees or on his own motion in respect of any matter connected with affairs of the University and shall, from time to time, direct any person or persons to inquire into or carry out inspection of,—

- (a) the University, its building, laboratories, libraries and other facilities;
- (b) any institution, department or hostel maintained by the University;
- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examination and other matters of the University; and
- (e) such other matters as the Patron may specify.

(2) The Patron shall communicate to the Board of trustees his views with regard to the result of visitation and shall, after ascertaining the views of the Board, advise the Chancellor on the action to be taken by it.

(3) The Chancellor shall, within such time as may be specified by the Patron, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of visitation.

(4) The Chancellor shall communicate to the Board his views with regard to the results of inspection or inquiry and shall after ascertaining the views of said Board, advise the action to be taken.

(5) Where the Board as per Chancellor's direction does not, within the time specified, take action to the satisfaction of the Patron, the Patron may issue, in consultation with the Board of trustees, such directions, as he deems fit and the Board shall comply with all such directions.

10. **Appointment and removal of Patron.**- The Patron may be appointed for a fixed period of time two years and can be extended for another

term of same length. He may be removed before expiry of his term by the Board of trustees resolution on any misconduct.

**11. Chancellor.-** (1) The Chancellor of the University shall be appointed by the Board of Trustees to hold the office for a term determined by the Trust.

(2) The Chancellor shall in the absence of Patron, preside over the convocations and meetings of the University of which his presence is desirable in the light of business being transacted. Every proposal to confer an honorary degree shall be subject to confirmation of the Chancellor.

(3) Where the Chancellor is satisfied that the proceedings or orders of any authority are not in accordance with provision of the act, the statutes<sup>1</sup>, regulations or rules, he may after, calling upon such authority to show cause in writing, annul such proceedings or order, after the final approval from the Board of trustees.

**12. Appointment and Removal of the Chancellor.-** (1) The terms of the office of Chancellor shall be for a period of three years:

Provided that there will be no bar to appoint a Chancellor for a second or subsequent term.

(2) The Board of trustees may, in consultation with the patron, remove the Chancellor; if he,—

- (a) has become of unsound mind; or
- (b) has been incapacitated to function as member of such authority; or
- (c) has been convicted by a court of law of Pakistan of an offence involving moral turpitude; or
- (d) on the resolution of the Board of trustees for misconduct.

**13. Vice-Chancellor.-** (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Board of Trustees in consultation with the Chancellor. The Vice-Chancellor shall be an eminent academician or a

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<sup>1</sup> The word should be "statutes".

distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic functions of the University and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed. He shall have the overall responsibility for the direction, organization, administration and programmes of the University, in accordance with the guidelines and general policies formulated by the Board and for the implementation of the decisions and policies of the Board.

(3) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any authority or body of the University.

(4) The Vice-Chancellor may, in an emergency that in his opinion requires an immediate action ordinarily not in his competence, take such action and report to the Board.

(5) The Vice-Chancellor shall be appointed for a renewable tenure of five years on terms and conditions prescribed by statutes. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Board in support of such renewal and under recommendation of Board of trustees:

Provided that the Chancellor may call upon the Board to reconsider such resolution once.

(6) The Board may, pursuant to a resolution in this behalf passed by simple majority vote of its membership, and on the final recommendation of the Board of trustees recommend to the Chancellor the removal of the Vice-Chancellor on the ground of in-efficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may make a reference to the Board stating about in-efficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that has come to his notice. After consideration of the reference, the Board under recommendation may, pursuant to a resolution in this behalf passed by simple majority of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided further that prior to a resolution for removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(7) A resolution recommending removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Board.

(8) At any time when office of the Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to perform functions of his office due to illness or some other cause, the Board shall make such arrangements for performance of the duties of the Vice-Chancellor as it may deem fit.

(9) The Vice-Chancellor shall also have the following powers, namely:—

- (a) to oversee, monitor and supervise all academic activities, including examinations and applied research to ensure that proper academic standards are maintained, in consultation with the academic council and the Board;
- (b) to direct, faculty, scholars, officers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in the University, as he may consider necessary for purposes of the University;
- (c) to sanction by re-appropriation an amount, not exceeding an amount prescribed by the Board, for an unforeseen item not provided for in the budget;
- (d) to make appointment of such categories of employees of the University and in such manner, as may be prescribed by statutes;
- (e) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the University except those appointed by or with approval of the Board;

- (f) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the University; and
- (g) to exercise and perform such other powers and functions as may be prescribed.

14. **Dean.**- (1) There shall be a Dean of each faculty, department, college, institution or centre to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The Dean shall be in-charge of the faculty and shall assist the Vice-Chancellor on matters relating to teaching, research, academic program and extension of other development projects.

(3) Subject to overall supervision of the Vice-Chancellor, the Dean shall formulate and recommend to the Academic Council, rules and regulations relating to academic and research matters of the faculty.

(4) The Dean shall also have the following powers, namely:—

- (a) to collaborate with universities, industry and other research organizations;
- (b) to formulate recommendations to the Academic Council on the courses of study to be taught in different departments of the faculty;
- (c) to co-ordinate the award of fellowships, stipends, medals and prizes;
- (d) to co-ordinate the teaching and research work of the faculty;
- (e) to perform such other functions and exercise such other powers as may be entrusted or delegated to him by the Board or the Vice-Chancellor; and
- (f) to delegate any of his powers to appropriate levels of management, subject to such conditions as he may deem fit.

**15. Registrar.-** (1) There shall be a Registrar of the University to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions, as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the University and shall—

(a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the authorities of the University;

(b) be the custodian of the common seal and the academic record of the University;

(c) maintain a register of registered graduates in the prescribed manner;

(d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate appointment of the Registrar on grounds of in-efficiency or misconduct in accordance with prescribed procedure.

**16. Treasurer.-** (1) There shall be a Treasurer of the University to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Treasurer shall be as may be prescribed.

(3) The Treasurer shall be the chief financial officer of the University and shall—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;
- (b) prepare annual and revised budget estimates of the University and present them to the Executive Committee or a committee thereof for approval and incorporation in the budget to be presented to the Board;
- (c) ensure that funds of the University are expended on the purposes for which they are provided;
- (d) have accounts of the University audited annually; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be for a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of in-efficiency or misconduct in accordance with prescribed procedure.

**17. Controller of examinations.-** (1) There shall be a Controller of examinations to be appointed by the Board on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2) The minimum qualifications necessary for appointment to the post of the Controller of examinations shall be as may be prescribed.

(3) The Controller of examinations shall be a full-time officer of the University and shall be responsible for all matters connected with the conduct of examinations and shall perform such other duties as may be prescribed.

(4) The Controller of examinations shall be appointed for a renewable term of three years:

Provided that the Chancellor may, on advice of the Vice-Chancellor, terminate appointment of the Controller of examinations on grounds of in-efficiency or misconduct in accordance with prescribed procedure.



**CHAPTER-IV**

**AUTHORITIES OF THE UNIVERSITY**

**18. Authorities.-** The following shall be the authorities of the University, namely:—

- (a) authorities established by the Act:—
  - (i) Board;
  - (ii) Executive Committee;
  - (iii) Academic Council; and
  - (iv) Board of Advance study and Research; and
- (b) authorities to be established by the statutes:—
  - (i) Board of studies;
  - (ii) selection Board;
  - (iii) finance and planning committee;
  - (iv) search committee for appointment of the Vice-Chancellor;
  - (v) representation committees for appointment to the Board;
  - (vi) Board of Trustees;
  - (vii) quality assurance committee;
  - (viii) discipline committee; and
  - (ix) such other authorities as may be prescribed by the Board.

**19. Board of Governors.-** (1) The body responsible for governance of the University shall be described as the Board and shall consist of the following, namely:—

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- (a) the Chairman of the Trust who shall be a chairperson of the Board (the Board).
  - (b) the Chancellor;
  - (c) the Vice-Chancellor;
  - (d) one member of the Government not below the rank of Additional Secretary from any Ministry of Government;
  - (e) four persons from society at large being persons of distinction in the fields of administration, government, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology, engineering, social and natural sciences and such that the appointment of these persons reflects a balance across the various fields:

Provided that special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Board;

- (f) one person nominated by the Patron of the University;
- (g) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college nominated by the Board or Chancellor; and
- (h) one person nominated by the Higher Education Commission.

(2) The number of members of the Board described under clauses (e) to (g) of sub-section (1) may be increased by the Board through statutes subject to the condition that total membership of the Board does not exceed twenty-one, with a maximum of five University teachers (faculty) and the increase is balanced, to the extent possible, across different categories specified in sub-section (1).

(3) Appointment of persons described under clause (e) of sub-section (1) shall be made in accordance with procedure as may be prescribed. All

appointments to the Board shall be made by the Chancellor in consultation of the Board of trustees and the Chairman of the Board will be permanent member of the Board with veto powers.

(4) Members of the Board, other than *ex-officio* members, shall hold office for three years. One-third of the members, other than *ex-officio* members, of the first restructured Board, to be determined by lot, shall retire from office on expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex-officio* members, of the first restructured Board, to be determined by lot, shall retire from office on expiration of two years from the date of appointment and the remaining one-half, other than *ex-officio* members, shall retire from office on expiration of the third year.

(5) The Board shall meet at least twice in a calendar year.

(6) Service on the Board shall be on honorary basis:

Provided that actual expenses may be re-imbursed as may be prescribed.

(7) The Registrar shall be Secretary of the Board.

(8) In absence of the Chancellor, meetings of the Board shall be presided over by such member, not being an employee of the University or the Government, as the Chancellor may, from time to time, nominate. The member so nominated shall be convener of the Board.

(9) Unless otherwise prescribed by this Act, all decisions of the Board shall be taken on the basis of opinion of a majority of the members present. In the event of the members being evenly divided on any matter, the person presiding over the meeting shall have a casting vote.

(10) The quorum for a meeting of the Board shall be two thirds of its membership, a fraction being counted as one.

**20. Powers and functions of the Board of Governors.-** (1) The Board shall have power of general supervision over the University and shall hold the Vice-Chancellor and the authorities accountable for all functions of the University.

(2) The Board shall have all powers of the University not expressly vested in an authority or officer by this Act and all other powers not expressly provided by this Act that are necessary for performance of its functions but which

are not inconsistent with the provisions of this Act or the statutes, regulations and rules made there under.

(3) Without prejudice to the generality of the foregoing powers, and subject to the provision of this Act, the statutes and prior approval of the Board of trustees, the Board have the powers,—

- (a) to approve proposed annual plan of work, annual and revised budgets, annual report and annual statement of accounts;
- (b) to hold, control and lay down policy for administration of the property, funds and investments of the University, including approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee quality and relevance of the University's academic programs and to review academic affairs of the University in general;
- (d) to approve appointment of Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (e) to institute schemes, directions and guidelines, for the terms and conditions of appointment of all officers, faculty, teachers and other employees of the University;
- (f) to approve the strategic plans of the University;
- (g) to approve financial resource development plans of the University;
- (h) to consider drafts of statutes and regulations proposed by the Executive Committee and the Academic Council and deal with them in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Board may make a statute or regulation on its own initiative and approve it after calling for advice of the Executive Committee or the Academic Council, as the case may be;

- (i) to annul by order in writing the proceedings of any authority or officer if the Board is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations after calling upon such authority or officer to show cause why such proceedings should not be annulled;
- (j) to recommend to the Chancellor removal of any member of the Board in accordance with the provisions of this Act;
- (k) to make appointment of members of the Executive Committee, other than *ex-officio* members, in accordance with the provisions of this Act;
- (l) to make appointment of members of the Academic Council, other than *ex-officio* members, in accordance with the provisions of this Act;
- (m) to appoint Professors emeritus on such terms and conditions as may be prescribed;
- (n) to remove any person from membership of any authority if such person has:—
  - (i) become of unsound mind; or
  - (ii) become incapacitated to function as member of such authority; or
  - (iii) been convicted by a court of law for an offence involving moral turpitude; and
- (o) to determine the form, provide for the custody and regulate the use of the common seal of the University.

(4) The Board may subject to the provisions of this Act delegate all or any of the powers and functions of any authority, officer or employee of the University at its main campus, to any authority, committee, officer or employee at its additional campus, colleges, institutions or centers for the purpose of exercising such powers and performing such functions in relation to such additional campus and for this purpose the Board may create new posts or positions at the additional campus as it deems appropriate.

**21. Executive Committee.-** (1) There shall be an Executive Committee of the University consisting of the following, namely:—

- (a) Vice-Chancellor who shall be its chairperson;
- (b) Deans of faculties of the University;
- (c) three Professors from different departments, who are not members of the Board, to be elected by the University teachers in accordance with procedure to be prescribed by the Board of Trustees in consultation with the Board;
- (d) Principals of the constituent colleges, centers and institutions;
- (e) Registrar;
- (f) Treasurer; and
- (g) Controller of examinations.

(2) Members of the Executive Committee, other than ex-officio members, shall hold office for three years.

(3) As regards the three Professors described in clause (c) of subsection (1), the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on recommendation of the Vice-Chancellor.

(4) The quorum for a meeting of the Executive Committee shall be one-half of the total number of members, a fraction being counted as one.

(5) The Executive Committee shall meet at least once in each quarter of the year.

**22. Powers and duties of the Executive Committee.-** (1) The Executive Committee shall be the executive body of the University and shall, subject to the provisions of this Act and the statutes, exercise general supervision over affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act, the statutes and directions of the Board of

trustees, the Board, the Executive Committee shall have the following powers to,—

- (a) consider annual report, annual and revised budget estimates and to submit these, to the Board of trustees;
- (b) transfer, and accept transfer, of movable property on behalf of the University;
- (c) enter into, vary, carry out and cancel contracts on behalf of the University;
- (d) cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) invest any money belonging to the University including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882) or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;
- (f) receive and manage any property transferred and grants, bequests, trust, gifts, donations, endowments and other contributions made to the University;
- (g) administer any funds placed at the disposal of the University for specified purposes;
- (h) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;
- (i) establish and maintain halls of residence and hostels or approve or license hostels or lodgings for residence of students;
- (j) recommend to the Board admission of educational institutions to the privileges of the University and withdraw such privileges;
- (k) arrange for the inspection of colleges and the departments;

- (l) institute professorships, associate professorships, assistant professorships, lectureships and other teaching posts or to suspend or to abolish such posts;
- (m) create, suspend or abolish such administrative or other posts as may be necessary;
- (n) prescribe the duties of officers, teachers and other employees of the University;
- (o) report to the Board on matters with respect to which it has been asked to report;
- (p) appoint members to various authorities in accordance with the provisions of this Act;
- (q) propose drafts of statutes for submission to the Board;
- (r) regulate conduct and discipline of students of the University;
- (s) take actions necessary for good administration of the University in general and to this end exercise such powers as are necessary;
- (t) delegate any of its powers to any authority or officer or a committee; and
- (u) perform such other functions as have been assigned to it by provisions of this Act or may be assigned to it by statutes.

**23. Academic Council.**- (1) The Academic Council of the University shall be the academic body of the University and shall by statutes have the powers to lay down proper standards of instructions, research and publication and examination and to regulate and promote academic life of the University.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and the statutes the Academic Council shall have the powers to,—

- (a) advice the Board on the academic matters;



- 
- (b) regulate the conduct of teaching, research, publication and examination;
  - (c) approve the policies and procedures pertaining to the quality of academic programs;
  - (d) approve academic programs;
  - (e) approve the policies and procedures pertaining to student-related functions including admissions, expulsions, punishments, examinations and certification;
  - (f) approve the policies and procedures assuring quality of teaching and research;
  - (g) propose to the Executive Committee schemes for the constitution and organization of faculties, teaching departments and Boards of studies;
  - (h) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
  - (i) institute programs for the continued professional development of University teachers at all levels;
  - (j) recognize examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
  - (k) regulate award of studentships, scholarships, exhibitions, medals and prizes;
  - (l) make regulations for submission to the Board for the constitution of faculties and the teaching departments;
  - (m) prepare an annual report on academic performance of the University;
  - (n) regulate the admission of students to the courses of studies and the examinations at the University;

- (o) regulate the conduct and the discipline of the students and faculty; and
- (p) perform such functions as may be prescribed by regulations and statutes.

(3) There shall be academic department for each subject or group of subjects as may be prescribed by regulations and each academic department shall be headed by a head of department.

(4) The head of Academic Department shall be appointed by<sup>1</sup> the Board on the recommendation of the Vice-Chancellor from amongst three senior most professors shall be eligible for re-appointment provided that in a department where there are less than three eligible professors, the appointment shall be made amongst three most senior associates professors and professors of departments. The head of department shall plan, organize and supervise the work of department and shall be responsible to the Dean for the work of department.

(5) The head of department shall under the supervision of Vice-Chancellor and Dean supervise all administrative, financial and academic powers and such other duties and powers as may be delegated to him.

(6) The head of departments shall prepare a comprehensive reports regarding the performance of departments at the under graduate, graduate and post graduate level, faculty research and development and submit the report to the Dean of faculty for his evaluation.

- (7) The Board of advance studies and research shall consist of:
- (a) Vice-Chancellor;
  - (b) all the Deans;
  - (c) one University professor from each faculty other than Dean to be appointed by the Board;
  - (d) one member nominated by the Patron;

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<sup>1</sup> The word should be "by".

- (e) three members from the relevant research originations<sup>1</sup> and Government departments to be nominated by the Board and registrar as the Secretary; and
- (f) term of the members of Board of advance studies shall be other than the *ex-officio* member shall be three years and the quorum will be one half of total number of members.

**24. First Statutes.-** The schedule prescribes the regulations for the establishment of departments, faculties and bodies under the first statutes of the University.

**25. Appointment of committees by certain authorities.-** (1) The Board, the Executive Committee, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the authorities appointing the committees.

(2) The Board of Trustees shall take necessary actions on all related issues of the University and its decision shall be the final after Chairman of the trust's decision on that issue.

(3) The constitution, functions and powers of the authorities for which no specific provision has been made in this Act shall be such as may be prescribed by statutes or regulations.

## CHAPTER-V

### STATUTES, REGULATIONS AND RULES

**26. Regulations.-** (1) Subject to the provisions of this Act and the statutes<sup>2</sup>, the Academic Council may make regulations, to be published in the official Gazette, for all or any of the following matters, namely:—

- (a) courses of study for degrees, diplomas and certificates of the University;
- (b) manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;

<sup>1</sup> The word should be "organizations".

<sup>2</sup> The word should be "statutes".

- (c) admission and expulsion of students to and from the University;
- (d) conditions under which students shall be admitted to the courses and examinations of the University and shall become eligible for award of degrees, diplomas and certificates;
- (e) conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) use of the library;
- (i) formation of faculties, departments and Board of studies; and
- (j) all other matters which by this Act or the statutes are to be or may be prescribed by regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board which may approve them or withhold approval or refer them back to the Academic Council for re-consideration. A regulation proposed by the Academic Council shall not be effective unless it receives approval of the Board.

(3) Regulations regarding or incidental to matters contained in clauses (g) and (i) of sub-section (1) shall not be submitted to the Board without prior approval of the Executive Committee.

**27. Amendment and repeal of statutes and regulations.-** The procedure for adding to, amending or repealing the statutes and the regulations shall be the same as that prescribed respectively for framing or making Statutes and Regulations.

**28. Rules.-** (1) The authorities and other bodies of the University may make rules, to be published in the official Gazette, consistent with this Act, statutes and the regulations, to regulate any matter relating to affairs of the University which has not been provided for under this Act or that is not required

to be regulated by statutes and regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Executive Committee and the Board of trustees.

## CHAPTER-VI

### UNIVERSITY FUND

**29. The University fund.-** (1) The University shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources.

(2) Capital recurrent expenditure of the University shall be met from contributions made by the Board and any other source, including other foundations, universities and individuals and from the income derived from such sources.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University, shall be accepted without prior approval of the Board.

**30. Audit and accounts.-** (1) The accounts of the University shall be maintained in such form and manner as may be determined by the Board and work under the Finance and Planning Committee. The committee shall consist of Vice-Chancellor, all the Deans, one member of the Board nominated by the Board, one nominee of the Academic Council, and one member of the independent auditor. The quorum of the meeting shall be five and the term of nominated members will be three years. The Director finance shall be the Secretary of the Finance and Planning Committee.

(2) Function of committee shall be to prepare the annual statement of accounts, propose and annu<sup>1</sup> budget estimates and advice to the Board thereon, review periodically the financial position of the University and advice the Board on all matters related to finance, investment and accounts of the University and to perform such other functions as may be prescribed by the statutes.

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<sup>1</sup> The word should be "annual".

**CHAPTER-VII****GENERAL PROVISIONS**

**31. Commencement of term of members of authorities.-** (1) When a member of a authority is elected, appointed or nominated, his term of office, as fixed under this Act shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remained absent from the University for a period of not less than six months, he shall be deemed to have resigned and vacated his seat.

**32. Disputes about membership of authorities.-** (1) Notwithstanding anything contained in this Act, a person nominated or appointed to any authority shall cease to be member of such authority as soon as he ceases to hold the position by virtue of which he was nominated or appointed.

(2) If a question arises whether any person is entitled to be a member of any authority, the matter shall be referred to a committee consisting of the Chancellor, two nominees of the Board and a nominee of the Vice-Chancellor and decision of the committee thereon shall be final and binding.

**33. Proceedings of authorities not invalidated by vacancies.-** No act, resolution or decision of any authority shall be invalid by reason of any vacancy on the authority doing, passing or making it or by reason of any want of qualification or appointment or nomination of any *de facto* member or the authority, whether present or absent.

**34. Removal of difficulties.-** If any difficulty arises as to the first constitution or re-constitution of any authority upon coming into force of this Act or otherwise in giving effect to any provision of this Act, the Patron may give appropriate directions to remove such difficulty.

**35. Indemnity.-** No suit or legal proceedings shall lie against the Government, the University or any authority or employee of the University or any person, in respect of anything which is done or purported to have been done in good faith under this Act.

# **<sup>1</sup>THE PROVINCIAL MOTOR VEHICLES (AMENDMENT) ACT, 2013**

[14th March, 2013]

ACT No. IX OF 2013

*An Act further to amend the Provincial  
Motor Vehicles Ordinance, 1965*

WHEREAS it is expedient further to amend the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), in its application to the Islamabad Capital Territory, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title and commencement.**- (1) This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2013.

(2) It shall come into force at once.

**2. Amendment of section 116A, W.P. Ordinance XIX of 1965.**- In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), as in force in the Islamabad Capital Territory, in section 116A, after sub-section (5), the following new sub-section (6) shall be inserted, namely:-

“(6) The Federal Government may, by notification in the official Gazette, amend provisions of the Twelfth Schedule so as to add any entry thereto, modify and entry therein or omit any entry therefrom”.

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<sup>1</sup> The Act received the assent of the President on the 11th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 14th March, 2013, at pages 185-186.

# THE ISLAMABAD CAPITAL TERRITORY PRIVATE EDUCATIONAL INSTITUTIONS (REGISTRATION AND REGULATION) ACT, 2013

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**<sup>1</sup>THE ISLAMABAD CAPITAL  
TERRITORY PRIVATE EDUCATIONAL  
INSTITUTIONS (REGISTRATION AND  
REGULATION) ACT, 2013**

[19th March, 2013]

ACT NO. XI OF 2013

*An Act to provide for the registration, regulation and functioning of private  
educational institutions in Islamabad Capital Territory*

WHEREAS, it is expedient to regulate the functioning of private educational institutions in the Islamabad Capital territory and to provide for the registration of such institutions ensuring adequate transparency and proper discipline and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

**1. Short title, extent and commencement.-** (1) This Act may be called the Islamabad Capital Territory Private Educational Institutions (Registration and Regulation) Act, 2013.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

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

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<sup>1</sup> The Act received the assent of the President on 16th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 19th March, 2013, at pages 191-199.

- (a) "Authority" means the Islamabad Capital Territory Private Educational Institutions Regulatory Authority (ICT-PEIRA) established under section 3;
- (b) "Board" means the Federal Board of Intermediate and Secondary Education, Islamabad;
- (c) "Chairman" means the Chairman of the Authority;
- (d) "college" means a privately managed college imparting education for intermediate or higher secondary education or equivalent;
- (e) "Government" means the Federal Government;
- (f) "institution" means a privately managed school, college, tuitions centre or an institution imparting education upto intermediate or higher secondary school level or equivalent;
- (g) "member" means the member of the Authority;
- (h) "prescribed" means prescribed by rules or regulations made under this Act;
- (i) "privately managed" means an institution which is not owned or managed by a Government, a local body or a body set up or controlled by the Government: and
- (j) "school" means a privately managed school or tuition centre imparting education at pre-primary level including day-care centre and from pre-primary level to secondary education level or equivalent.

**3. Establishment of the Authority.-** (1) There shall be established an Authority to be known as the Islamabad Capital Territory Private Educational Institutions Regulatory Authority (ICT-PEIRA).

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

**4. Aims and objectives of Authority.-** The aims and objectives of the Authority shall be to register and regulate privately managed educational institutions in the Islamabad Capital Territory to ensure that such institutions follow a uniform policy that includes,—

- (a) curricula according to Federal scheme of studies;
- (b) duration of academic session and holidays or vacations;
- (c) determination and fixation of rate of fee being charged by the institutions, qualifications of teaching staff, their terms and conditions of service including salaries and mode of payment of their salaries;
- (d) promotion of curricular and co-curricular activities on inter-institutional basis;
- (e) achievement of fair measure of uniformity of academic standards and evaluation among the institutions;
- (f) capacity building of teachers; and
- (g) performance of such other functions as may be incidental or conducive, to the attainment of the aforementioned objectives.

**5. Functions and power of the Authority.-** (1) the functions and powers of the Authority shall be,—

- (a) to regulate, determine and administer all matters and do all such acts and things as are necessary for the achieving of aims and objectives of this Act;
- (b) to register and regulate, private educational institutions in Islamabad Capital Territory including fixation of grade-wise rate of admission fee, security fee, monthly tuition fee and other fees being charged by private educational institutions;
- (c) to cause inspections to be made by such persons as the Authority may nominate of institutions applying for registration or of registered institutions;

- (d) to withdraw registration if it is satisfied after the inspection that the management and instructions in an institution are not of Prescribed standard and are in violation of the provisions of this Act;
- (e) to check qualifications of teaching staff and their terms and conditions of service;
- (f) to fix, demand and receive such fee for registration and inspection of the institution as may be prescribed;
- (g) to adopt measures to promote physical and moral well-being of students including sports facilities;
- (h) to ensure that the services, quality of education being provided and salary paid to the teachers commensurate with the fee being charged;
- (i) to ensure that the building of the institution is adequate and its structure is sound to house the students;
- (j) to arrange for the annual audit of the accounts of the Authority;
- (k) to execute any other important matter concerning its functions as may be incidental or conducive to the exercise of aforesaid powers and performance of functions; and
- (l) to make rules, regulations and policy and to execute the same; and
- (m) to prescribe fines to be imposed for violation of any of the provisions conferred upon the Authority under this section.

(2) The Authority shall perform such other functions as may be assigned to it by the Government including the appointment of staff and determination of their terms and conditions of service for proper execution of the functions assigned to the Authority under this Act.

(3) In discharge of its functions the Authority shall be guided on questions of policy given to it from time to time by the Government.

(4) All the law enforcement agencies shall come in aid of the Authority in exercise of its powers and performance of its functions.

**6. Composition of the Authority.-** The Authority shall consist of a Chairman, two Members possessing qualifications and experience as may be prescribed:

Provided that the Government may at any time increase the number of members and by notification in the official Gazette, prescribe the qualifications and mode of their appointment.

**7. Appointment, functions and powers of Chairman.-** (1) The Chairman and the members shall be appointed by the Government on such terms and conditions as it may determine.

(2) The Chairman shall be the chief executive officer of the Authority, who shall ensure the observance of the provisions of this Act and the rules, regulations and policy made there under.

(3) The Chairman shall take all possible steps to ensure that the funds of the Authority are spent judiciously and properly.

**8. Maintenance of accounts and audit.-** The Authority shall maintain complete accounts of income and expenditure in such manner and form as the Government, in consultation with the Controller General of Accounts, may determine. The accounts shall be audited by the Auditor General of Pakistan annually.

**9. Funds.-** (1) The Authority shall be a self-financing body. In addition to this, the Government shall allocate annual grant which shall be at the disposal of the Authority, to meet all the expenses including pay and allowances of the staff.

(2) The Authority shall have a Fund to which shall be credited all income including income from inspection fee, registration fee, security fee, fine, other sources and annual grant from the Government, and account therefore shall be maintained in a scheduled bank.

**10. Staff's pay and allowances.-** (1) The pay and allowances of the staff shall be such as are in force in the Board or other similar regulatory authorities of the Government.

(2) The Authority may appoint such staff as may be prescribed under rules for carrying out its functions.

**11. Directions from Government.-** The general direction and administration of the affairs of the Authority shall vest in the Chairman and members. The Government shall be the sole judge as to whether a question is a question of policy and may, as and when it considers necessary, issue directives to the Authority on matters of policy and the same shall be binding on the Authority.

**12. Establishment or continuance of an institution.-** No institution shall be established or continued except in accordance with the provisions of this Act.

**13. Application for registration of an institution.-** (1) Any person intending to establish or continue any existing institution shall make an application to the Authority in the prescribed form accompanied by such documents and fee as may be prescribed.

(2) An existing institution may continue to function for a period not exceeding ninety days from the commencement of this Act and where an application is made under sub-section (1) until the application is rejected or if any appeal is preferred until the decision of the appeal.

(3) Every institution or its branches running under the same management or name at different premises shall be registered separately.

(4) Affiliation of a private educational institution with the Board or any foreign board or any other examining body shall be subject to registration with the Authority.

**14. Inquiry and recommendation about the application.-** (1) The Authority may, on the receipt of an application under section 13 constitute an Inspection Committee to make inquiry about such matters as may be prescribed.

(2) The Inspection Committee shall submit its recommendations to the Authority within thirty days of the receipt of the application by it under sub-section (1).

(3) The Authority shall, after considering the report of the Inspection Committee and after making such further inquiry, as it considers necessary, either grant or reject the application.

(4) The Authority shall record reasons for granting or rejecting the application:

Provided that no order of refusal shall be made without giving the person concerned an opportunity of being heard.

**15. Monitoring, inspection, etc.-** (1)<sup>1</sup> An institution shall be subject to monitoring by the Authority and for this purpose the Government or any officer or authority authorized by it may inspect any institution with a view to ensuring that such an institution is maintained in accordance with the provisions of this Act, the rules and the terms and conditions of the certificate of registration and the management of the institution shall afford all facilities for carrying out a proper inspection.

**16. Cancellation or suspension of certificate of registration.-** (1) Where the Authority, on receipt of a complaint or otherwise, after making such inquiry or inspection as deemed fit, is satisfied that there is a contravention of any of the provisions of this Act, the rules or terms or condition of the certificate of registration or any order passed or instruction issued by the Authority, it may after giving an opportunity to the person concerned of being heard, suspend or cancel the certificate of registration:

Provided that where the default can be remedied no order shall be made unless an opportunity is provided to the person concerned to rectify such default within the specified period.

(2) On the cancellation or suspension of the certificate of registration, the Authority may make such orders and take such action with respect to the completion of the current education term as may be considered necessary.

(3) On the cancellation of the certificate of registration under this section, the institution shall be closed down by the Authority.

**17. Appeal.-** Where the Authority rejects an application for registration or suspends or cancels the certificate of registration the aggrieved person may, within thirty days from the date of the order of the Authority, prefer an appeal to the Secretary, Ministry of Capital Administration and Development and the order passed by him shall be final and given effect to by the Authority.

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<sup>1</sup> No. sub-section (2) is given in the Gazette.



**18. Annual reports.-** (1) The institutions shall furnish to the Authority each year a report on annual audit accounts, report on the activity of the institution during the preceding year and such information relating to its activities as may be required by the Authority.

(2) The Authority may, from time to time, give such instructions as it considers necessary for compliance by the institutions.

(3) The Authority shall submit to the Government, as soon as possible after the end of every financial year but before the 30th September, a report on the conduct of its affairs for the year.

**19. Penalty.-** Subject to the provisions of section 13, whoever runs an institution in contravention of the provisions of this Act or the rules made there under shall be punished with imprisonment which may extend to one year or with fine which may extend to five thousands rupees for each day during the period the offence continues, or with both.

**20. Cognizance of offence.-** No court shall<sup>1</sup> take cognizance of an offence under this Act except upon a complaint in writing made by the Authority or any other authorized by it in this behalf and no court inferior to that of a Magistrate of the First Class shall try any such offence.

**21. Indemnity.-** No suit or legal proceedings shall lie against the Government, the Authority or any person acting under this Act for anything which is done in good faith or intended to be done under this Act.

**22. Power to make rules.-** The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

**23. Power to make regulation.-** A board may, with the prior approval in writing of the Government, make such regulations as appear to it to be necessary for carrying out the purposes of this Act.

**24. Removal of difficulties.-** If any difficulty arises in giving effect to any provisions of this Act, the Government may make such order, not inconsistent with the express provisions of this Act, as may appear to it necessary or expedient for the purpose of removal of the difficulty.

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<sup>1</sup> The word should be "shall".

# THE DEFENCE HOUSING AUTHORITY ISLAMABAD ACT, 2013

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# **<sup>1</sup>THE DEFENCE HOUSING AUTHORITY ISLAMABAD ACT, 2013**

[19th March, 2013]

ACT NO. XII OF 2013

*An Act to provide for establishment of  
Defence Housing Authority Islamabad*

WHEREAS it is expedient to establish Defence Housing Authority Islamabad for the purpose and object of carrying out schemes and projects of land development, *inter-alia* for welfare of the bereaved families of martyrs, war injured, disabled and other persons of the defence forces of Pakistan to boost their morale; to provide financial security in recognition of their selfless services for the defence of the nation; and to provide for ancillary matters;

It is hereby enacted as follows:—

**1. Short title, extent and commencement.-** (1) This Act may be called the Defence Housing Authority Islamabad Act, 2013.

(2) It extends to the specified area in Islamabad Capital Territory.

(3) It shall come into force at once and shall be deemed to have taken effect on and from the 15th August, 2010.

**2. Definitions.-** In this Act, unless there is anything repugnant<sup>2</sup> in the subject or context,—

(a) “Administrator” means the Administrator appointed under section 8;

<sup>1</sup> The Act received the assent of the President on 16th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 19th March, 2013, at pages 201-211.

<sup>2</sup> The word should be “repugnant”.

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- (b) "Authority" means the Defence Housing Authority Islamabad established under section 3;
  - (c) "Chairman" means Chairman of the Governing Body;
  - (d) "Executive Board" means Executive Board constituted under this Act;
  - (e) "Governing Body" means Governing Body constituted under section 4;
  - (f) "Government" means the Federal Government;
  - (g) "member" means a member of the Authority and includes the Chairman;
  - (h) "prescribed" means prescribed by rule or regulations made under this Act;
  - (i) "President" means President of the Executive Board;
  - (j) "project" means any project of development of land undertaken or planned by the Authority in the specified area;
  - (k) "Scheme" means any scheme, plan, facility or project for development of land for residential or commercial use undertaken, planned or made and approved by the Authority under this Act;
  - (l) "Secretary" means Secretary of the Authority;
  - (m) "specified area" means all land owned, purchased or procured by or vested in or leased to the Army Welfare Housing Scheme or the Defence Housing Authority Islamabad constituted under any law before the commencement of this Act in Islamabad Capital Territory and such other land as may, from time to time, be purchased or procured by or leased to the Authority in Islamabad Capital Territory and notified by the Government; and
  - (n) "Vice-President" means Vice-President of the Executive Board.

**3. The Authority.-** (1) There shall be established an Authority to be known as Defence Housing Authority Islamabad for carrying out purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and common seal with power to purchase, procure, sell, exchange, hold and dispose of property and shall by the said name, sue and be sued.

(3) The head office of the Authority shall be at Islamabad.

(4) While designing, planning and executing a scheme in the specified area, the Authority shall adhere to the master plan of Islamabad and ensure that all public roads and revenue paths leading to and from the adjoining areas and access to graveyards shall, as far as possible, be maintained and no change or alteration shall be made in such roads, paths or access except with prior approval of the Government.

(5) Subject to the financial viability of a Scheme, the Authority shall reserve in a scheme in the specified area at least fifty per-cent quota for the bereaved family of the martyrs, war injured, disabled and junior ranks from sepoy to junior commissioned officers of the defence forces of Pakistan.

**4. Governing Body.-** (1) The general administration, supervision and control of the affairs of the Authority shall vest in the Governing Body, which shall consist of,—

- |   |                                  |
|---|----------------------------------|
| (a) Secretary,<br>Ministry of Defence;  | <i>Chairman</i>                  |
| (b) Adjutant General Pakistan Army;   | <i>Vice-Chairman</i>             |
| (c) a serving or retired Major General<br>of Pakistan Army to be nominated<br>by the Chief of Army Staff: | <i>Member</i>                    |
| (d) Chief Commissioner, Islamabad;  | <i>Member</i>                    |
| (e) Administrator;  | <i>Member</i>                    |
| (f) Chairman, Capital Development<br>Authority; and   | <i>Member</i>                    |
| (g) Secretary.  | <i>Member-cum-<br/>Secretary</i> |

- (2) The Governing Body shall,—
- (a) review progress and activities of the Authority;
  - (b) lay down policy for guidance of the Executive Board;
  - (c) consider and approve budget and audit reports of the Authority; and
  - (d) transact such other business of the Authority as the Executive Board may place before it.

**5. Executive Board.-** (1) There shall be an Executive Board which shall exercise such administrative executive and financial powers of the Authority and do all such acts and functions as the Governing Body may delegate or assign to it.

- (2) The Executive Board shall consist of,—
- (a) Adjutant General, Pakistan Army; *President*
  - (b) a serving or retired Major General of Pakistan Army to be nominated by the Chief of Army Staff; *Vice-President*
  - (c) Administrator; *Member*
  - (d) Secretary of the Authority to be appointed by the President; and *Secretary*
  - (e) two residents of Schemes of the Authority *Co-opted Members*

(3) The Government shall, for a period not exceeding five years at a time, appoint the co-opted members in accordance with the regulations but they shall serve during the pleasure of the Government.

(4) In the performance of its functions, the Executive Board shall comply with the directions of Governing Body.

**6. Powers and functions of Executive Board.-** (1) Subject to all applicable laws and provisions of this Act, the Executive Board may take such

measures and exercise such powers as may be necessary for proper planning and development of the specified area and for carrying out purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, the Executive Board may, in accordance with all applicable laws, rules and regulations,—

- (a) purchase, procure, hold, manage, reclaim and take possession of any property in the specified area;
- (b) prepare, plan, develop, notify, execute, implement, maintain, manage and regulate any scheme in the specified area;
- (c) enter into contracts, arrangements, joint ventures, and agreements with any person, for preparation, planning, development, execution, implementation and maintenance of schemes in the specified area and for carrying out purposes of this Act;
- (d) incur any expenditure and procure plant, machinery, equipment, instrument and necessary materials;
- (e) carry out, maintain, arrange, manage and provide all facilities, services and utilities, including water, electricity, gas and sewerage in schemes in the specified area so as to ensure that the property is maintained up to the required standards for benefit of the residents;
- (f) plan, approve and execute mergers and amalgamations with other housing schemes or cooperative housing societies subject to approval of the competent authorities of those housing schemes or housing societies for merger and amalgamation;
- (g) impose, vary and recover development charges and transfer fees in respect of any land within any scheme in the specified area;
- (h) lease, purchase procure, sell, exchange, mortgage, rent out or otherwise dispose of any property vested in the Authority,



- (i) cancel or re-plan any scheme or part thereof in the specified area;
- (j) apply for acquisition of land to the Government for initiation and completion of process of land acquisition in accordance with the law governing land acquisition; and
- (k) do all such acts deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of residential and commercial facilities in the schemes in the specified area.

(3) The Executive Board shall meet as and when required or considered necessary by the Administrator, in consultation with the President.

(4) The Executive Board shall transact such business at a meeting as the Administrator may place before it:

Provided that the Defence Housing Authority shall obtain N.O.C from civic amenities providing agencies who are responsible for supply of services like water, sewerage and sanitation etc, and civic utilities like electricity, gas and telephone etc. working as autonomous bodies.

**7. Powers of the Executive Board to borrow.-** Subject to the Government's rules and guidelines, the Executive Board may obtain loans for the purposes of generating capital for its schemes.

**8. Administrator.-** (1) The Chief of Army Staff shall nominate a person not below the rank of serving or retired Brigadier of Pakistan Army, as Administrator of the Authority.

(2) The Administrator shall be the chief executive officer of the Authority.

**9. Powers and functions of the Administrator.-** (1) Subject to provisions of this Act and the regulations, the Administrator shall exercise all executive powers of the Authority, delegated to him or otherwise, in accordance with the policy laid down by the Governing Body and the directions or decisions of the Executive Board.

(2) The Administrator may, either by himself or through any officer appointed by the Executive Board in this behalf, carry on the correspondence and

shall sign, verify, pursue and file all pleadings and such other documents on behalf of the Authority, in any suit, appeal, petition and proceedings which may be instituted, prepared and filed by or against the Authority in or before any court, tribunal or authority.

(3) The Administrator may, with approval of the Executive Board, delegate any of his specified powers to any of his sub-ordinate staff, including but not limited to sign contracts, pleadings or any other legal instruments on behalf of the Authority.

(4) Subject to conditions of delegation of the authority, the authorized officer shall exercise the power of signing the instrument after its approval by the Executive Board or, as the case may be, the Administrator.

**10. Meetings.-** (1) The Governing Body shall meet at least once each year on such date, time and place as may be fixed by the Chairman.

(2) The Chairman and, in his absence, the most senior member of the Governing Body shall preside over meetings of the Governing Body.

(3) The President and, in his absence, the most senior member of the Executive Board shall preside over meetings of the Executive Board.

(4) The quorum of a meeting of the Governing Body or the Executive Board shall be a majority of the total membership.

(5) The Secretary shall record, maintain and keep the minutes of meetings of the Governing Body and the Executive Board.

**11. Appointments.-** The Executive Board may, in such manner and on such terms and conditions as may be prescribed, appoint such officers, functionaries, employees, staff, experts, consultants and advisers as may be necessary for purposes of this Act.

**12. Annual report and accounts.-** As soon as may be after conclusion of a financial year but before the 31st day of December, the Executive Board shall in respect of the said financial year, submit to the Governing Body a general report on its affairs including accounts, balance sheet and audit.

**13. Delegation of powers.-** Subject to this Act and the specified conditions, the Governing Body, the Executive Board and the Administrator may, by order in writing, delegate to any person to exercise any of their powers and perform such functions and duties as may be specified in the order.

**14. Committees.-** The Governing Body and the Executive Board may constitute such committees and assign to them such functions as may be necessary for efficient performance of their respective functions.

**15. Authority Fund.-** (1) There shall be a fund to be known as the Defence Housing Authority Islamabad Fund which shall vest in the Authority and to which shall be credited all moneys received by the Authority.

(2) The fund shall be kept in a scheduled bank or financial institution and shall be utilized and regulated in such manner as may be prescribed.

(3) The funds may, with approval of the Executive Board, be invested in any banking, financial or non-banking financial institution.

**16. Budget, audit and accounts.-** The budget of the Authority shall be approved by the Governing Body and its accounts shall be maintained and audited in such manner as may be prescribed.

**17. Power to cancel allotment.-** The Executive Board may cancel revoke or rescind any allotment, transfer, licence lease or agreement in respect of any plot or housing unit in a scheme in the specified area if the allottee, transferee, licensee or lessee fails to pay the dues or installments, including development charges, in respect of such plot or housing unit within three months from the date of receipt of the demand notice in writing or within such extended time as the Governing Body or the Executive Board may, in special cases, fix and thereupon the plot or the housing unit, with or without construction thereon, shall be resumed and shall vest in the Authority.

**18. Conversion of property to a different use.-** (1) If a person converts without previous written approval of the Authority, any property in a scheme in the specified area to a use or purpose other than the one provided under the scheme, such person shall be liable to fine which may extend to two thousand rupees per day from the date of the conversion of the property till the default continues.

(2) The Authority shall not impose the fine under sub-section (1) unless the person concerned is afforded an opportunity of being heard.

**19. Removal of building erected or used in contravention of the Act.-** (1) If any land is used or building, structure, work on land is erected, constructed or used in contravention of the provisions of this Act or any regulations or orders made thereunder, or in contravention of the Scheme or

without the permission of the Authority, the Authority or any person authorized by it in this behalf, may, by order in writing, require the owner, occupier, user or person in control of such land, building, structure, work on land to remove, demolish or alter the building, structure or work or to use it in such manner as may bring such erection, construction or use in accordance with the provisions of this Act.

(2) If an order under sub-section (1), in respect of any building, structure work or land is not complied with in such time, as may be specified therein, the Authority or any person authorized by it in this behalf, may, after giving the person concerned an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land, or seal the building, premises and in so doing, may use such force as may be necessary and may also recover the cost thereof from the person responsible for the erection, construction, or use of the building, structure, work or land.

**20. Power to make regulations.-** (1) The Governing Body may, for carrying out the purposes of this Act, make regulations, not inconsistent with this Act or any other law, rules, regulations or bye-laws for the time being in force in the Specified Area.

(2) The Executive Board may, with the prior approval of the Governing Body, frame regulations relating to the terms and conditions of service of employees, staff and consultants of the Authority.

**21. Act not to override other laws.-** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

**22. Transfer and savings.-** (1) After, on the repeal of the Defence Housing Authority Islamabad Ordinance, 2010 (XV of 2010) and on commencement of this Act, to the extent of Specified Area in Islamabad Capital Territory;

- (a) all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights in or arising out of such property and all liabilities and obligations of whatever kind of the Defence Housing Authority Islamabad established before this Act, shall be transferred to and vested in the Authority;

- (b) all contracts and agreements entered into, all rights acquired and all matters and things agreed to be done by, with or for the Defence Housing Authority Islamabad established before this Act, shall be deemed to have been entered into, acquired or agreed to be done by, with or for the Authority;
- (c) all leases executed and all grants made and all lands vested in the name of the Defence Housing Authority Islamabad established before this Act, shall be deemed to be leases executed, grants made and property vested in the name of the Authority;
- (d) all contracts, projects, schemes, work (whether in progress or not) and all guarantees, undertakings, obligations, liabilities and mortgages, executed or subsisting in the name of the Defence Housing Authority Islamabad established before this Act, shall be deemed to be contracts, projects, schemes, works, guarantees, undertakings, obligations, liabilities and mortgages of the Authority;
- (e) all pending disputes in respect of the Defence Housing Authority Islamabad established before this Act, shall stand transferred to this Authority and be decided by the Administrator and any party aggrieved by his decision shall have the right of appeal to the Executive Board whose decision thereon shall be final;
- (f) all suits, petitions and other legal proceedings instituted by or against the Defence Housing Authority Islamabad established before this Act, shall be deemed to be suits, petitions, and proceedings by or against the Authority;
- (g) all allotments and transfers of plots, whether residential, commercial or otherwise, made by the Defence Housing Authority Islamabad established before this Act, shall be deemed to be allotments and transfers made by the Authority; and
- (h) all bye-laws and regulations in force immediately before the commencement of this Act made by the Defence Housing Authority Islamabad established before this Act,

shall continue to remain in force until, altered or repealed by regulations made under this Act.

(2) Notwithstanding anything contained in sub-section (1), the Executive Board may:

- (a) alter the area of any plot involving duplicate allotments and re-allot the same in such manner as it may consider appropriate; and
- (b) pass such order in respect of transfer of plot involving duplicate allotments as it may deem fit.

**23. Appeal.-** Any person aggrieved by an order of cancellation under section 17, or imposition of fine under section 18, or an order under section 19, or an order of the Executive Board under section 22 may, within 15 days of the communication of the order, file an appeal before the Governing Body, whose decision shall be final.

**24. Validation.-** All actions done or taken by the Defence Housing Authority Islamabad before the commencement of this Act shall be deemed to be validly done or have been taken to the extent they are consistent with this Act.

**25. Removal of difficulty.-** If any difficulty arises in giving effect to any provision of this Act, the Government may, within one year of the commencement of this Act, give such directions, not inconsistent with the provisions of the Act, as it may consider necessary for the removal of such difficulty.

# **THE SHAHEED ZULFIQAR ALI BHUTTO MEDICAL UNIVERSITY, ISLAMABAD, ACT, 2013**

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# **<sup>1</sup>THE SHAHEED ZULFIQAR ALI BHUTTO MEDICAL UNIVERSITY, ISLAMABAD, ACT, 2013**

[21st March, 2013]

ACT NO. XV OF 2013

*An Act to establish Shaheed Zulfiqar Ali Bhutto  
Medical University, Islamabad*

WHEREAS it is expedient to establish and incorporate the Shaheed Zulfiqar Ali Bhutto Medical University at Islamabad;

It is hereby enacted as follows:—

**1. Short title and commencement.-** (1) This Act may be called the Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad, Act, 2013.

(2) It shall come into force at once.

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

- (a) “Academic Council” means the Academic Council specified in section 26;
- (b) “Authority” includes one or more authorities of the University specified in section 20;
- (c) “Chairman” means head of a teaching department;
- (d) “Chancellor” means the Chancellor specified in section 9;

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<sup>1</sup> The Act received the assent of the President on the 20th March, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 21st March, 2013, at pages 231-258.

- (e) "Dean" means the Chairman of the Board of Faculty specified in the Schedule;
- (f) "Director" means the Director of an institute;
- (g) "Faculty" means a faculty specified in the Schedule;
- (h) "Government" means the Federal Government;
- (i) "hospital" means a hospital maintained and administered by the University;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "Pro-Vice Chancellor" means the Pro-Vice-Chancellor appointed under section 14;
- (l) "registered graduate" means a graduate of the University who either resides within its jurisdiction or otherwise but his name is entered in the register maintained for the purpose;
- (m) "regulations" means the regulations made under section 31;
- (n) "constituent college or institution" means a college, institute, department or academy maintained and administered by the University;
- (o) "affiliated college" means an educational institution affiliated to the University but not maintained or administered by it;
- (p) "college" means a constituent college or affiliated college;
- (q) "rules" means the rules made under section 30;
- (r) "Schedule" means Schedule to this Act;
- (s) "Senate" means the Senate specified in section 21;
- (t) "Syndicate" means the Syndicate specified in section 24;

- (u) "Teacher" includes a Professor, Associate Professor, Assistant Professor, senior registrar and Demonstrator engaged whole-time by the University, college, institute or the institution and such other persons as may be declared as teachers by the regulations;
- (v) "Teaching department" means a teaching department maintained and administered by the University;
- (w) "Vice Chancellor" means the Vice-Chancellor appointed under section 12.

## CHAPTER II

### THE UNIVERSITY

**3. Incorporation.-** (1) The Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad shall be constituted in accordance with the provisions of this Act.

(2) The University shall consist of the Chancellor, the Vice Chancellor, the Pro-Vice-Chancellor and members of the Senate, the Syndicate, and the Academic Council.

(3) The University shall be an autonomous, body corporate by the name of Shaheed Zulfiqar Ali Bhutto Medical University and shall have a perpetual succession and a common seal and may sue or be sued by the said name.

(4) The University shall be competent to acquire and hold property both moveable and immovable and lease, sell or otherwise transfer any moveable or immovable property which vests in or have been acquired by it.

(5) The Pakistan Institute of Medical Sciences Islamabad shall be the Hospital of the Shaheed Zulfiqar Ali Bhutto Medical University.

(6) Consequent upon the creation of the said university order published under sub-section (1), the post/office of the Executive Director, Pakistan Institute of Medical Sciences, Islamabad shall be upgraded to that of the Vice Chancellor, and shall be the 1st Vice-Chancellor.

(7) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in, or held in trust by or for the Pakistan Institute of

Medical Sciences and all liabilities legally subsisting against the said hospital stand transferred to the Shaheed Zulfiqar Ali Bhutto Medical University.

**4. Functions.-** The University shall perform the following functions, namely:—

- (a) to provide for instruction in such teaching subjects, disciplines or branches of learning at graduate or post-graduate level as it may deem fit and to make provision for research, advancement and dissemination of knowledge in such manner as it may determine;
- (b) to prescribe or identify courses of studies to be conducted by it and the faculties;
- (c) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations;
- (d) to confer honorary degrees or other distinctions on persons approved therefore;
- (e) to provide for persons having received education or training in other institutions, such instructions as it may determine, and to award degrees, diplomas or certificates to such persons;
- (f) to confer degrees on persons have carried on independent research under certain conditions;
- (g) to inspect constituent or affiliated colleges or institutions;
- (h) for the purpose of admission to the University, recognize the examination passed and the periods of study sent by students at other universities and places of learning as equivalent to such examinations and periods of study in the University, and to withdraw such recognition in appropriate cases after giving notice to the concerned student;
- (i) to co-ordinate with other universities and public authorities in such manner, and for such purposes as it may determine;

- (j) to create posts of Professors, Associate Professors, Assistant Professors, Senior Registrars and Demonstrators and other posts for research, publication, extension, administration and other related purpose and to appoint persons thereto;
- (k) to confer or award fellowships, scholarships, bursaries, medals and prizes as may be prescribed;
- (l) to establish teaching departments, schools, colleges, faculties, institutes, museums and centers of excellence including area study center and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as may be prescribed;
- (m) to arrange, administer and maintain hostels for students of the University;
- (n) to promote and organize recreational and extra-curricular activities for physical and mental growth, health and fitness of the students;
- (o) to enforce and maintain discipline amongst the students of the University;
- (p) to demand and receive such fees and other charges as may be prescribed;
- (q) to make provisions for research and advisory services and, in relation thereto, enter into arrangements with other institutions or with public bodies as may be deemed necessary;
- (r) to make, amend, alter, vary or rescind agreements, contracts and leases;
- (s) to receive grants, bequests, trusts, gifts, donations, endowments and other contributions made to the University and to make investment thereof, if any, with the permission of the Senate;

- (t) to engage and provide for the printing and publications of research papers and other works for the advancement of medical education; and
- (u) to do all such other acts and things incidental to the aforesaid, as may be necessary for the University as a custodian of medical education, learning and research.

**5. Jurisdiction.-** (1) The University shall exercise the powers conferred on it by or under this Act within Islamabad Capital Territory in respect of such medical colleges and institutions in public or private sector as may apply to the University for exercise of its process:

Provided that Government may, in consultation with the University, by general or special orders, modify the extent and scope of aforesaid powers of the University with regard to the territorial limits, colleges and institutions.

(2) All medical colleges, and health institutions whether in public or private sector excluding the constituent college of a university, located within the Islamabad Capital Territory, whether affiliated with any other university, examination board or medical faculty, notwithstanding anything contained in any other law for the time being in force, shall affiliate with the university within such period and on such condition as may be prescribed.

(3) The Faculty of Medicine, Quaid-i-Azam University shall be transferred to Shaheed Zulfiqar Ali Bhutto Medical University, and all students thereafter will be transferred in one year time.

(4) The University may admit to its privileges, under prescribed conditions and with the consent of such university and approval of the Government, the colleges of medical and health sciences, within the territorial limits of another university, whether inside or outside Pakistan.

(5) An increase in any fee or charge that is in excess of ten per cent per annum on an annualized basis from the last such increase may not be made except in special circumstances, and only with the approval of the Chancellor.

(6) The University shall institute financial aid programmes for students in need on merit basis to the extent considered feasible by the Senate subject to the resources available.

**6. University open to all persons.-** The University shall be open to all persons and no person shall be denied admission or privileges of the University on the basis of sex, caste, color, creed, class, race, religion or status.

**7. Teaching.-** (1) All recognized teaching in various subjects, disciplines or courses shall be conducted by the University, in the manner specified under the regulations and may include lectures, tutorials, discussions, seminars, demonstrations as well as practical work in the laboratories, hospital, workshops and community and other methods of instruction.

(2) The courses and the curricula shall be such as may be prescribed.

### CHAPTER III

#### OFFICERS AND THEIR FUNCTIONS

**8. Principal officers of the University.-** The following shall be the principal officers of the University, namely:—

- (a) the Chancellor;
- (b) the Vice Chancellor,
- (c) the Pro-Vice Chancellor;
- (d) the Deans;
- (e) the Principals of constituent colleges or institutions;
- (f) the Chairman of Teaching Department;
- (g) the Registrar;
- (h) the Controller of Examinations;
- (i) the Treasurer; and
- (j) such other persons as may be prescribed.

**9. Chancellor.-** (1) The President of Islamic Republic of Pakistan shall be the Chancellor of the university and Chairperson of Senate.

(2) The Chancellor or, in his absence, the Pro-Chancellor or in his absence the nominee of the Chancellor shall preside at the convocation of the University and the meetings of the Senate.

(3) Where the Chancellor is satisfied that any order or proceedings of any authority is not in accordance with the provisions of this Act, the rules or the regulations made, he may thereupon, after calling upon such authority to show cause, by order in writing, modify or set aside such order or proceedings, as the case may be.

(4) Any proposal to confer an honorary degree shall be subject to approval of the Chancellor.

(5) The Chancellor shall be competent to approve the rules as may be made and submitted to him by the Senate whereupon he may either approve without modifications or refer them back to the Senate for re-consideration.

(6) The Chancellor may terminate any person from the membership of any authority if he is satisfied that such person:—

- (a) has become of unsound mind; or
- (b) has been incapacitated to function as a member of such authority; or
- (c) has been convicted of charges of corruption or moral turpitude.

**10. Revision of powers of the Chancellor.**— The Chancellor may, on his own motion or otherwise, call for and examine the record of any proceedings in which an order has been passed by any authority for the purpose of satisfying himself as to the correctness, legality or propriety of any finding or order and may pass such orders thereof, as he may deem fit:

Provided that no order under this section shall be passed unless the person to be affected thereby is afforded an opportunity of being heard.

**11. Inspection and inquiry.**— (1) The Chancellor may cause an inspection or inquiry to be made in respect of any matter connected with the University and shall, from time to time, appoint such person or persons as he may deem fit, for the purposes of conducting inquiry or carrying out inspection of—



- 
- (a) the University, its building, laboratories, libraries, museums, workshops and equipment;
  - (b) any institution, college, hospital or hostel maintained by the University;
  - (c) the teaching and other work conducted by the University; and
  - (d) the conduct of examinations held by the University:

Provided that the Chancellor shall, in every such case, intimate the Syndicate of his intention to cause an inspection or inquiry to be made.

(2) The Chancellor shall forward to the Syndicate the report of such inspection or inquiry and shall, after ascertaining the views of the Syndicate thereon, communicate to it the action to be taken.

(3) The Syndicate shall communicate to the Chancellor such action, if any, as has been taken or may be proposed to be taken upon the results of the inspection or inquiry and such communication shall be submitted to the Chancellor within such time as may be required or specified by him.

(4) Where the Syndicate does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue directions to the Vice-Chancellor as he thinks fit and the Vice-Chancellor shall other comply such directions or cause the compliance thereof.

**12. Vice Chancellor.-** (1) The first Vice-Chancellor shall be incumbent Executive Director, Pakistan Institute of Medical Sciences and the search committee shall finalize the appointment of the regular Vice-Chancellor within six months.

(2) The Vice-Chancellor shall have qualification prescribed by Pakistan Medical and Dental Council at Level I and Level III MS or MD or FCPS or equivalent with fifteen years teaching experience and must have produced ten research papers in Pakistan Medical and Dental Council or Higher Education Commission recognized journals.

(3) The Government shall constitute, for a term of two years, a Search Committee consisting of not less than three and not more than five members for making recommendations for appointment of the Vice-Chancellor.

(4) The Search Committee shall follow the HEC's procedure for selection of the panel for the post of the Vice-Chancellor, and will be notified by the Federal Government.

(5) The Search Committee shall recommend to the Federal Government, a panel of three persons who, in its opinion, are suitable for appointment as the Vice-Chancellor.

(6) The Chancellor shall appoint the Vice-Chancellor for each term of four years but he shall serve during the pleasure of the Chancellor.

(7) The Government shall determine the terms and conditions of service of the Vice-Chancellor,

(8) The incumbent Vice-Chancellor shall not be allowed any extension in his tenure but subject to eligibility he may again compete for the post of the Vice-Chancellor accordance with the procedure prescribed by or under this section.

(9) If the office of the Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to perform the functions of the Vice-Chancellor owing to any cause, the Pro-Vice-Chancellor shall perform the functions of the Vice-Chancellor but, if at any time, the office of Pro-Vice-Chancellor is also vacant or the Pro-Vice-Chancellor is absent or is unable to perform the functions of the Vice-Chancellor owing to any cause, the Chancellor shall make such temporary arrangements for the performance of the duties of the Vice-Chancellor as he may deem fit, for not more than a period of three months.

**13. Powers and functions of Vice-Chancellor.**- (1) Subject to sections 22 and 24, the Vice-Chancellor shall be the chief executive of the University and exercise administrative control over all its officers, teachers and employees; and shall ensure the enforcement of the provisions of this Act, the rules and the regulations made thereunder.

(2) The Vice-Chancellor may teach and undertake clinical assignments in the University and its attached hospital for academic purposes but shall not undertake any private practice inside or outside the premises of the University.

(3) The Vice Chancellor may—

(a) Place on deputation the services of any officer, teacher or any other employee of the University at the disposal of the

Federal Government or such other university or institution, for such period and on such terms and conditions as may be agreed with the borrowing agency:

Provided that such terms and conditions shall not be less favorable than those admissible to him immediately before his transfer on deputation; and

- (b) make appointment to any post in the University, whether as a teacher or otherwise from persons in the civil government service of Pakistan or from officers, teachers or other employees of any other public sector university or institution as recommended by the Government:

(4) Subject to such conditions as may be prescribed, the Vice-Chancellor may, in an emergency, take an action which is not otherwise in the competence of the Vice-Chancellor but is in the competence of any other Authority.

(5) The Vice-Chancellor shall, within seven days of taking an action under sub-section(4), submit a report, of the action taken to the members of the Syndicate; and, the Syndicate shall, within forty five days of such an action of the Vice-Chancellor, pass such orders as the Syndicate deems appropriate.

(6) the Vice-Chancellor shall perform the following functions:—

- (a) preside at the meetings of the authorities or bodies except the Senate notwithstanding any other nomination by the Chancellor;
- (b) fill temporary posts for a period not exceeding one year;
- (c) sanction all expenditure provided for in the approved budget, and to re-appropriate funds within the same major head of expenditure;
- (d) sanction the re-appropriation of an amount not exceeding five hundred thousand rupees for an unforeseen but permissible item not provided for in the budget, and report it to the Syndicate at the next meeting;

- (e) appoint experts to set question papers and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (f) make such arrangements for the security of examination papers, marks and results as he may consider necessary;
- (g) direct teachers, officers and other employees of the University to take up such assignments in connection with teaching, research, examinations, administration and such other activities in the University as he may, in its interest, consider necessary in consultation with the Dean concerned;
- (h) delegate, subject to such conditions, if any, as may be prescribed, any of his powers under this Act, to any officer of the University;
- (i) appoint employees up to the scale of pay equivalent to BPS 18:

Provided that all appointments equivalent to BPS 17 and BPS 18 shall be made on the recommendations of the Selection Board; and

- (j) suspend, expel or rusticate students of the University on the recommendations of the Discipline Committee.

**14. Pro-Vice-Chancellor.-** (1) The Vice-Chancellor shall nominate the Pro-Vice Chancellor of the University, from amongst a panel of three faculty members of the University, for a term of three years.

(2) The Pro-Vice-Chancellor shall perform such functions as may be assigned to him under this Act, statutes or regulation made thereunder.

(3) The Syndicate or the Vice-Chancellor may assign any other functions to the Pro-Vice-Chancellor in addition to his duties as specialist.

**15. Registrar.-** (1) The Registrar shall be appointed by the Vice-Chancellor on the recommendations of Syndicate on such terms and conditions as may be prescribed in the statutes.

- (2) the Registrar shall—

- (a) be the custodian of the common seal and the academic records of the University;
- (b) maintain a register of registered graduates in the prescribed manner;
- (c) initiate and process nomination of members to the various authorities in the manner as may be prescribed; and
- (d) perform such other duties as may be prescribed.

**16. Controller of Examinations.-** (1) The Controller of Examinations shall be appointed by the Vice-Chancellor on recommendations of syndicate on such terms and conditions as may be prescribed in the statutes.

(2) The Controller of Examinations shall be responsible for the conduct of examinations and all matters connected therewith including formation of multiple choice questions (MCQs) bank, maintenance of secrecy of examination, tabulation of results and perform such other duties as may be prescribed.

**17. Treasurer.-** (1) The Treasurer shall be a whole-time officer and shall be appointed by the Vice-Chancellor on the recommendations of the Syndicate, on such terms and conditions as may be prescribed in the statutes,

(2) the Treasurer shall be responsible to—

- (a) manage property, finances and investments of the University;
- (b) prepare annual and revised budget estimates of the University and present them to the Finance and Planning Committee, the Syndicate and the Senate;
- (c) ensure that the funds of the University are utilized for the purposes for which they are provided; and
- (d) perform such other duties as may be prescribed.

**18. Auditor.-** The Auditor shall be taken from the office of the Auditor General of Pakistan being in BPS 20 on deputation basis on such terms and conditions as determined by Syndicate.

**19. Other officers and staff members.-** (1) Subject to the provisions of this Act, the University may employ such officers and employees in its service as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

(2) The existing Government employees of the Pakistan Institute of Medical Sciences Islamabad may, within six months of the order made under section 3, opt to be employees of the University:

Provided that the terms and conditions of service of all persons serving in connection with the affairs of any institution, institute, or teaching department in any capacity where transferred or so transferred to the University shall be determined by the Federal Government in the manner as may be prescribed:

Provided further that such terms and conditions shall not be less favorable than those admissible to them immediately before their transfer.

(3) Any question arising under the provisos to sub-section (2) shall be referred to the Federal Government and the decision of the Federal Government on such question shall be final. Until the rules regulating the services of the employees of the University are made, all service rules as are applicable to employees under the Civil Servants Act, 1973 (LXXI of 1973) shall apply to the employees of the University in so far as they are not inconsistent with the provisions of this Act

#### CHAPTER IV

#### AUTHORITIES AND THEIR FUNCTIONS

**20. Authorities.-** The following shall be the authorities of the University, namely:—

- (a) the Senate
- (b) the Syndicate
- (c) the Academic Council;
- (d) the Board of Faculty;
- (e) the Board of Studies;
- (f) the Selection Board;

- (g) the Advanced Studies and Research Board;
- (h) the Performance Audit and Vigilance Committee;
- (i) the Finance and Planning Committee;
- (j) the Discipline Committee; and
- (k) such other authorities as may be prescribed.

**21. Senate.-** (1) The Senate shall consist of—

- (a) the Chancellor;
- (b) two members of the Senate of Pakistan including one from ICT, to be nominated by the Chairman Senate of Pakistan;
- (c) two members of the National Assembly of the Pakistan including one from ICT to be nominated by the Speaker of the National Assembly of the Pakistan;
- (d) the Vice Chancellor;
- (e) the Pro-Vice Chancellor;
- (f) the Secretary Capital Administration and Development;
- (g) one representative of Higher Education Commission;
- (h) the Principals of constituent college or institutes;
- (i) the Chairmen of the teaching departments;
- (j) the Registrar;
- (k) the Controller of Examinations;
- (l) the Director or Administrator of University hospitals;
- (m) the Principal of affiliated college;

(2) The Chancellor or in his absence the nominee of the Chancellor shall preside or act as the chairperson of the Senate.

(3) The members of the Senate, other than *ex-officio* members, shall hold office for a period of three years.

(4) The member of the Senate other than the *ex-officio* member may under his hand tender his resignation to the Chancellor.

(5) The Senate shall meet at least twice each year on dates to be fixed by the Vice-Chancellor with the consent of the Chancellor.

(6) The quorum for the meeting of the Senate shall be one-third of the total number of its members, a fraction being counted as one.

**22. Powers and functions of the Senate.-** The Senate shall be the highest administrative and executive body of the University and shall, subject to the provisions of this Act and the rules, have the powers to discharge the following functions, namely:—

- (a) consider the draft of rules proposed by the Syndicate and deal with them in the manner specified in sub-section (2) of section 30;
- (b) consider and pass resolutions on the annual report, annual statement of accounts and the annual and revised budget estimates submitted by the Syndicate;
- (c) appoint or nominate members to the Syndicate and other authorities in accordance with the provisions of this Act;
- (d) delegate any of its powers to an authority or officer or a committee or sub-committee; and
- (e) perform such other functions as may be prescribed.

**23. Visitations.-** The Senate may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the University.

**24. Syndicate.-** (1) The Syndicate shall consist of—

- (a) the Vice-Chancellor (Chairman);
- (b) two members of the Senate of Pakistan including one from ICT, to be nominated by the Chairman Senate of Pakistan;



- (c) two members of the National Assembly of the Pakistan including one from ICT to be nominated by the Speaker of the National Assembly of the Pakistan;
- (d) the Pro-Vice Chancellor;
- (e) the representative of administrative ministry not below the rank of additional secretary;
- (f) one representative of Higher Education Commission;
- (g) the Chairman of the Hospital Management Committee;
- (h) the heads of the constituent and affiliated colleges or institutes;
- (i) two Deans to be nominated by the Senate;
- (j) two faculty members to be nominated by the Vice-Chancellor;
- (k) two nominees of the Chancellor;
- (l) Registrar;
- (m) the Vice-Chancellor, Quaid-e-Azam University, Islamabad;

(2) the members of the Syndicate, other than *ex-officio* members, shall hold office for a period of three years.

(3) the quorum for a meeting of the Syndicate shall be one-third of the total number of its members, a fraction being counted as one.

(4) the Registrar shall act as the Secretary of Syndicate.

**25. Powers and functions of Syndicate.-** The Syndicate shall be the executive body of the University and shall, subject to the provisions of this Act, the rules and the regulations made thereunder, have the powers to discharge the following functions, namely:—

- (a) take effective measures to raise the standards of medical teaching, research and publication in the light of national priorities;

- (b) administer and manage the property and funds of the University;
- (c) govern and regulate the finances, accounts and investments of the University and for that purpose to appoint such agents as it may think fit subject to any advice tendered by the Finance and the Planning Committee in this behalf;
- (d) prepare the annual report, the annual and revised budget estimates and to advise the Senate thereon, and to re-appropriate funds;
- (e) execute sale, purchase and transfer of movable or immovable property on behalf of the University;
- (f) make, modify, vary, and rescind contracts on behalf of the University;
- (g) cause proper books of accounts to be maintained and kept for all sums of money received and expended in relation to all assets and liabilities of the University;
- (h) invest any money relating unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882), in the purchase of immovable property or in such other manner as it may determine, with the like power varying such Investments;
- (i) receive and manage any property transferred, grants, bequests, trusts, gifts donations, endowments and other contributions made to the University;
- (j) administer any funds placed at the disposal of the University for specified purposes;
- (k) determine the form and the manner of custody and the regulation of use of common seal of the University;
- (l) provide the buildings, libraries, premises, furniture, apparatus, equipment and other required items for carrying out the work of the University;

- (m) establish and maintain hostels or lodgings for the residence of students;
- (n) create or abolish such administrative, research or other posts as may be necessary;
- (o) appoint teachers and other officers on the recommendations of the Selection Board for teaching and other posts equivalent to BPS-19 or above and determine their terms and conditions of appointment including fixation of pay, etc.;
- (p) appoint Professor Emeritus on such terms and conditions as may be prescribed;
- (q) confer honorary degrees in accordance with the conditions as may be prescribed;
- (r) determine the duties of officers, teachers and other employees of the University;
- (s) suspend, punish and remove from service in the manner as may be prescribed such officers, teachers and other employees appointed by the Syndicate;
- (t) submit annual report to the Senate and furnish such information as it may call for;
- (u) appoint or nominate members to the various authorities in accordance with the provisions of this Act;
- (v) propose draft rules for submission to the Senate;
- (w) consider draft regulations under sub-section (1) of section 30, provided that the Syndicate may make regulations at its own initiative or in consultation with the Academic Council;
- (x) recommend a panel of three names of the persons to be appointed as Director or Administrator of an attached hospital; and

- (y) regulate, determine and administer all other matters and perform such other functions as have been assigned to it by this Act, the rules and the regulations made thereunder.

**26. Academic Council.-** (1) The Academic Council shall consist of:—

- (a) the Vice-Chancellor (Chairman);
- (b) the Pro-Vice Chancellor;
- (c) the Deans;
- (d) the Principals of constituents colleges or institutions;
- (e) the principals or Directors of affiliated colleges or institutes;
- (f) the University Professors including Professors Emeritus;
- (g) the Chairmen of all teaching departments;
- (h) two Associate Professors to be nominated by the Vice-Chancellor; and
- (i) two Assistant Professors to be nominated by the Vice-Chancellor.

(2) The members as may be appointed by nomination shall hold office for three years.

(3) The quorum for a meeting of the Academic Council shall be one-third of the total number of its members, a fraction being counted as one.

**27. Functions of the Academic Council.-** (1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act and the rules made thereunder, have the powers to discharge the following functions, namely:—

- (a) advise the Syndicate on academic matters;
- (b) regulate the conduct of teaching, research, publication and examinations;

- (c) regulate the admission of students to the courses of studies and examinations in the University;
- (d) regulate the conduct and discipline of the students of the University;
- (e) propose to the Syndicate scheme for the constitution and organization of faculties, teaching departments and Board of Studies;
- (f) consider or formulate proposals for the planning and development of teaching and research in the University;
- (g) make regulations on the recommendation of the Board of Faculty and the Boards of Studies, prescribing the courses of studies, the syllabi and the out-line of tests for all University examinations, provided that if the recommendations of the Board of Faculty or a Board of Studies are not received by the prescribed date, the Academic Council may, subject to the approval of the Syndicate, continue for the next year the courses of studies already prescribed for an examination;
- (h) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the University;
- (i) regulate the award or studentships, scholarships, medals and prizes;
- (j) frame regulations for submission to the Syndicate;
- (k) appoint or nominate members to the various authorities in accordance with the provisions of this Act; and
- (l) perform such other functions as may be prescribed.

**28. Constitution, functions and powers of the authorities.-** The constitution, functions and powers of the authorities for which no specific provision has been made in this Act shall be such as may be prescribed.

**29. Appointment of committees by certain authorities.-** The Senate, the Syndicate, the Academic Council, and other authorities may, from time to

time, appoint such standing, special or advisory committees as it may deem fit and may nominate such persons on these committees as are not members of the authorities appointing the committees.

## CHAPTER V

### RULES AND REGULATIONS

**30. Rules.-** (1) The Senate may, subject to the provisions of this Act, make rules for providing certain terms and conditions to regulate all or any of the following matters, namely:—

- (a) the scales of pay and, except matters relating to discipline, other terms and conditions of service of officers, teachers and other employees of the University;
- (b) the constitution of pension, insurance, gratuity, provident fund and benevolent fund for University employees, provided such rules are not repugnant to the general policy of the Federal Government;
- (c) the maintenance of the register of registered graduates;
- (d) the establishment of faculties, institutes, colleges and other academic divisions;
- (e) the power and duties of officers and teachers;
- (f) conditions under which the University may enter into arrangements with other institutions nationally or internationally or with public bodies for purposes of research and advisory services;
- (g) conditions for appointment of Professors Emeritus and award of honorary degrees; and
- (h) the general scheme of studies including the duration of courses and the number of subjects and papers for examinations.

(2) Every proposal relating to matters specified in sub-section (1) shall be initiated by the Syndicate which shall cause the proposed draft to be laid before

the Senate which may either pass with or without modifications as it may deem fit, or may reject it:

Provided that the Syndicate shall not propose such draft as may affect the constitution or powers of any authority of the University, until such authority has been given an opportunity of expressing an opinion in writing upon the proposals contained therein.

**31. Regulations.-** (1) The Syndicate may, subject to the provisions of this Act and the rules, make regulations for regulating all or any of the following matters, namely:—

- (a) courses of study for degrees, diplomas and certificates of the University;
- (b) manner in which the recognized teaching referred to in sub-section (1) of section 7 shall be organized and conducted;
- (c) admission of students to the University;
- (d) conditions under which students shall be admitted to the courses and the examinations of the University and shall become eligible for the award of degrees, diplomas and certificates;
- (e) conduct of examinations;
- (f) fees and other charges to be paid by students for admission to the courses of study and the examinations of the University;
- (g) conduct and discipline of students of the University;
- (h) conditions of residence of the students of the University or the colleges, including the levying of fees for residence, hostels and lodges;
- (i) use of hostels and lodges;
- (j) conditions under which a person should carry an independent research to entitle him to a degree;
- (k) institution of fellowships, scholarships-medals and prizes;

- (1) institution of stipends and free and half-free studentships;
- (m) academic costume;
- (n) use of the library;
- (o) formation of teaching departments and Board of Studies; and
- (p) to lay down all other matters specified by this Act and the rules made thereunder;

(2) Every proposal relating to matters specified in sub-section (1) shall be prepared by the Academic Council and laid before the Syndicate which may approve without modifications or refer back to the Academic Council for re-consideration.

## CHAPTER VI

### UNIVERSITY FUND

**32. Fund.-** (1) There shall be established a University fund to which shall be Credited grants received from the Federal and Provincial Governments including an initial grant of fifty million rupees by the Federal Government. All income from fees, donations, trusts, bequests, endowments, contributions and grant-in-aid from any source shall be credited to the University fund.

(2) The fund shall be Kept in such custody, form and manner as may be determined by the Government.

**33. Recovery of dues.-** The University or any person generally or especially authorized by it may apply to the Collector for recovery of any sum accrued to it under any bond and the Collector shall thereupon proceed to recover the sum due, as if it were arrears of land revenue.

**34. Property and assets.-** (1) The present Movable and immovable assets and funds owned and possessed by the Pakistan Institute of Medical Sciences Islamabad, and associated faculties shall be deemed to be the assets of the University.

(2) All future assets movable and immovable including land and funds as may be acquired by the University shall become the property of the University.



**35. Audit and accounts.-** (1) The accounts of the University shall be maintained in such form and manner as may be laid down by the Federal Government.

(2) The audit of accounts, stores and stocks of the University shall be conducted by the authority or agency as may be determined by the Federal Government.

(3) The annual statement of the accounts of the University signed by the Treasurer and the Auditor shall be submitted to the Federal Government within six months of closing of the financial year.

(4) The observations of the Auditor or auditing agency, together with such annotations as the Treasurer may make, shall be presented to the Syndicate.

## CHAPTER VII

### GENERAL PROVISIONS

**36. Retirement.-** An officer, other than the Vice-Chancellor, teacher or other employee of the University shall have the right to retire from service on such date, after he has completed twenty-five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct or where no direction is given, on the completion of sixtieth year of his age.

*Explanation.-* In this section "competent authority" means the appointing authority or a person duly authorized by the appointing authority in that behalf, not being a person lower in rank to the officer, teacher, or other employee concerned.

**37. Pension etc.-** (1) The University shall constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such pension, insurance, gratuity, provident fund and benevolent fund schemes as it may deem fit, provided these are not repugnant to the general policy of the Federal Government.

(2) Where any provident fund is constituted under this Act, the provisions of the Provident Fund Act, 1925 (XIX of 1925), shall apply as if it were the Federal Government Provident Fund.

**38 Filling of casual vacancies in authorities.-** (1) Any casual vacancy among the appointed or nominated members of any authority shall be

filled within three months and may be made by the person or persons, or the body who appointed or nominated the member whose place has become vacant.

(2) Any member so appointed or nominated under sub-section (1) shall continue to be a member of such authority for the unexpired term for which the person whose place he fills would have been a member.

**39. Dispute about membership of authorities.-** Every question or dispute as to whether any person is entitled to be a member of any authority, or otherwise, shall be referred to a committee constituted by the Senate.

**40. Proceeding of authorities not invalidated by vacancies.-** No act, proceeding, resolution or decision of any authority shall be invalid by reason of any vacancy therein or invalidity of appointment or nomination of any *de-facto* member of the authority.

**41. Amendment of schedule.-** The Federal Government may, by notification in the official Gazette, amend the schedule.

**42. Removal of difficulties.-** If any difficulty arises in giving effect to any provisions of this Act, the Chancellor may, on the recommendation of the Vice-Chancellor through syndicate, issue such orders or directions as may not be inconsistent therewith for removing such difficulty:

Provided that no order shall be passed under this section after eighteen months of the commencement of this Act.

**SCHEDULE**

[see-section 2 (g)]

1. **Faculties.**- The University shall have the following faculties, namely:—

- (a) Medicine and allied disciplines;
- (b) Surgery and allied disciplines;
- (c) Dentistry and allied disciplines;
- (d) Basic Medical Sciences (non-clinical sciences)
- (e) Nursing and allied Health Sciences.

2. **Board of Faculty.**- (1) There shall be a Board of Faculty for each department which shall consist of—

- (a) the Dean;
- (b) the Chairman and all Professors of the faculty;
- (c) one Associate Professor and one Assistant Professor to be appointed by rotation in order of seniority from each teaching department constituted in the faculty; and
- (d) three teachers to be nominated by the Vice-Chancellor by reason of their specialized knowledge of the subjects which, though not assigned to the faculty, have in the opinion of Vice-Chancellor, important bearing on the subjects assigned to the faculty.

(2) The members mentioned in clauses (c) and (d) of sub-paragraph (1) shall hold office for two years.

(3) The quorum for a meeting of the Board of Faculty shall be one-third of the total number of members, fraction being counted as one;

(4) The functions of the Board of Faculty shall, subject to the general control of the Academic Council and the Syndicate;

- (a) to co-ordinate the teaching, publication and research work in the subjects assigned to the faculty;
- (b) to scrutinize the recommendations of the Board of Studies comprised in the faculty;
- (c) to consider any other academic matter relating to the faculty and to report thereon to the Academic Council; and
- (d) to perform such other functions as may be assigned by the Academic Council or the Syndicate.

**3. Dean.-** (1) There shall be a Dean of each faculty, who shall be the Chairman and Convener of the Board of Faculty.

(2) The Dean shall be appointed by the Syndicate from amongst Professors in the faculty.

(3) The Dean shall hold office for three years.

(4) The Dean shall ensure proper enforcement and implementation of the rules and regulations relating to various departments.

(5) The Dean shall coordinate the work of the Board of Studies and the Advanced Studies and Research Board in various departments.

(6) The Dean shall advise the Vice-Chancellor on matters related to teaching, research, academic programs, extension and other developmental projects.

(7) The Dean shall perform such other duties and exercise such administrative and academic powers as may be delegated to him.

(8) The Dean shall be responsible for quality assurance of the courses run under its Faculty.

**4. Teaching department, etc.-** (1) There shall be a teaching department or institute for each subject or a group of subjects, as may be provided under the regulations, and each teaching department or institute shall be headed by a Chairman or the Director, as the case may be.

(2) The Chairman or the Director shall be appointed by the Syndicate for a term of two years from amongst the first three senior most teachers in the department or institute, as the case may be.

(3) The Chairman or the Director, as the case may be, shall plan, organize and supervise the work of the department or institute and shall be responsible to the Dean for the work of his department or institute.

**5. Board of Studies.-** (1) There shall be a separate Board of Studies for each faculty.

(2) Each Board of Studies shall consist of—

- (a) the Dean of Faculty;
- (b) all Professors and Associate Professors of the faculty;
- (c) one teacher other than the Professor or Associate Professor to be appointed by the Vice-Chancellor;
- (d) three teachers other than University teachers to be appointed by the Academic Council; and
- (e) one expert to be appointed by the Vice-Chancellor.

(3) The term of office of members of the Board of Studies, other than *ex-officio* members, shall be three years.

(4) The quorum for meetings of the Board of Studies shall be one-third of the total number of members, a fraction being counted as one.

(5) The Dean of Faculty shall be the Chairman and Convener of the Board of Studies

**6. Functions of Board of Studies.-** The functions of the Board of Studies shall be to—

- (a) Advise the authorities on all academic matters connected with instruction, publication, research and examination in the subject or subjects concerned;
- (b) propose curricula and syllabi for all degree, diploma and certificate courses in the subject or subjects concerned;

- (c) suggest a panel of experts for setting examination papers and examiners in the subject or subjects concerned; and
- (d) perform such other functions as may be specified in the regulations.

**7. Advanced Studies and Research Board.-** (1) The Advanced Studies and Research Board shall consist of the following members, namely:-

- (a) the Vice-Chancellor (Chairman);
- (b) the Deans;
- (c) three Professors other than Deans to be appointed by the Syndicate;
- (d) three teachers having research qualifications and experience to be appointed by the Academic Council; and
- (e) three teachers from colleges having research qualifications to be appointed by the Academic Council.

(2) The term of office of members of the Advanced Studies and Research Board, other than *ex-officio* members, shall be three years.

(3) The quorum for a meeting of the Advanced Studies and Research Board shall be one-third of the total number of members, a fraction being counted as one.

**8. Functions of Advanced Studies and Research Board.-** The functions of the Advanced Studies and Research Board shall be to—

- (a) advice the authorities on all matters connected with the promotion of advanced studies and research in the University;
- (b) consider and report to the authorities on the institution of research degrees in the University;
- (c) propose regulations regarding the award of research degrees;

- (d) appoint supervisors for research studies and to determine the subjects of their thesis;
- (e) recommend panels of names of experts for setting examination papers and examiners for research and examinations after considering the proposals of the Board of Studies in this behalf; and
- (f) perform such other functions as may be specified in the regulations.

**9. Selection Board.-** (1) The Selection Board shall consist of—

- (a) The Vice-Chancellor (Chairman);
- (b) The Registrar;
- (c) The Chairman Board of Studies;
- (d) The Dean concerned;
- (e) one member of the Senate to be nominated by the Chancellor;
- (f) Pro-Vice-Chancellor;

(2) The term of office of members of the Selection Board, other than *ex-officio* members, shall be three years.

(3) The quorum of the Selection Board shall be one-third of total number of members:

Provided that no member who is a candidate for the post to which appointment is to be made shall take part in the proceedings of the Board.

**10. Functions of the Selection Board.-** The Selection Board shall consider the applications received in response to advertisement for the posts in BPS 17 and above and recommend the names of suitable candidates for appointment to teaching or other posts to the Vice-Chancellor in case of appointment to posts in BPS 17 and BPS 18, and to the Syndicate in case of appointment to posts in BPS 19 and above and may also recommend the grant of a higher initial pay in a suitable case for reasons to be recorded.

**11. Performance Audit and Vigilance Committee.-** The Performance Audit and Vigilance Committee shall consist of—

- (a) the Vice-Chancellor (Chairman);
- (b) the director or administrator of the hospital; and
- (c) the dean of respective faculty;

**12. Functions of Performance Audit and Vigilance Committee.-** The Performance Audit and Vigilance Committee shall, subject to rules and regulations, perform the following functions, namely:—

- (a) lay down parameters for performance audit and efficiency of the teachers with the approval of the Syndicate;
- (b) recommend to the Syndicate cases of repatriation, promotions including accelerated promotions, grant of special pay, etc., and removal from service of teachers; and
- (c) perform such other functions as may be assigned by the Syndicate.

**13. Finance and Planning Committee.-** (1) The Finance and Planning Committee shall consist of—

- (a) the Vice-Chancellor (Chairman);
- (b) the representative of Planning Commission not below the rank of a member;
- (c) one member of the Senate to be appointed by the Senate;
- (d) one member of the Syndicate to be appointed by the Syndicate;
- (e) the representative of administrative ministry, not below the rank of an Additional Secretary;
- (f) the representative of Ministry of Finance not below the rank of an Additional Secretary;



- (g) two members of the Academic Council to be appointed by the Academic Council;
- (h) one Professor to be appointed by the Vice-Chancellor;
- (i) one nominee of the Chancellor from amongst the legal profession, philanthropist or social workers;
- (j) the director or administrator of the attached hospitals;
- (k) the Registrar; and
- (l) the Treasurer.

(2) The term of office of the members of the Finance and Planning Committee, other than the *ex-officio* members, shall be three years.

(3) The quorum for a meeting of the Finance and Planning Committee shall be one-third of the total number of its members.

**14. Functions of Finance and Planning Committee.-** The functions of the Finance and Planning Committee shall be to—

- (a) consider the annual statement of accounts and the annual and revised budget estimates and advise the Syndicate thereon;
- (b) review periodically the financial position of the University;
- (c) advise the Syndicate on all matters relating to planning, development, finances, investments and accounts of the University;
- (d) raise funds; and
- (e) perform such other functions as may be prescribed.

**15. Discipline Committee.-** (1) The Discipline Committee shall consist of—

- (a) four Faculty members including its Chairman to be nominated by the Vice-Chancellor; and

(b) the teacher or officer-in-charge of students' affairs by whatever name called who shall be its Secretary.

(2) the term of office of the members of the Discipline Committee, other than *ex-officio* members, shall be two years.

(3) The quorum for a meeting of the Discipline Committee shall be three members including its chairman.

**16. Functions of Discipline Committee.-** The functions of the Discipline Committee shall be to—

- (a) deal with all inter-institute cases of indiscipline in the University;
- (b) propose regulations to the Academic Council relating to the conduct and discipline of University students;
- (c) recommend to the Vice-Chancellor, the suspension, expulsion or rustication of the student on the basis of inquiry conducted under the rules or the regulations; and
- (d) perform such other functions as may be prescribed.

**17. Curriculum Development Committee.-** The Curriculum Development Committee shall consist of—

- (a) the Vice-Chancellor (Chairman);
- (b) the Deans; and
- (c) the Chairperson whose curriculum is to be modified.

**\*THE ABOLITION OF THE  
DISCRETIONARY QUOTAS IN  
HOUSING SCHEMES ACT, 2013**

[2nd May, 2013]

ACT No. XXI OF 2013

*An Act to provide for the abolition of all discretionary  
quotas in housing schemes in the public sector*

WHEREAS it is expedient to abolish all discretionary quotas in housing schemes in the public sector so that allotments therein are made in a fair, equitable and transparent manner;

It is hereby enacted as follows:—

**1. Short title and commencement.-** (1) This Act may be called the Abolition of the Discretionary Quotas in Housing Schemes Act, 2013.

(2) It extends to Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) “discretionary quota in housing schemes” means those plots in a housing scheme which are reserved or earmarked for allotment by a designated authority to persons selected by such authority on arbitrary or subjective considerations, whether or not any preliminary eligibility criteria have been specified for such allotment;

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\* The Act received the assent of the President on 29th April, 2013 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 2nd May, 2013, at pages 295-297.

- (b) "housing scheme in the public sector" means any scheme for development and allotment through ballot, sale or other means of residential, commercial, amenity and other plots which is wholly or partially owned, controlled, managed or financed by any authority or body established by, or persons employed by, or receiving pension from, the Federal Government or any of its attached or subordinate department or agencies or state-owned enterprises, or in which any public funds are invested or properties are involved, directly or indirectly, or for which land is made available by the Government or compulsorily acquired under any law; and
- (c) "person" includes any individual, firm, company, body corporate or other entity.

**3. Abolition of discretionary quotas.-** (1) Notwithstanding anything contained in any law, rule, regulation, bye-law, memorandum or articles of association, plan, policy, programme, project or scheme, whether or not approved by any authority, all discretionary quotas in any housing scheme in the public sector shall stand abolished with immediate effect:

Provide that nothing contained herein shall apply to allotment of plots, in accordance with transparent rules, to widows or to persons in the service of Pakistan who become permanently disabled, or to legal heirs of such persons who die, in the discharge of their duties or performance of their functions.

(2) The plots released from the discretionary quotas abolished under sub-section (1) shall be allotted in a fair, equitable and transparent manner alongwith all other plots in the housing scheme.

**4. Act to override all other laws etc.-** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, rule, regulation, bye-law, memorandum or articles of association, agreement, contract, decree, order or any other instrument whatsoever for the time being in force.

**<sup>1</sup>THE PROHIBITION OF NON-  
DEGRADABLE PLASTIC PRODUCTS  
(MANUFACTURING, SALE AND USAGE)  
REGULATIONS, 2013**

[23rd January, 2013]

**S.R.O. 5(KE)/2013:**

In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with clause (xxxiii) of section 2 thereof, the Federal Agency, with approval of the Federal Government is pleased to make the following regulations, namely:—

**1. Short title, application and commencement.-** (1) These Regulations may be called the Prohibition of Non-degradable Plastic Products (manufacturing, sale and usage) Regulations 2013.

(2) These Regulations apply to the Islamabad Capital Territory.

(3) They shall come into force on 1st April, 2013.

**2. Definitions.-** In these Regulations, unless the context otherwise requires,-

(a) "Act" means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);

(b) "authorized officer" means a person authorized in writing for the purposes of these regulations by the Director General;

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Karachi, dated 26th January, 2013, at pages 9-12.

- (c) "Director General" means the Director General of the Pakistan Environmental Protection Agency and any person authorized by him in writing to act on his behalf;
- (d) "distribute" means to make any plastic product directly or indirectly available to users or intermediaries, with or without charge;
- (e) "non-degradable plastic product" means a plastic product that is not a product defined in clause (f);
- (f) "oxo-biodegradable plastic product" means a product made of polymer containing a pro-degradant additive supplied by an additive supplier registered with the Agency;
- (g) "oxo-biodegradation" means degradation resulting from oxidative and cell mediated phenomena, either simultaneously or successively;
- (h) "pro-degradant additive" means a chemical formulation containing a transition metal salt, except cobalt, which will cause the polymer to degrade by a process of oxo-biodegradation;
- (i) "person" includes a company or institution;
- (j) "scheduled plastic product" means all disposable plastic products, including those listed in the Schedule and made wholly or substantially of polyethylene or polypropylene or polystyrene;
- (k) "stockpile" means to store for the purpose of trade or distribution;

**3. Prohibition of manufacture, sale and use of non-degradable scheduled plastic products.-** (1) No person shall import, manufacture, stockpile, trade, supply, distribute, sell or use any scheduled plastic product which is non-degradable.

(2) Any license or permission for the manufacture, sale, importation or distribution of non-degradable plastic products issued under any law before the commencement of these regulations shall cease to be effective and no holder of any such license or permission shall commence or carry on business of

**The Prohibition of Non-Degradable Plastic Products Regulations, 2013 1045**

manufacturing, selling, importing or distributing non-degradable scheduled plastic products.

**4. Authorization.-** No pro-degradant additive shall be sold, distributed or imported by any company or manufacturer of scheduled plastic product without registration with the Agency. In order to obtain the registration of pro-degradant additive from the Agency, the applicant shall submit the following documents as a minimum namely

- (a) test certificates for additive from independent third party laboratory that is accredited in accordance with ISO 17025. Tests must be carried out in accordance with the test methods prescribed by Pakistan Standards and Quality Control Authority (PSQCA) / ASTM D-6954 - 04 standard and the reports must clearly state the percentage of pro-degradant additive which must be consistent for all the tests namely degradation, bio-degradation and eco-toxicity;
- (b) certificate of membership of Oxo-biodegradable Plastics Association, and
- (c) certificate of ISO 9001 and ISO 14001 accreditation.

(2) Oxo biodegradable carry bags and containers made of virgin plastic shall be in a natural shade or white and containers used for purposes other than storing and packaging foodstuffs shall be manufactured using pigments and colorants as per ISO 787/1-1982. Entitled "General Methods of Test for Pigments and Extenders". No scheduled plastic product shall be made in black color except for garbage sacks.

(3) Recycled scheduled plastic products shall be marked "Recycled plastic, unsafe for contact with food".

**5. Identification.-** All scheduled plastic products made with oxo-biodegradable plastic and all packaging in which such products are offered for sale, shall be prominently marked "Oxo-biodegradable" and shall bear the identifying mark or logo of the supplier of the pro-degradant additive.

**6. Enforcement.-** (1) An authorized officer may, by notice in writing, require a person to supply him within fifteen days with such samples, certificates, records and information as he may reasonably require for the purpose of ascertaining whether that person is complying with the provisions of these regulations.

(2) Where an authorized officer has reasonable grounds to believe that a person has contravened any regulation, he may proceed against the offender in accordance with section 16 of the Act.

7. **Penalty.**- Whosoever contravenes provisions of regulations 3 and 5 shall be punishable under section 17 of the Act.

8. **Appeal.**- (1) Any person, aggrieved by any action taken under regulation 6, may, within thirty days, prefer appeal to the Environmental Protection Tribunal constituted under section 20 of the Act.

(2) aggrieved person may refer appeal to the Islamabad High Court against orders of the Tribunal as provided in section 23 of the Act.

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### THE SCHEDULE

[See regulation 20(j)]

#### **Polyethylene, Polypropylene or Polystyrene products**

1. Carrier bags or shopper-bags which consumers use to take away their purchases from a retail outlet.
  2. Bread bags and food packaging, including frozen food packaging.
  3. Garbage bags.
  4. Shrink-wrap, pallet-wrap, bubble-wrap
  5. Agricultural mulching films.
  6. Woven plastic bags.
  7. BOPP, CPP and Metalized Plastic films.
  8. Agricultural films and netting with an intended service life of less than three years.
  9. Milk and water packaging.
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**<sup>1</sup>THE ISLAMABAD CAPITAL  
TERRITORY, QUALITY CONTROL  
BOARD REGULATIONS, 2013  
(DRUGS)**

[4th December, 2013]

**S. R. O. 1061(I)/2013.-** In exercise of the powers conferred by virtue of Sections 11(4) and 44 of the Drugs Act, 1976 (XXXI of 1976) read with the justice Division's Notification No. 17(2) 80-Pub, Dated the 31st December 1980, issued in pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order, 1980 (P. O. No 18 of 1980), and all other powers enabling him in this behalf, the Chief Commissioner, Islamabad Capital Territory, is pleased to make the following regulations:—

**REGULATIONS FOR THE CONDUCT OF BUSINESS OF THE ICT,  
QUALITY CONTROL BOARD, ISLAMABAD**

**Part-I**

**Preliminary.**

These regulations may be called "The Islamabad Capital Territory, Quality Control Board Regulations, 2013.

In these regulations, unless there is anything repugnant in the subject or context;

- (a) Act, means the Drugs Act, 1976 (XXXI of 1976).
- (b) Board, means the Quality Control Board, ICT, Islamabad.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 19th December, 2013, at pages 3331-3334.



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- (j) Any member may, with the permission of the Chairman, discuss any subject pertaining to a matter falling within the jurisdiction of the Board.
  - (k) In the event of disagreement, decision shall be taken by simple majority but in case of tie, the Chairman shall have the powers to decide the issue either way, in accordance with the law.
  - (l) The Quality Control Board may authorize the Chairman or any member/members of the Board to perform, in accordance with the law, specific function of the Board for any specified period.
  - (m) In urgent cases, the Secretary shall, for action, seek guidance of the Chairman, which may be ratified by the Board in the very next meeting, in accordance with the law applicable thereto.
  - (n) The Board may call any expert/experts for the opinion onto any matter whenever deemed necessary.
  - (o) The Board may constitute committee(s) to deal with any matter(s) of specific nature as contemplated in section 11(6) of the Act.
  - (p) The Board may co-opt any member/members having experience, which in view of the Board, can facilitate working of the Board.
  - (q) The quorum to constitute the meeting of the Board, shall, be five including Chairman or vice chairman.
  - (r) The members of the Board, other than its *ex-officio* members, shall be nominated on recommendation of a committee to be constituted by the Chief Commissioner, Islamabad.
  - (s) The members of the Board, other than its *ex-officio* members, shall, subject to section 11(2) of the Act, hold the office for a period of two years and shall be eligible for re-nomination after lapse of the same.

- (t) Any member not attending three consecutive meetings of the Board without any valid reason shall be deemed to be disqualified from the membership, subject to the approval of the Chairman.
- (u) Any member of the Board may resign from his office giving a prior notice of his resignation from the membership.
- (v) No act or proceeding of the Quality Control Board shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of the Board.

**Par-III                      Responsibilities of Secretary.**

**The Secretary shall:—**

- (a) be responsible for all formal and secretarial work of the Quality Control Board.
- (b) be responsible for issuance of show-cause notices to the accused person(s) on behalf of the Quality Control Board.
- (c) issue notices of personal hearing to all the concerned, if so required.
- (d) place all record together with reply of the show-cause notice(s) before the Board,
- (e) convey the decisions of the Board to the concerned and ensure their compliance.
- (f) be responsible for preparing the minutes of the meeting, which shall be submitted to the Chairman for approval and then to circulate to all participants of the meeting.
- (g) perform any function required by any provision of the law and the rules made thereunder.

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY

# **THE ISLAMABAD CAPITAL TERRITORY DRUGS RULES, 2013**

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# **<sup>1</sup>THE ISLAMABAD CAPITAL TERRITORY DRUGS RULES, 2013**

[4th December, 2013]

**S. R. O. 1062(I)/2013.-** In exercise of the powers conferred by virtue of 44 of the Drugs Act, 1976 (XXXI of 1976) read with the Justice Division's Notification No. 17(2) 80-Pub, dated the 31st December 1980, issued in pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order, 1980 (P.O. No. 18 of 1980), and all other powers enabling him in this behalf, the Chief Commissioner, Islamabad Capital Territory, is pleased to make the following rules:

## **CHAPTER-I**

### **PRELIMINARY**

**1. Short title and commencement.-** (1) These rules may be called as the Islamabad Capital Territory Drugs Rules, 2013.

(2) These Rules shall come into force at once.

(3) The Rules shall apply within the ICT.

**2. Definitions.-** (1) In these rules:

(a) "Act" means the Drugs Act, 1976 (XXXI of 1976);

(b) "ICT" means Islamabad Capital Territory;

(c) "Committee" means a committee of the Board;

(d) "Form" means a form prescribed in Schedule A;

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 19th December, 2013, at pages 3335-3383.

- (e) "Government" means the Chief Commissioner, Islamabad Capital Territory;
- (f) "Inspector" means the Inspector appointed under section 17 of the Act;
- (g) "Licensing authority" means the District Health Officer, Islamabad Capital Territory or an officer of the Health Department duly authorized by the Chief Commissioner, Islamabad Capital Territory in this behalf;
- (h) "Medical store" means the premises where drugs excluding the drugs specified in the Schedule G are stored, sold or offered for sale and bears a license on Form No. 10;
- (i) "Manufacturer" means a manufacturer of a drug;
- (j) "Narcotic, psychotropic or controlled drug" means a drug specified in the Schedule B;
- (k) "Pharmacy" means the premises where drugs are stored, sold, compounded, dispensed or prepared on prescription and bears a license on Form-09;
- (l) "Board" means the Islamabad Capital Territory Quality Control Board;
- (m) "Registered medical practitioner" means a medical practitioner registered under the Pakistan Medical and Dental Council Ordinance 1962 (XXXII of 1962);
- (n) "Schedule" means a Schedule to these rules;
- (o) "Section" means section of the Act;
- (p) "Seller" means the seller of a drug;
- (q) "Rules" means Islamabad Capital Territory Drug Rules, 2013;
- (r) "License" means the Drug Sale License issued in accordance with the provision of the Rules;



- (s) "Retail Sale" means direct sale to the consumer;
- (t) "Analyst" means Government Analyst appointed in accordance with the provisions of the Section 16 of The Act;
- (u) "Appellate Authority" means the authority constituted under Section 9-A of the Act;
- (v) "Wholesaler/distributor" means a person who buys drugs for the purpose of selling the same to retailer(s) and includes only the authorized agent of a manufacturer, importer or indenter entitled to issue warranty in accordance with the section 23 (1) (i) of the Drug Act, 1976;
- (w) "Person" means a natural or legal person including any firm, corporation, company, trust, institution etc.

(2) A word or an expression used in these rules but Not defined shall mean the same as defined in the Act.

## CHAPTER-II

### **ISLAMABAD CAPITAL TERRITORY QUALITY CONTROL BOARD, GOVERNMENT ANALYST AND ISLAMABAD CAPITAL TERRITORY INSPECTOR OF DRUGS.**

**3. The ICT Quality Control Board.-** (1) The Board shall consist of the following:

- (a) Chief Commissioner, Islamabad Capital Territory, shall be the *ex-officio* Chairman;
- (b) The Deputy Commissioner, Islamabad Capital Territory shall be the *ex-officio* Vice Chairman;
- (c) District Health officer, Health Department ICT, *ex-officio* member;
- (d) a pharmacy professional who holds a graduate or higher degree in Pharmacy and has more than ten years professional experience preferably in drug control

administration/regulatory affairs, to be nominated as a private member by the Government for a term of two years;

- (e) a pharmacologist preferably a professor of pharmacology, to be nominated as a private member by the Government for a term of two years;
- (f) a professor of medicine, appointed as a private member by the Government for a term of two years;
- (g) a pharmaceutical chemist who holds a graduate or higher degree in Pharmacy and has more than ten years professional experience in drug testing/analysis, to be nominated as a private member by the Government for a term of two years; and
- (h) Director, Quality Assurance, Drug Regulatory Authority of Pakistan or his representative not below BPS-18.

(2) The Board shall regulate its business in accordance with the regulations notified under Section 11(4) of the Act.

**4. Procedure for the Board.-** (1) An Inspector or a Government Analyst shall submit monthly reports on Form 1 and Form 2 respectively to the ICT- Quality Control Board and a summary of the overall situation of quality control in the area of his jurisdiction. The Board shall maintain the information in order to monitor the quality of all the drugs sold and to review the performance of the manufacturers, distributors and the retailers.

(2) The Board may meet at least once in two months to review the situation of the quality control of drugs on the whole including consideration of any specific point arising during the period on the working of various firms, drug testing laboratories and inspectors under administrative control of the Government.

(3) The Board shall examine a case referred to it by the Inspector and shall, if an action is proposed to be taken against person(s), under the Act or the rules, issue show cause notice(s) and provide an opportunity of personal hearing before initiating the process of prosecution of the person(s) or recommending to the licensing authority for suspension or cancellation of its license or drug registrations.

(4) Before referring a case to the Drug Court, the Board shall ascertain the name of the directors, partners and employees of the person(s) who are *prima facie* responsible for commission of the offence under the Act or the rules and may allow an inspector to institute prosecution against such person.

(5) The Board, in case of a minor contravention, may direct the manufacturer, distributor or the retailer to bring improvement, issue a warning to him, allow de-sealing or/and take any other action including recall of batches of the drugs.

(6) The Board may, in case of cognizable offences, issue permission for registration of FIR against the accused who are, *prima facie*, found responsible for the commission of an offence under the Act or the rules.

**5. Qualifications, etc. of Inspectors and Government Analyst.-** (1) No person shall be appointed as an Inspector unless he holds a degree in Pharmacy from a University or an institution recognized by the Pharmacy Council of Pakistan and has at least three years experience in the manufacture, sale, testing or analysis of drugs:

Provided that for dealing with specific cases, the Government may appoint any Gazetted Officer of the Health Department, ICT, who is registered medical practitioner or any officer working in the Health Administration, who has a degree in medicine or Pharmacy or any other person having similar qualification and is working as a teacher in pharmacy or medical education, as *ex-officio* drug inspector:

Provided further that the *ex-officio* inspector shall be appointed for:

- (i) inspection of any premises wherein any drug is sold, stocked or exhibited for sale or distribution.
- (ii) monitoring the storage arrangements and all relevant records and register; and
- (iii) taking samples of any drug which is being sold, stocked, exhibited for sale or is being distributed.

(2) No person shall be appointed as a Government Analyst unless he holds a degree in Pharmacy from a University or an institution recognized by the Pharmacy Council of Pakistan and has at least three years experience preferably in the manufacture, testing or analysis of drugs.

**6. Duties of Inspectors.-** Subject to the provisions of section 19 of the Act and the Rules, an Inspector may, within the local limits for which he is appointed, and in any other area, with the permission of the Quality Control Board, ICT,—

- (a) Inspect a medical store, a pharmacy and a drug manufacturing premises at least once in six months and maintain record of the inspections;
- (b) Satisfy himself that the conditions of the license are being observed;
- (c) if he has reasons to believe that a drug is being manufactured, sold, stocked or exhibited for sale in contravention of a provision of the Act or the rules, he may take samples of the drug and may send it for test or analysis and may seize the drug or any equipment and/or seal the premises concerned;
- (d) Investigate any complaint made to him in writing against a person and submit a report of his investigation to the Board and the licensing authority;
- (e) Initiate prosecution on the direction of the Board and to pursue cases in the Court;
- (f) Maintain record of actions taken by him in the performance of his duties, including the taking of samples and seizure of drugs or equipments, and submit reports of such record to the Board;
- (g) Stop manufacture or sale of drugs carried in contravention of the Act and the rules;
- (h) Inspect a place licensed under the Act or the rules before issuance and renewal of the license; and
- (i) Perform any other function as assigned by the Board.

**7. Prohibition of disclosure of information.-** Except for the purposes of official business or when required by a Court having competent jurisdiction, an Inspector or a Government Analyst shall not disclose to any

unauthorized person any information acquired by him in the course of his official duties.

**8. Form of order not to dispose off stock.-** An Inspector, requiring a person not to dispose of a drug or other material under section 18(1)(i) of the Act, shall make order in Form 3.

**9. Form of intimation for taking samples and seizure.-** (1) An Inspector who takes sample of a drug for the purposes of test or analysis, shall intimate the purpose of taking the sample to the person from whom he takes the sample in Form 4 and if he seizes a drug or other material, shall issue receipt of the seizure in Form 5.

(2) The Inspector shall send a portion of the sample or the container to the Government Analyst for test and analysis through a memorandum in Form 6.

(3) The Inspector shall send a specimen impression of his seal to the Government Analyst.

**10. Duties of Government Analyst.-** (1) A Government Analyst shall conduct test and analysis of the sample of a drug sent to him by the inspector under the Act or the rules and shall furnish report, the result of test and analysis in Form 7.

(2) A Government Analyst shall conduct test and analysis of the sample of a drug sent to him in writing by a Government Department or any other public institution and shall furnish the report of the result of test and analysis to such Government Department or the public institution in Form-7.

(3) A Government Analyst shall forward to the Government monthly report containing results of samples tested and analyzed during the preceding month for publication at the discretion of the Government and furnish such other information as may be required by the Government.

**11. Procedure on receipt of samples from Inspectors.-** On receipt of a sample of a drug from an Inspector, the Government Analyst shall compare the seals on the packet with the specimen impression received and shall note the condition of the seal on the package and after the test and analysis has been completed, he shall forthwith supply to the Inspector and the Board, a report of the result of the test and analysis along with such protocols as applied.

**12. Fee for test and analysis of drugs.-** (1) A Government Analyst may receive sample of a drug from a person other than Inspector, the Government Department or a Governmental Institution.

(2) If the sample of a drug is received as mentioned in sub-rule (1) ante, the Government Analyst shall charge fee for the test and analysis of the sample at the rate specified in the Schedule "C".

### CHAPTER-III

### SALE OF DRUGS

**13. Licenses under the rules.-** The licensing authority may issue the following;

- (a) a license of a pharmacy,
- (b) a license of medical store
- (c) a license for wholesale/distribution.

**14. Application and fee for license.-** (1) A person may apply to the licensing authority for the grant or renewal of a license referred to in rule 13 ante in Form 8(A), Form 8(B) and Form 8(C) respectively.

(2) The applicant shall deposit the fee for a license in the Head of Account as may be specified by the Licensing Authority, at the following rates:

- (a) Five thousand rupees for a license of a pharmacy, three thousand rupees for a license of a medical store; and ten thousands rupees for a license for wholesale/distribution.
- (b) Two thousand five hundred rupees for renewal of a license of a pharmacy, one thousand five hundred rupees for renewal of a license of a medical store and five thousands rupees for renewal of a wholesale/distribution license.

(3) The licensing authority shall issue or renew a license subject to the conditions prescribed in the Act and the Rules.

(4) The applicant shall pay 50% of the fee for the following;

- (a) change of the qualified person;

- (b) change of the proprietor;
- (c) change of the premises; or
- (d) issuance of the duplicate copy of the license or for any other change.

(5) In case of any change in the license, the applicant shall be required to deposit the requisite fee in the specified bank:

Provided that any change in the license shall be subject to the receipt of the inspection report by the Drug Inspector concerned:

Provided further that the licenses already issued under the ICT, Drug Rules, 1989, shall continue to be in force till their expiry.

**15. Forms of licenses to sell drugs.-** The licensing authority shall issue a license of a pharmacy in Form 9, a license of a medical store in Form 10 and license for distribution/wholesale in Form-11.

**16. Sale at more than one place.-** (1) If a person desires to sell, store, exhibit for sale or sell by way of wholesale/distribution at more than one place, he shall apply for a separate license in respect of each place.

(2) Provision of sub-rule (1) ante shall not apply in case of a godown wherein the drugs are stored or a place used only for storage of drugs, which meets the storage conditions and is enlisted alongwith its complete address on the license.

**17. Duration of licenses.-** (1) A license issued or renewed under these rules shall unless suspended or cancelled earlier, remain in force for two years from the date of issuance/renewal.

(2) If a person fails to apply for the renewal of a license alongwith the treasury/Bank Challan within thirty days after the expiry of the license, his license shall stand cancelled.

(3) If a person applies for the renewal of a license alongwith treasury/Bank Challan within thirty days after the expiry of the license, his license shall remain in force until an order on the application is passed by the licensing authority.

(4) The licensing authority shall issue a receipt of an application submitted for issuance or renewal of a license.

(5) The licensing authority shall dispose of an application for issuance or renewal of a license within forty five days of the receipt of the application after fulfillment of all requirements prescribed under the Act and the rules.

(6) If the licensing authority fails to dispose of the application within the specified time, it shall record reasons of its failure.

(7) If in the opinion of the licensing authority, it is not expedient, in public interest, to grant a license, it may refuse the application.

(8) The licensing authority shall not issue or renew a license without an inspection report from the Inspector concerned.

**18. Pre-conditions for issuance of licenses.-** (1) The licensing authority shall not issue a license in Form 9 (pharmacy), Form 10 (medical store) and a license in form 11 (wholesale/Distribution) unless:—

- (a) the premises have proper and adequate facilities for storage of drugs and their protection from sunlight, dust or dirt, besides refrigeration and air conditioner facility;
- (b) the premises is clean, hygienic and in tidy condition;
- (c) in the case of a license of a pharmacy wherein preparation or compounding of a drug is undertaken, the premises have fulfilled the requirements contained in the Schedule F;

Provided that the licensee having license on Form-9, who intends to carryout dispensing/compounding, has to obtain necessary permission to this effect from the Licensing Authority who after verification of the requirements laid down in schedule F, may accord such permission and entry to that effect shall be made on the license already issued.

- (d) the covered area of the premises of a pharmacy is not less than 144 square feet with minimum breadth of 12 feet in the front and height of 8 feet and in case of a medical store, 120 square feet with minimum breadth of 10 feet and height of 8 feet; 144 square feet for godown/warehouse for



distribution, with minimum breadth of 12 feet on the front and height of 10 feet:

Provided that the provisions of clause (d) shall not have any effect on the licenses issued prior to notification of these rules;

- (e) the applicant has not been convicted u/s 27(1) of the Act; and;
- (f) in case of pharmacy and distribution, the proprietor has appointed a person registered under section 24 (1) (a) of the Pharmacy Act 1967 (XI of 1967) while in case of medical store, a person registered under section 24 (1) (a) & (b) of the said Act, to personally supervise the sale of drugs:

Provided that provisions of clause (f) shall be applicable on the expiry of the existing licenses.

- (g) in the case of a license for wholesale/distribution on Form 11, the premises fulfill the requirements contained in the Schedule H.

**19. Conditions of licenses.-** (1) The licensing authority shall issue a license in Form 9, Form 10 and Form 11 subject to the conditions stated therein as well as the following general conditions:

- (a) In case of a pharmacy, the person shall display the word "Pharmacy" on its outside in white writing on a green colored signboard having minimum length of 5 feet and width of 2.5 feet and in the case of a medical store, the person shall display the words "Medical Store" in white writing on a blue colored signboard with the same minimum dimensions as required in case of a pharmacy; and the person shall display the words "wholesale/Distributor" in Black writing on a Yellow colored signboard with the same minimum dimensions as required for a pharmacy; and
- (b) The supply and sale of a drug shall be recorded suitably and the records, the bills or the counterfoils shall be preserved for a period of three years from the date of the sale;

- (c) a drug specified in the Schedules B and D and a preparation containing such drug shall not be sold except on and in accordance with the prescription issued by the registered medical practitioner:

Provided that the prescription shall be stamped by the pharmacy or medical store after its filling and entry to this effect shall be made in the sale register in accordance with the provisions of clause (f) of this rule,

- (d) subject to rule 1, a licensee of a medical store shall not sell or store a drug mentioned in the Schedule G; and
- (e) the sale of a drug specified in the Schedules B and D shall be recorded at the time of supply, in a register specially maintained for the purpose, and the serial number of the entry in the register,

shall be entered in the prescription, and the following particulars shall be entered in the register:

- (i) S. No.;
- (ii) Date of Sale;
- (iii) Name of the prescriber;
- (iv) Name of the patient;
- (v) Name of the drug;
- (vi) Name of the manufacturer;
- (vii) Quantity sold;
- (viii) Batch No.;
- (ix) Signature of the qualified person; and
- (x) Quantity purchased and balance.

*Explanation:—* If the drug specified in the Schedule D is sold on a prescription on which the drug has been sold on a previous occasion, it shall be sufficient if the entry in the register includes Sr. No., the date of sale; the quantity

sold; and a sufficient reference to an entry in the register recording the sale of the drug on the previous occasion.

(2) For the purpose of this rule, a prescription shall—

- (i) be in writing and be signed by the person giving it with his usual signature and be dated by him;
- (ii) specify the name and address of the person for whose treatment it is given; and
- (iii) indicate the total quantity of the drug to be supplied and dose to be taken.

(3) An invoice or a bill for the purchase of a drug, shall be preserved for a period of at least three years.

(4) A manufacturer, importer or the distributor of a drug shall sell the drug only to a holder of a valid drug sale license or to a registered medical practitioner and shall issue an invoice and warranty at the time of sale of the drug.

(5) The licensee having license in Form 9, 10 and 11 shall ensure that warranty in the prescribed form for every batch of drug so procured is obtained in accordance with the provisions of the section 23(1)(i) of the Drug Act, 1976;

(6) In case of sale of a drug to a registered medical practitioner, the manufacturer, importer or the distributor of a drug shall address the warranty and invoice to the medical practitioner mentioning his full name and registration number issued by the PMDC and shall send a copy of the invoice and warranty to the Inspector concerned:"

Provided that no pharmacy or medical store shall be allowed to the medical practitioner except and in accordance with the conditions of these rules;

(7) A registered medical practitioner or a doctor of veterinary medicine is exempted from the requirement of a drug sale license subject to the following conditions;

- (a) the drugs are dispensed only to his patients; and
- (b) the record of a drug specified in the Schedules B and D is maintained as prescribed under this rule.

(8) The invoice and warranty shall bear the full name, address and PMDC registration number of the practitioner and shall be signed by the warrantor clearly indicating his name and shall be dated.

(9) The manufacturer, importer or distributor of a drug shall maintain record of purchase or sale of a drug and shall preserve the record for at least three years containing the following particulars:

- (a) the date of purchase or sale;
- (b) the name and address of the concern from which the drug is purchased or the concern to whom the drug is sold;
- (c) the name of the drug, its batch number, the date of its expiry and the quantity of the drug;
- (d) the name of the manufacturer.

(10) Except as otherwise provided in these rules, a record required to be maintained under these rules shall be preserved for a period of not less than three years from the date of the last entry.

(11) The licensee shall produce for inspection by an Inspector, on demand, sale record register and all other records maintained under these rules, and shall supply to the Inspector such information as the Inspector may require.

(12) A substance specified in the Schedule E and that fall under the list of poisons and the drug specified in the Schedule B shall be stored in:

- (a) in a part of the premises to which customers do Not have access; or
- (b) in a locked almirah, cupboard or drawer, reserved solely for the storage of the substance or the drug.

(13) A substance that falls under the list of poisons in the Schedule E shall be stored in a container, impervious to the poison, and sufficiently stout to prevent leakage arising from the ordinary risks of handling and transport.

(14) A substance that fall in the list of poisons under the Schedule E when compounded and dispensed shall be labeled with the word "Poison".

(15) The licensee holding a license on Form 9, 10 or 11 shall be required to ensure storage of the allopathic drugs completely segregated from other items, if so stored.

(16) The licensee holding a license on Form 9, 10 or 11 shall ensure storage of expired drugs in a shelf/cupboard reserved for that purpose and labeled accordingly with red ink as "Expired Drugs" conspicuously.

(17) The licensee holding a license issued under these rules shall in No. case store, sell or exhibit for sale any item, including but Not limited to tobacco products, which are injurious to health.

**20. Cancellation or suspension of licenses.-** The licensing authority may, on his own observation or on the report of an Inspector or the Quality Control Board, after giving the licensee an opportunity to show cause, if not so provided by the Board and by an order in writing stating the reasons, cancel a license issued under these rules or suspend it for such period as it deems fit, if in its opinion, the licensee has failed to comply with any of the conditions of the license or any of the provisions of the Act or the rules.

**21. Appellate Authority.-** (1) A person aggrieved by an order of the licensing authority may prefer an appeal to the Appellate Authority within thirty days of the date of the order.

(2) The Deputy Commissioner, ICT, Islamabad shall be the Appellate Authority for the purpose of hearing appeals against an order of the licensing authority.

(3) The Appellate Authority may direct an officer or an official of the Government to assist the Authority.

(4) The Appellate Authority shall, after giving the appellant an opportunity of hearing, pass such order as it deems fit and the order of the Authority shall be final and can not be called in question before any forum.

**22. Repeal.-** The ICT Drug Rules, 1989 Notified *vide* S.R.O. No. 124(I)89 are hereby repealed.

**23. Indemnity.-** No suit, prosecution or legal proceeding shall lie against any functionary or authority acting under the Act or the Rules for anything done in good faith, under the Act or the Rules.

**SCHEDULE-A**

[See Rule 2(n)]

**FORM 1**

[See Rule 4(1)]

**MONTHLY REPORT FROM INSPECTOR**

For the month of \_\_\_\_\_

**(A) SUMMARY OF INSPECTIONS**

Place Inspected	No. of Firms Inspected	No. of Firms found violating law..... Specify main offences	No. of samples drawn, if any	Remarks
Manufacturers				
Pharmacies & medical stores				
Others, please specify				

**(B) DETAILS OF VIOLATIONS IN RESPECT OF DRUGS****Report of samples of drugs Not in compliance with law**

Name of Drug	Reg No. and Manufacturer's Name	Batch No.	Place of taking sample	Date of dispatch & Name of Lab.	Date of receipt of test report with nature of result	Action taken including details of seizure and sale restriction

(C) Copy of inspection report of Pharmaceuticals Manufacturing units should be supplied along with comments about the compliance of GMP.

FORM 2

[See Rule 4(1)]

**DRUGS TESTING LABORATORY  
PROGRESS REPORT FOR THE MONTH OF \_\_\_\_\_**

No. of samples in the beginning of the month	Samples received during the month	Total	Tested			Samples up to standard with percentage	Samples below standard	Details of samples pending for more than 60 days	Remarks/ Reason
			New	Old	Total				

Spurious =

Substandard =

Adulterated =

Drugs /Medicines of other Systems found to contain Allopathic ingredients =

Total =

**DETAILS OF DRUGS FOUND IN CONTRAVENTION OF LAW DURING THE MONTH OF \_\_\_\_\_**

Sr. No.	Name & Regd No. of the drug	Batch No.	Manufactured by	Test Report No. date and nature of contravention

**FORM 3**

[See rule 8]

**Order to a person "Not to dispose of stock in his possession" under section 18(1) (i) of the Drugs Act, 1976.**

Whereas I have reason to believe that the stock of drugs, article or other things, in your possession detailed below contravenes the provisions of section..... of the Drugs Act, 1976. Now, therefore I, hereby, direct you not to dispose of the stock for a period of..... days from this date.

Date.....

Inspector.....

**Details of stock of drugs/articles.**

Name of drug/article	Name of manufacturer	Registration No.	Batch No.	Quantity	Mfg. & Exp. Date

Date.....

Inspector.....

**FORM 4**

[See Rule 9(1)]

**Intimation of purpose to person from whom the sample (s) is taken.**

To

.....

I have this day taken from the premises of..... situated at samples of the drugs specified below for the purpose of test/analysis.

Date..... Inspector.....



**Details of samples drawn**

S. No.	Name of drug	Name of manufacturer	Registration No.	Batch No.	Quantity	Bill No.	Mfg. & Exp. Date

Date.....

Inspector.....

**FORM 5**

[See Rule 9(1)]

**Receipt for stock of drugs and/or other materials/articles seized under section 18(1)(f) of the Drugs Act, 1976**

The stock of drugs materials/articles detailed below has this day been seized by me under the provisions of clause (f) of sub-section (1) of section 18 of the Drugs Act, 1976 from the premises of..... situated at.....

Date.....

Inspector.....

**Details of Drugs, other material and articles seized including;**

Sr. No.	Name of drug/ description of article/equipment	Batch No./ description	Name of manufacturer	Quantity	Reason for seizure

Date.....

Inspector.....

FORM 6

MEMORANDUM TO GOVERNMENT ANALYST

[See Rule 9(2)]

Serial No. of Memorandum.....

From

.....

.....

To

The Government Analyst

.....

The portion of sample/container described below is sent herewith for test or analysis under the provisions of clause (i) of sub-section (3) of Section 19 of the Drugs Act, 1976.

The portion of sample/container has been marked by me with the following marks.

(Seal.....)

Details of portion of sample/container with name of drug which it purports to contain including;

Name of drug	Name of manufacturer	Registration No.	Batch No.	Mfg. & Exp. Date	Quantity

Date.....

Inspector.....



FORM 7

[See Rule (10)(1)]

**Certificate of test or analysis by the Drug Testing Laboratory/ Government Analyst**

Certified that the sample(s), bearing No. .... purporting to be a sample of (Label claim) ..... Batch No. .... manufactured by..... received on..... with Memo No. .... dated..... from..... has been tested/analysed and that the result of such test/analysis is stated below;

The condition of seal on the packet on receipt was as follows;

In the opinion of the undersigned, the sample referred to above is of *standard quality/adulterated/substandard/misbranded/spurious* as defined in the Drugs Act, 1976 and rules made thereunder for the reason given above.

Government Analyst

Description:

Protocols of test applied:

Conclusion:

No. TRA...../DTL.

Dated.....

1. The Inspector of Drugs.....
2. The Chairman Quality Control Board, ICT-Islamabad.

Government Analyst \_\_\_\_\_

**FORM NO. 8(A)**

{See Rule 14 (1)}

**Application for the license to sell, store and exhibit for sale drugs by way of pharmacy.**

1. I / We \_\_\_\_\_ of M/S \_\_\_\_\_ hereby apply for  
**License for Pharmacy;**

2. The sale of drugs will be under the personal supervision of;  
(name, registration No. NIC No. & address with qualification).

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_

3. I / We am / are submitting herewith the following documents;

(A) Testimonials of the person (s), registered under section 24 (1) (a) of the Pharmacy Act 1967, who has agreed to personally supervise the sale of drugs for license in Form 9 (pharmacy) and the proprietor (s):—

- (i) three attested copies of registration certificate issued by a pharmacy council.
- (ii) four attested copies of National Identity Card & passport size photographs of the proprietor(s) and person(s) incharge who has agreed to personally supervise the sale of the drugs;
- (iii) In case the applicant is a company, all relevant documents pertaining to its registration;
- (iv) Affidavit of the person who will supervise the sale of drugs and the proprietor, duly verified, to the effect that they:—

- (a) shall comply with the provisions of the Drugs Act, 1976 and rules framed thereunder;
  - (b) have not been convicted of any offence from any Court of law. [See rule 18 (1) (e)];
  - (c) shall inform the Licensing Authority for any change in supervisory staff etc.
  - (d) are not working in any government/semi government / autonomous/private organization.
  - (e) shall not sell/stock any expired, spurious, substandard, unregistered misbranded, counterfeit or any drugs in violation to the drugs laws in force.
  - (f) No drug sale license in his favor has been issued in any where in Pakistan which is valid till date.
- (B) Plan indicating the exact location and specification of the premises including covered area, dimensions, signboard, air conditioning and refrigeration facilities and addresses of go-down (if any).
- (C) Treasury receipt/Challan No. & dated \_\_\_\_\_ amounting to Rs. \_\_\_\_\_ in the specified Head of Account.

Dated: \_\_\_\_\_

Signature: .....  
Name, address and permanent Home Address of the person(s) who will personally supervise the sale of drugs.

Signature: .....  
Name, address and Permanent Home Address of the proprietor(s).

**FORM NO. 8(B)**

{See rule 14(1)}

**Application for the license to sell, store, exhibit for sale drugs excluding the drugs specified in Schedule "G" by away of Medical Store**

1. I/We \_\_\_\_\_ of M/S \_\_\_\_\_  
hereby apply for **License of Medical Store**;

2. The sale of drugs will be under the personal supervision of;  
(Name, registration No. NIC No. & address with qualification).

1. \_\_\_\_\_

2. \_\_\_\_\_

3. I / We am / are submitting herewith the following documents;

(A) Testimonials of the person (s), registered under section 24 (1) (a) or (b) of the Pharmacy Act 1967, who will supervise the sale of drugs for license in Form 10 (medical store) and the proprietor(s); and

Testimonials of the person(s), registered under section 24 (1) of the Pharmacy Act 1967, who will personally supervise the sale of drugs for license in Form 10 (medical store) and the proprietor (s).

(h) Three attested copies of registration certificate issued by a pharmacy council.

(ii) Four attested copies of National Identity Card & passport size photographs of the proprietor (s) and person (s) incharge who

has agreed to personally supervise the sale of the drugs.

- (iii) In case the applicant is a company, all relevant documents pertaining to its registration;
  - (iv) Affidavit of the person who will supervise the sale of drugs and the proprietor, duly verified, to the effect that they:—
    - (g) shall comply with the provision of the Drugs Act, 1976 and rules framed there under;
    - (h) Have not been convicted of any offence from any Court of law. [See rule 19(1) (e)];
    - (i) Shall inform the Licensing Authority for any change in supervisory staff etc.
    - (j) Are not working in any government/semi government/autonomous organization.
    - (k) Shall not sell/stock any expired, spurious, substandard, unregistered misbranded, counterfeit or any drugs in violation to the drugs laws in force.
    - (l) No drug sale license in his favor has been issued in any where in Pakistan which is valid till date.
- (B) Plan indicating the exact location and specification of the premises including covered area, dimensions, signboard, air conditioning and refrigeration facilities and addresses of go-down (if any).

(C) Treasury receipt /Challan No. & dated \_\_\_\_\_ amounting to Rs. \_\_\_\_\_ in the specified Head of Account.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

(i) Name, address and Permanent Home Address of the person(s) who will personally supervise the sale of drugs.

Name, address and Permanent Home Address of the proprietor(s).

(ii) Name, address and Permanent Home Address of the person(s) who will supervise the sale of drugs (if different from (i) above.

**FORM NO. 8(C)**

{See rule 14(1)}

**Application for the license to sell, store and exhibit for sale drugs by way of wholesale/Distribution**

1. I/We \_\_\_\_\_ of M/S \_\_\_\_\_ hereby apply for **License of wholesale/Distribution**;
2. The sale of drugs will be under the personal supervision of; (name, registration No. NIC No. & address with qualification).
  1. \_\_\_\_\_
  2. \_\_\_\_\_
3. I / We am / are submitting herewith the following documents;



- (A) Testimonials of the person (s), registered under section 24(1)(a) of the Pharmacy Act 1967, who has agreed to personally supervise the sale of drugs for license in Form 11 and the proprietor (s):—
- (i) Three attested copies of registration certificate issued by a pharmacy council.
  - (ii) Four attested copies of National Identity Card & passport size photographs of the proprietor(s) and person (s) incharge who has agreed to personally supervise the sale of the drugs.
  - (iii) In case the applicant is a company, all relevant documents pertaining to its registration.
  - (iv) Affidavit of the person who will supervise the sale of drugs and the proprietor, duly verified, to the effect that they:—
    - (m) shall comply with the provision of the Drugs Act, 1976 and rules framed there under;
    - (n) have not been convicted of any offence from any Court of law. [See rule 19(1)(e)];
    - (o) shall inform the Licensing Authority for any change in supervisory staff etc.;
    - (p) are not working in any government / semi government / autonomous organization;
    - (q) shall Not sell / stock any expired, spurious, substandard, unregistered misbranded, counterfeit or any drugs in violation to the drugs laws in force;
    - (r) no drug sale license in his favor has been issued in any where in Pakistan which is valid till date.
- (B) Plan indicating the exact location and specification of the premises including covered area, dimensions, signboard, air conditioning and refrigeration facilities and addresses of go-down (if any) and also provide authority letter of the manufacturer(s).
- (C) Authority letter of the manufacturer(s).

(D) Treasury receipt / Challan No. & dated \_\_\_\_\_ amounting to Rs. \_\_\_\_\_ in the specified Head of Account.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name, address and Permanent Home Address of the person(s) who will personally supervise the sale of drugs.

Name, address and Permanent Home Address of the proprietor(s).

### FORM NO. 9

{See rule 15}

#### License to sell drugs in a Pharmacy

1. M/S. \_\_\_\_\_ is hereby licensed to sell all types of registered drugs on the premises situated \_\_\_\_\_ at \_\_\_\_\_ subject to the conditions specified below and to the provisions of the Drugs Act, 1976 and the rules framed thereunder.

2. Name of proprietor(s) along with residential address and National Identity Card No.(s).

1. \_\_\_\_\_

2. \_\_\_\_\_

3. Name(s) of the person(s) Incharge who will personally supervise the sale of drugs along with registration number, residential address and National Identity Card No.

1. \_\_\_\_\_

2. \_\_\_\_\_

4. Whether compounding / dispensing of drugs allowed \_\_\_\_\_

5. Address(s) of godown(s) if any, where the drugs will be stored.

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6. This license shall be valid up to \_\_\_\_\_.

No. DSL \_\_\_\_\_

Dated: \_\_\_\_\_

**Licensing Authority**

**CONDITIONS OF LICENCE**

1. The person(s) registered under section 24(1)(a) of the Pharmacy Act 1967 (XI of 1967) shall personally supervise the sale of drugs.
2. This license and registration certificate (from pharmacy council) of the person(s) incharge, personally supervising the sale of drugs shall be displayed in a prominent place in part of the premises at appropriate level, open and visible to the public.
3. The licensee shall comply with the provisions of the Drugs Act, 1976 and the rules framed there under for the time being in force.
4. The licensee shall report forthwith to the Licensing Authority/Drug Inspector, any change in person (s) incharge, personally supervising the sale of drugs.
5. No drug requiring special storage conditions of temperature and humidity shall be stored or sold unless the precautions necessary for preserving the properties of the contents have been observed throughout the period during which it remained in possession of the licensee.
6. Any change in the premises or name & title of the business will require a revised license subject to satisfactory inspection report.
7. The licensee shall comply with the requirements of the Schedule F, if the drugs are, compounded, dispensed or prepared on prescription.

**Licensing Authority**

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**FORM NO. 10**

{See rule 15}

**License to sell drugs in "Medical Store"**

1. M/S \_\_\_\_\_ is hereby licensed to sell, stock and exhibit for sale of the drugs **excluding the drugs specified in schedule "G"** on the premises situated at \_\_\_\_\_ subject to the conditions specified below and to the provisions of the Drugs Act, 1976 and the rules made there under.
  2. Name of proprietor(s) alongwith residential address and National Identity Card No.(s).
    1. \_\_\_\_\_
    2. \_\_\_\_\_
  3. Name(s) of the person(s) incharge who will personally supervise the sale of drugs alongwith registration number, residential address and National Identity Card No.
    1. \_\_\_\_\_
    2. \_\_\_\_\_
  4. Address(s) of go-down(s) if any, where the drugs will be stored.\_\_\_\_  
\_\_\_\_\_
  5. This license shall be valid up to\_\_\_\_\_.
- No. DSL \_\_\_\_\_
- Dated: \_\_\_\_\_

**Licensing Authority****CONDITIONS OF LICENCE**

1. The person (s) registered under section 24(1)(a) or (b) of the Pharmacy Act 1967 (XI of 1967) shall personally supervise the sale of drugs.

2. This license and registration certificate (from pharmacy council) of the person(s), personally supervising the sale of drugs shall be displayed in a prominent place in part of the premises at appropriate level, open and visible to the public.
3. The licensee shall comply with the provisions of the Drugs Act, 1976 and the rules framed there under for the time being in force.
4. The licensee shall report forthwith to the Licensing Authority/Drug Inspector, any change in person (s) incharge, personally supervising the sale of drugs.
5. No drug requiring special storage conditions of temperature and humidity shall be stored or sold unless the precautions necessary for preserving the properties of the contents have been observed throughout the period during which it remained in possession of the licensee.
6. Any change in the premises or name & title of the business will require a revised license subject to satisfactory inspection report.
7. The licensee shall Not sell or store a drug mentioned in the Schedule G;

**Licensing Authority**

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**FORM NO. 11**

{See Rule 15}

**License to sell drugs by way of Wholesale/Distribution**

- <sup>1</sup>7. M/S \_\_\_\_\_ is hereby licensed to sell / distribute the drugs and sell all types of registered drugs on the premises situated at \_\_\_\_\_ subject to the conditions specified below and to the provisions of the Drugs Act, 1976 and the rules framed there under.
8. Name of proprietor(s) alongwith residential address and National Identity Card No.(s).
  1. \_\_\_\_\_

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<sup>1</sup> No serial Nos. 1 to 6 are given in the Gazette.

2. \_\_\_\_\_
9. Name(s) of the person(s) incharge who will personally supervise the sale of drugs alongwith registration number, residential address and National Identity Card No.
1. \_\_\_\_\_
2. \_\_\_\_\_
10. Address(s) of godown(s) if any, where the drugs will be stored. \_\_\_\_\_
11. This license shall be valid up to \_\_\_\_\_.
- No. DSL \_\_\_\_\_
- Dated: \_\_\_\_\_ **Licensing Authority**

#### CONDITIONS OF LICENCE

1. The person(s) registered under section 24 (1) (a) of the Pharmacy Act 1967 (XI of 1967) shall personally supervise the sale of drugs.
2. This license and registration certificate (from pharmacy council) of the person(s) incharge, personally supervising the sale of drugs shall be displayed in a prominent place in part of the premises at appropriate level, open and visible to the public.
3. The licensee shall comply with the provisions of the Drugs Act, 1976 and the rules framed there under for the time being in force.
4. The licensee shall report forthwith to the Licensing Authority/Drug Inspector, any change in person(s) incharge, personally supervising the sale of drugs.
5. No drug requiring special storage conditions of temperature and humidity shall be stored or sold unless the precautions necessary for preserving the properties of the contents have been observed throughout the period during which it remained in possession of the licensee.
6. Any change in the premises or name & title of the business will require a revised license subject to satisfactory inspection report.

7. The licensee shall only distribute/sell drugs manufactured by the manufacturer(s) who have duly appointed him as their authorized agent and shall issue the warranty on the prescribed form in accordance with the provisions of section 23 (1) (i) of the Act for all batches of drug sold;
8. The licensee shall report forthwith to the Drug Inspector, any change in manufacturer(s) of whom he is/was the authorized agent;
9. The licensee shall comply with the requirements of the Schedule H.

Licensing Authority

**SCHEDULE 'B'**

[See Rule 19]

**NARCOTICS PSYCHOTROPIC, ANTI DEPRESSANT  
AND OTHER CONTROLLED DRUGS**

Acetorphine	Acetylmethadol	Allyiprodine
Alphacetylemethadol	Alphamethadol	Alphaprodine
Atileridine	Benzethidin	Benzylmorphine
Betacoylethadol	Betaprodine	Betamethadol
Betaprodine	Bezitramide	Bezodiazepinc
Buprenorphene		
Cannabis	Clonitazone	Coca Leaf
Codoxime	Concentrate of poppy straw	Desmorphine
Dextromoramide	Diampromid	Diethylthiambutene
Difenoxin	Dihydromorphine	DimeNo.xadol
Dimepheptenol	Dimethylthiambutene	Dioxaphetyl butyrate

Diphenoxylate	Dipipa None	Dextropropoxyphene
Dorotebano	Ecoonino	Ethylmethylhiambutone
Etonitazene	Etorphine	Etoxidne
Fantayl	Furethidine	Heroin
Hydrocodone	Hydromorphinof	Hydromorphone
Hydroxyperthidine	Isomethadone	Katobemidone
Levomethorphen	Levomeramide	Levophenacymorphen
Levorphanol	Methazocine	Methadone
Methadone intermediate	Methyl-deserphine	Methyl-dihydromorphone
Metopen	Moramide intermediate	Morpheridine
Morphine, Morphine Methorbromide & other pentavalent nitrogen morphine derivatives include in particular the morphine-N-oxide derivatives, one of which is Codeine-N-oxide and the registered drugs listed in schedule to CNS Act 1997.		
Morphine M - oxide.	Myrophine	Nicomorphine
Noracynethadol	Norlevorphanol	Normathadone
Normorphine	Norpipnene	Opium
Oxycodone	Oxymorphone	Pethidine
Pethidine intermediate A.	Pethidine Intermediate B	Pethidine Intermediate C
Phenadoxone	Phenampramide	Phenazocine
Phenomorphan	Phenoperidine	Piminodine
Piritrameide	Propheptazine	Properidine
Pentazocine	Recamethorphan	Recomoramide
Racemorphan	Surfatnil	Steroids except topical preparations



Thebacon	Thebaine	Tramadol
Trimeperidine	Acetyl di hydro codein	Ethlmorphine
Nicocodiene	Norcodein	Pholcodein
Propyiyam		

International Non Proprietary Names	Other Non proprietary or trivial names	Chemical Names
	DET DMHP	N N Diethyl trptamine, 3-(1,2 dimethyl heptyl) 1 hydroxy 7,8,9,10 trimethyl + 6 H, di-benzo(b,d) pyran
	DMT	N N dimethyl trptamine
(+) = Lysergide	LSD, LSD-25	(+) N N diethyl lysergomide
	Mescaline	3,4,5 trimethoxy phenethyl amine
	Parahexyl	3 hexyl 1 hydroxy 7,8,9,10 tetra hydro 6 6 9 trimethyl + 6 H dibenzo(b d) pyran
Psilococybine	Psilocine, Psilotsin	3 (2 di methyl amino ethyl) 4 hydrooxynidole
		3 (2 di methyl amino ethyl) indol 4 di hydrogen phosphate
	STP, DBM	2 amino. 1 (2,5 dimethoxy 4 methyl) phenyl propane
	Tetra hydro canne biNo.les, ail isomers	1 hydroxy 3 pentyl 6,a, 7.1, 10a + tetra hydr 6 6 9 trimethyl 6 H dibenze (b,d) pyran
Amphetamine		(+) 2-amino 1-phenyl propane

Dexamphetamine		(+) 2-amino 1, 1 phenyl phenyl propane
Methamphetamine		(+) 2-methyl amino 1-phenyl propane
Methylphenidate		2+ phenyl +2 +(2+ piperidyl) + acetic acid, methyl ester
Phencyclidine		1-(1 phenyl cyclohexyl) piperidine
Phenmetrazine		3+ methyl 2 phenyl morpholine
Amobarbital		5+ ethyl +1,5 +(3 methyl butyl barbituric) acid
Cyclobarbital		5-(1 cyclohexenyl) 5 ethyl barbituric acid
Glutethimide		2 ethyl 2 phenyl glutarimide
Pentobarbital		5 ethyl 5 (L methyl butyl) barbituric acid
Secobarbital		5 allyl 5 (L methyl butyl) barbituric acid
Ampetramone		2 ( di ethyl amino) propiophenone
Barbital		5,5 diethyl barbituric acid
Ethchloro vinylol		Ethyl 1 2 chloro vinyl ethanyl carbamate
Ethinamate		1 -ethinyl cyclo hexanol carbamate
Meprobamate		2 methyl 1,2 propyl 1,3 propanediol dicarbamate
Methaqualone		2 methyl 3 ethyl 1,4 (3 H) quinazolinone
Methyl Phenobarbital		5 ethyl 1 methyl 5 phenyl barbituric acid

Methyprylon		3, 3 diethyl 5 methyl 2 4 piperidine
Phenobarbital		5 ethyl 5 phenyl barbituric acid
Pipradrol		1 1 di phenyl 1 (2 pipridyl) methanol
	SPA	(-) 1 dimethyl amine , 2 2 diphenyl ethane

*Note:* The Chief Commissioner, Islamabad may, on the recommendations of the Quality Control Board, Islamabad, by Notification in the official gazette, declare any drug to be schedule B drug for the purposes of these rules.

**SCHEDULE 'C'**

[See Rule 12 (2)]

		<u>Rs.</u>
1	Short conclusion/judgment (without experimentation)	50
2	Preliminary examination of character e.g. color taste smell form solubility, miscibility, etc.	115
3	Clarity of solution,	
	(1) Physical Examination	70
	(2) Chemical Examination	115
4	Completeness of solution	150
5	Identity test, chemical	
	(A) (a) Inorganic substance	120
	(b) Organic substances	125
	(B) Unknown sample	
	(a) Inorganic	170
	(b) Organic	225
	(i) Element each	150
	(i) group each	130

6	Leakage test Injectable	140
7	Disintegration test, dissolution test, weight variation (uniformity of weight) uniformity of diameter, etc.	340
8	Determination of solubility quantitatively in one solvent	260
9	Determination of melting point	
	(a) In-capillary	130
	(b) In non declared substances	240
10	Micro melting point in non-declared substance	250
11	Crystallizing point, freezing point, setting point and solidifying point each	200
12	Distillation range and boiling point, etc.	140
13	Determination of water/humidity	
	(a) In ointments.	140
	(b) In other material	230
14	Residue after evaporation or loss on drying Quantitatively	130
15	Weight per ml, density, specific gravity, etc.	240
16	Determination of viscosity	250
17	Determination of jelly strength.	240
18	Determination of ash, acid insoluble ash, water soluble ash sulphated ash, alcohol soluble extractive total solids, etc each.	240
19	Readily carbonisable substances test	225
20	Determination of alcohol in the preparations.	160
21	Extraction with organic solvents	290
22	Continuous extraction of drugs	385
23	Isolation by distillation	260
24	Steam distillation	240
25	Vacuum distillation	350
26	Determination of unsaponifiable matter free menthol, cineol,	250

	total balsamicacids, etc. each	
27	Determination of Acid value, Iodine value, saponification value Acetyl value, eaters value, etc, each	150
28	Determination of volatile oils in drugs	170
29	Test for the absence of	
	(a) a rachis oil in other oils	230
	(b) cotton seeds oil in other oils	230
	(c) seas am oil in other oil	230
	(d) similar other tests	230
30	Determination of Nitrogen Kieldahi	270
31	Determination of water Karl Fischer	285
32	Impurity Limit test for the presence of	
	(a) ions each	250
	(b) Organic substances each	250
33	Quantitative tests for Lead, Arsenic, Heavy metals etc.	300
34	Determination of Foreign organic matter	250
35	Determination of acidity or alkalinity chemical	180
36	Determination of P.H. electrometrically.	280
37	Test for alkalinity of glass	170
38	Determination of	
	(a) Sulphur dioxide	160
	(b) Methoxyl	160
	(c) Absorption of carbon dioxide by soda lime	160
	(d) similar other tests	160
39	Assay Chemical	
	(a) gravimetric each	160
	(b) Titrimetric each	260
	(c) Non aqueous titration each	260

	(d) Complexometric titration each	290
40	Gasometric assay	160
41	Potentionmetric titration	150
42	Oxygen Combustion method	150
43	Refractometry	230
44	Polarimetry	140
45	Spectrophotometry in	
	(A) Visible region	
	(a) Sample determination	360
	(b) sample Quantitative determination	390
	(c) Absorption Curves	320
	(d) Flame and atomic absorption	350
	(B) UV-Region	
	(a) Simple Determination	270
	(b) simple Quantitative determination	250
	(c) Absorption curves	240
	(C) IR-Region.	220
46	Fluorimetry assay	390
47	Naphelometry Assay	250
48	Polarography by every component	250
49	Chromatography	
	(a) paper or ion-exchange or TLC	570
	(b) Gas	460
50	Zone Electrophoresis	270
51	Paper Electrophoresis	310
52	Proteolytic, amylolytic activity	270
53	Activity of trypsin or chymotrysin	370
54	Disinfectants/Insecticides.	

	(i) Complete chemical test	470
	(ii) Bacteriostatic / bactericidal activity	320
55	Test for complete extraction of alkaloids	630
56	Test for complete extraction of dextrants	440
57	Saponification	250
58	Surgical ligatures and sutures	
	(a) Measurement of length	130
	(b) Measurement of Diameter	130
	(c) Tensile strength	140
	(d) Softening point	130
	(e) other test	250
59	Surgical dressing etc.	
	(a) determination of Yarn number each	220
	(b) Thread count (warp and weft) etc.	120
	(c) Elasticity	120
	(d) Wt. Per unit area	130
	(d) determination of content of wool	230
	(f) setting time	120
	(g) other chemical test each	230
	(h) Absorbency	220
	(i) Naps etc.	120
	(j) Adhesive strength of plasters	120
	(k) other tests	150
60	Determination of starch in dressing	230
61	Identity test in vegetable drugs	530
	(a) Pharmacopoeial each	-
	(b) Non official each	-
62	Identity test in Pulverized drugs in mixture	550

	(a) Official drugs each	-
	(b) Non official each	-
63	Un known vegetable drugs	
64	Microscopic evaluation	250
65	Syringability test	220
66	Air Tightness	250
67	Microbiological tests	-
	(i) Sterility of Antibiotics, plasma and other blood preparations	770
	(ii) sterility test	-
	(iii) sterility of sutures	-
	(iv) Vaccines and Sera etc.	-
	(v) test for presence of fungi etc.	-
68	Test for infusion bags microbiological	790
69	Activity, potency test.	250
	(i) Antibiotics per ingredients	330
	(ii) vitamin etc.	350
70	Other bacteriological examination	370
71	Toxicity/abnormal toxicity /undue, toxicity safety test	320
72	Depressor substances test	320
73	Presser substance test	360
74	Biological adequacy test	400
75	Biological assay	360
76	Pyrogen test	360
77	*Other pharmacological test	250
78	*Clinical pharmacological trials	250

*Note.* i. The exact fee will be calculated by the government analyst on the basis of the time spend, reagents and animals etc. used.

ii. Fee for the other tests not given above is to be calculated by the government analyst.



**SCHEDULE 'D'**

(See Rule 19)

**To be sold by a retailer strictly on the prescription of registered medical practitioner.**

Andrenocortiotrophic hormone (ACTH), androgenic anabolic, oestrogenic, and progestational substance, benzeestrol, derivatives of stilbene, dibenzyl or naphthalene with oesterogenic activity, their esters, steroids compound with androgenic or anabolic oestrogenic progress to the activity and their esters.

**Antibiotics specified below, their salts, derivatives and salts of their derivatives**

Bacitracine.	Carbomycin.	Chloramphenicol
Chlortetracycline	Colimycin	Dihydro streptomycin
Erythromycin	Framyceten	Gramicidin
Griseofulvin.	Kanamycin	Neomycin
Novobiocine	Nystatin	Oleandomycin
Oxytetracycline.	Pencilline	Paromomycin
Polymyxin.	Spiramycin	Streptomycin
Tetracycline	Tyrothyricin	Vanocomycin
Viomycin	Cephalosporines	Amitriptylline, its salts

Antihistamine substance, their salts and derivatives salts of their derivatives.

Antazoline	Bromazine	Bucidine
Chlorocyclizine	Diphenhydramine	Diphenpyraline
3 Di Nebutyl, aminoethyl, 1-4, 5, 6, tri hydroxyphthalide.	Isothidendyl, N-Dimethly amino iso propyl thiophenyl, Pyridalamine.	Meclozine.
Phenindamine.	Promethazine	Propfen pyridamine
Thenalidine, (1 Methyl 4 amine N - Phenyl N 2 Phenyl), pioridine tartrate. Substance being tetra substituted N-Derivatives of Ethylenedi amine or propylene di amine.	Azapetine its salts Aenactyzine its salts	Benzodiazepienes Bendrofluaxide Pentazocine, Buprenorphines, Tramadol's

Brethyluium Tesylats.	Captodine, its salts	Chlorisondamine Cholordies
Chlormozanene	Chlorpyromazine, its salts	Chlorprothixene.
Chlorthiazide.	Citrated Calcium Carbimide.	Clidinium Bromide.
Cortisone, hydrocortisone, Prednison, prednisolone, triamcinolone and dexamethasone, their esters, their derivatives and esters, of their derivative .	Cyclopenthiiazide.	Dithlazine Iodide.
Ethionamide	Glutethimide, its salts, guanethidine.	Hexocyclium Methyl sulphate. Hexadimethrine Bromide.
Hydrochlorth lazide	Hydroflume thiazide	Hydroxyzine, it salts.
Impiramine, its salts.	Iron preparations for parenteral use	Isocarbon acids
Isonicotinic acid hydrazide and other hydrazine derivatives of isoncotinic acid, their derivatives, salts.	Isoxsurprine.	Mepromade.
Methaqualone, its salts.	Methypenpynol, its ester an other derivatives .	Metronidazole
Mialamide, its salts.	Oxytocin, prepaid from the pituitary body or by synthesis.	Para aminosalicyclic acid, its salts, its derivatives, their salts,
Pempidine, its salts.	Pecazine, its salts.	Pherelzine, its salts.
Phenothiazine, derivatives and salts of its derivatives not other wise specified in this schedule.	Phenynamidol, its salts.	Pituitary gland, the active principles of not otherwise specified in this schedule, and their salts.
Pivazide.	Polythiazide.	Promazine, its salts.
Pyrvinium its salt.	Sorbide Nitrate.	Spirolactone
Thiopropazate, its salts	Trranyllocypromine, its salts.	Trimeprazine, its salts.
Vasopressin, prepared from the pituitary body of by synthesis.		

*Note:*—Preparations containing the above substances, excluding preparations intended for topical or external use, also covered by this schedule.

*Note:*—The Chief Commissioner, Islamabad may, on the recommendations of the Quality Control Board, Islamabad, by Notification in the official gazette, declare any drug to be schedule B drug for the purposes of these rules.

**SCHEDULE 'E'**

(See Rule 19)

Name of Poisonous substances	Percentage of poison content below which the substance or its preparation is exempted from the provision of rule
Acetanilide, alkyl acetanilides	-
Acetylmethadol, its salts	-
Aconits, roots	-
Alkaldoids the following, their salts, their esters, salts of their esters, their Quaternary compounds	
Acetyldihydrocodeins	-
Acetyldihydrocodeinone	-
Aconite, alkaloids	0.20
Apomorphine	0.15
Atropine	0.15
Bellodona, alkaloids calculated as hoysaimine	0.15
Benzolymorphine	-
Brucine	0.20
Calabar beans alkaloids of Cocoa, alkaloids	0.10
Cocaine	0.10
Codeine	0.10
Colchicum	0.50 calculated as colchicines
Conine	0.10
Coternine	0.20
Curare alkaloids of curare basis	-
Diamorphine (Diacetylmorphine hydrochloride)	-
Dihydrocodeine	-
Dihydrocodeinone	-
Di hydroxy di oxy codein	0.1.
Dihydromorphine	-

Ecgonin	-
Emetine	1.0
Ephedra Alkaloids	1.0
Ergot Alkaloids	-
Ethylmorphine	0.20.
Gelsemium Alkaloids	0.1
Home Atropine	0.15
Hyoscyamine	0.15
Daborandi Alkaloids	0.50
Lobellia Alkaloids	0.50
Morphine	0.20 Calculated as anhydrous Morphine
Nicotine	0.20
Papaverine	1.0
Pomegrante Alkaloids	0.15
Quberacho Alkaloids other than the alkaloids of quebracho red	-
Rauvolfia Alkaloids	-
Sabadilla Alkaloids	1.0
Solanaceous Alkaloids not other wise specified in the list	0.15 Calculated as Hyoscyamine
Stav sacre, Alkaloids of	0.20
Strychnine	0.20
Thebane	1.0
Tropi cocaine (Benzyl Pseudo Tropine)	-
Veratrum Alkaloids	1.0
Youhimba Alkaloids of	-
Allyl iso propyl acetyl urea	-
N-Allyl Morphine and other Pentavalent Morphine Derivatives	-
Allyl prodine, its salts	-
Alpha Acetylmethadol, its salts	-

Amidopyrine, its salts, Amidopyrine Shlphonates and its derivatives & salts	-
Amino alcohol esterified with benzoic acid, phenyl propionic acid or the derivatives of these acids, their salts	1.0
Aminopetrine	-
Ammonia	Smelling salts
Amylnitric	-
Anilordine, its-salts	-
Antimony, Oxide of Antimony, Ssulphides of Antimony, Organic compounds of antimony	Equivalent of 1.0% of trioxide
Barbituric acid, its salts, Compounds of barbituric acid, its salts, derivatives, their salts with any other substance	-
Barium Chloride	-
Barium Sulphate	-
Beta acetyl methadol, its salts	-
Amphetamine, its N-Alkyl derivatives, their salts	-
Beta meprodine, its salts	-
Beta methadol, its salts	-
Busulphan (1,4 dimethane sulpha oxy butane), its salts	-
Butyl chloride hydrate	-
Cannabis (Indian hemp) cannabisersin, Galenical preparations of cannabis, extract and tincture of cannabis and cannabin tannates	-
Canthridine, Cantharidates	0.10 of canthridine
Carbacol, 4 cabamthoxy 1,3 dimethyl 4 phenyl hexa methyleneminie, its salts, Carbutamide	-
Chloral formamide, chloral hydrate	-
Chlorambucil, its salts	-
Chloroform	Substances containing 1% of 10% chloroform
Chlorpropamide its salts	-
Clonatazene, its salts	-

Creosote from wood	Substances containing 50% creosote
Crotonall and seeds	-
Cyclo phosphamide, its salts	-
Datura herb and seeds, preparation of datura	0.15 calculated as hyoscyamine
Deso morphine, its salts	1.5
Dextrometharphine, its salts	1.50
Dextro mormide, its salts	-
Dextrophane, its salts	-
Di acetyl N - allyl morphine, its salts	-
Di amono di phenyl sulphene, its salts and derivatives	-
Diditalis, Glycosides of other active principles of digitalis	-
Di iso propyl fluoro phosphonates	-
Dimenaoadol, its salts	-
Di methyl thiambutene, its salts	-
Di nitro cresets, their compounds with a metal or a base	-
Di nitro naphthols, di nitro phenols, di nitro thynols	-
Do oxy phetane butyrate, its salt	-
Diphenoxylate, its salts	-
Di phenyl norpholino hephta none, its salts	-
Di pipanone, its salts	-
Di sod stilbestrol di phosphate	-
Di sulpharim	-
Di thienyl allyl amines	-
Epinephrine, its salts	-
Ergot, the sclerotia of any species claviceps, extract of ergot, tincture of ergot	-
Erythrityl tetra nitrate	-

Etho sulphide	-
Ethl metryl thiambutene, its salts	-
Etozeridine, salts	-
Formaldehyde Formic acid	Substances containing less than 5% of formaldehyde
Furethidine, its salts	-
Callamine, its salts, its quaternary compounds	-
Glyceryl trinitrate (Nitroglycerin)	-
Guinadines, Poly mthylene di guanidine, di para enisyl pheNotyl guanidine	-
Hydanton, its salts, its derivaties their salts	-
Hydrochloric acids	Substances containing 9% of Hcl
Hydro cyanic acid, cyanides	0.15
Hydro merphinol, its salts	-
12 Hydroxy 5,9 dimethyl (2 phenyl) 6,7 benzentorphene, it salts	-
Hydroxy pethadine, its salts	-
Insulin	-
Iso propyl ester of 1 methyl 4 phenyl carboxylic acid (Phroperidino) its salts	-
Laudeaxium, its salts	-
Lead acetate, compounds of lead with acids from fixed oils	-
Levariernol its salts	-
Levo 3 hydroxyl N propyl morphinan, its salts	-
Levo metharphane, its salts	-
Leverphanol, its salts	-
Mannomustine, its salts	-
Mannothyl hexanitrate	-
6 mercaptopurine, its salts	-
Mercury, Mercuric chloride, Mercuric aluminum chloride	1.00 of mercuric chloride

Mercuric Iodine	2.0
Mercuric Nitrate	Equivalent of 3% of mercury
Mercury or inorganic compounds of mercury	Equivalent of 2% of mercury
Mercury, Oxides of mercury oxy cyanides of mercuric pot. Iodine	Equivalent of 1% of mercury
Metamizole	-
Metazocine, its salts	-
Metformin, its salts	-
Sulphonyl urea salts	-
Methanol	-
Mthotraxate, its salts	-
Metheruzine	-
Methyl des orphine, its salts	-
Methyl hydro morphine, its salts	-
Methyl 4 phenyl piperidine 4 carboxylic acid, esters their salts	-
Metapone (Methyl di hydro morphinone) its salts	-
N-(2 methyl phenethyl amino propyl propionalit, its salts	-
Morpheridine, its salts	-
Morphine N oxide, its derivatives, their salts	-
Mustine, its salts	-
Nalorphine, its salts	-
Nitric Acid	Substances containing 9% of Nitric acid
Nitrobenzene	-
Nitrophenols of Meta and Para Norcodeine, its salts	-
Norlevorphanol its salts	-
Normethadane, its salts	-
Nux Vomica, seeds of nux vomica,	0.20,
preparation of nux vomica	Calculated as strychnine



Opium	0.20, Calculated as anhydrous morphine
Orthocaine, its salts	-
Quabain	-
Oxazolidine, its derivative	-
Oxy chinchonic acid, derivatives of their salts, esters	-
Oxymorphone, its salts	-
Para aminobenzene sulphonamide, its salts, derivatives of para aminoenzene sulphonamide having any of the hydrogen atom of the para amino group of the sulphonamide group substituted by another radical, their salts	Substances intended for topical or external use
Para amino benzoic acids its salt, esters, their salts	-
Para amethadione	-
Phenam promide, it salts	Phenformin, its salts
Phenols (Any member of the series of phenol of which the first member is phenol and of which the molecular composition varies by one atom of carbon and two atoms of hydrogen, halogens derivatives of phenol, compounds of phenols with a metal	Substances containing less than 1a5 of phenol Nasal Sprays, mouth washes, pastilles lozer capsules, ointments less than 2.5% of phenol
Phenomorphin, its salts	-
Phenoperidine, its salts	-
Phensuxamide	-
Phenyl acetyl urea	-
Phenylbutazone, its salts, its derivatives, their salts	-
Phenyl chinchonic acid, its salts, esters, the salts of its esters	-
Pholcodein, its salts	1.50
Phosphorus yellow	-
Picric acid	Substances containing less than 9% of picric acid
Picrotoxin	-
Piminodine, its salts	-

Piperidine (Phenyl bicyclic heptanyl propanol)	-
Potassium Fluoride	Substances containing less than 1% of Pot fluoride
Potassium Hydroxide	-
Procaine, salts of procaine	Combination of procaine with antibiotics
Proheptazine, its salts	-
Propoxyphene, its salts	-
Recomthorphan, its salts	-
Reserpine, its salts, its derivatives, their salts	-
Salicylconchonic acid, its salts, esters, the salts of its esters	-
Savin oil of sodium fluoride	Substances containing less than 1% of sodium fluoride
Sodium Hydroxide	Substances containing less than 12% of NaOH
Sodium Nitrate	-
Strophanthus, its Glycosides	-
Sulphuric Acid	Substances containing less than 9% of Sulphuric Acid
Thallium, its salts	-
Thiocarbonyl	-
Thyroid, glands, the active principle of their salts	-
Tolbutamide	-
Tribromomethyl alcohol	-
Tri (2 Chloroethyl) Amines, its salts	-
Tri ethylene thio phosphoramidate	-
Trimeperidine, its salts	-
Tropine di phenyl methyl esters, their salts	-
Roxidone	-
Nephosphide	-

**SCHEDULE 'F'**

[See Rule 18(1) (c)]

**LIST OF MINIMUM REQUIREMENTS FOR  
CARRYING OUT COMPOUNDING/DISPENSING**

**I. Entrance;** The front of pharmacy shall bear an inscription "Dispensing/Compounding Facility".

**II. Premises;** The premises shall be separated from room for private use. The premises shall be built dry, well lit and ventilated and shall of sufficient dimensions to allow the goods in stock, especially drugs and poison to be kept in a clearly visible and appropriate manner. The area of the section to be used at dispensing department shall not be less than 6 sq Meters for one person working therein with additional 2 sq Meters for each additional person. The height of the premises shall at least be 2.5 sq Meters.

The floor shall be smooth and washable. The walls shall be plastered or tiled or oil painted so as to maintain smooth durable and washable surface devoid of holes cracks and cervices.

A facility shall be provided with good quality of water. The dispensing department shall be separated by a barrier to prevent the entry of public.

**III. Furniture and Apparatus;** The furniture and apparatus shall be adapted to the uses for which they are intended and correspond to the size to the size and requirement of the establishment.

The drugs and chemicals shall be kept in separate almirah/cupboard or a room appropriate to their properties and in such special containers as will prevent any deterioration of contents or of contents of containers kept near them. Drawer glasses and other containers used for keeping medicaments shall be of suitable size and capable of being closed tightly to prevent the entry of dust.

Every container shall bear label of appropriate size, easily readable, with names of medicaments as given in Pharmacopoeias.

A facility shall be provided with a dispensing bench, the top of which shall be covered with washable and impervious material like stainless steel, laminated or plastics etc.

The containers of concentrated solutions shall bear special label or marked with the word "Poison" in red letters on a white background.

A Pharmacy shall be provided with the following minimum apparatus and books necessary for masking of official preparation and prescriptions:-

**IV. Extent of dispensing/compounding:** The facility shall be used only for compounding/dispensing of topical preparations including creams, ointments, lotions etc in quantities as required in the prescription issued by the registered medical practitioner.

**V. Apparatus**

Balances with dispensing sensitivity of 30 mg

Balances Counter, capacity 3 kg, sensitivity 1 gm

Beakers lipped, assorted sizes

Bottles prescription, un graduated assorted size

Choric extractors

Evaporating dishes, porcelain

Filter papers, Funnels, Glasses

Litmus papers, blue and red

Measure glasses cylindrical 10ml, 25ml, 100ml and 500ml

Mortar and pestle glass

Ointment slab, porcelain, Ointment pot with bakelite or suitable cap.

Pipettes graduated, 2ml, 5ml and 10 ml

Ring stand (retort) iron, complete with rings

Rubber stamps and pad, scissors, spatula

Spirit lamp or gas burner

---

Glass stirring rods, Thermometers, 0 to 200C

Tripot stand, Watch glasses, Water bath

Water distillation still in case eye drops are prepared

Weight metric, 1 mg to 100mg

Wire gauze, Pill finisher, Boxwood

Pills Machine, Pill box and suppository mould

**VI. Books-**

The United State Pharmacopoeia or British Pharmacopoeia (Current Edition)

National Formulary of Pakistan (Current Edition)

The Drugs Act 1976 and rules framed there under

The Pharmacy Act 1967

The Dangerous Drug Act and CNS Act 1997

Any other relevant book

**VII. General Provisions—** Dispensing/compounding of drugs shall be conducted under the continuous personal supervision of a qualified person referred to in rule 19 whose name shall be displayed conspicuously in the premises and his registration certificate issued by the pharmacy council shall be displayed in the premises.

The qualified person shall always put on clean white overalls.

The premises and the fittings of the facility shall be properly kept and maintained and everything must be in good order and clean.

All records and register shall be maintained in accordance with the laws in force

Any container taken from the poison cupboard shall be replaced therein immediately after use and the cupboard locked. The keys of the poison cupboard shall be kept in the personal custody of the responsible person.

Drugs when supplied shall have labels conforming to the provisions of laws in force.

*Note-*; The above requirements are subject to modification or the directions of the Licensing Authority, if the Authority is of the opinion that having regards to the nature of drugs dispensed, compounded or prepared by the licensee it is necessary to relax the above requirements in the circumstances of a particular case.

### Schedule G

[See rule 19(1)(e)]

#### DRUGS NOT TO BE SOLD/STORED BY LICENCEE IN FORM NO. 10

##### 1. Antileprosy

- |     |                      |    |               |
|-----|----------------------|----|---------------|
| i   | Rifampicin Injection | iv | Ethionamide   |
| ii  | Dapsone              | v  | Prothionemide |
| iii | Clofamazine          |    |               |

##### 2. Immunological products, Vaccines, Sera / Anti Sera

- |      |                     |      |                       |
|------|---------------------|------|-----------------------|
| i    | Anthrax Vaccine     | ix   | Rubella Vaccine       |
| ii   | BCG Vaccine         | x    | Pneumococcal vaccine  |
| iii  | Botulisms Antitoxin | xi   | Poliomyelitis Vaccine |
| iv   | Cholera Vaccine     | xii  | Smallpox Vaccine      |
| v    | Diphtheria Vaccine  | xiii | Typhoid Vaccine       |
| vi   | Influenza Vaccine   | xiv  | Immunoglobulins       |
| vii  | Measles Vaccine     | xv   | Rabies Vaccine        |
| viii | MMR Vaccine         | xvi  | Homophiles Influenza- |

Type B Vaccine

**3. Products Related with Malignant Diseases and Immunosuppression**

i	Folinic Acid	xiii	Mitozantrone
ii	Doxorubicin HCl	xiv	Methotrexate
iii	Mercaptopurine	xv	Vinblastine
iv	Thioguanine	xvi	Carboplatin
v	Vincristine	xvii	Bleoimycin
vi	Cisplastin	xviii	DactiNo.mycin
vii	Busulphan	xix	Chlorambucil
viii	Carmustine	xx	Dacarbazine
ix	Lomustine	xxi	Amasascrine
x	Cyclophosphamide	xxii	Azathioprine
xi	Melphalan	xxiii	Cyclosporin etc
xii	Fluorouracil		

**4. Drugs of Anesthesia and Inhalation Anesthetics**

i	Propofol	viii	Mitazolam
ii	Enfluran	ix	Naloxone HCl
iii	Isofluran	x	Vancuronium
iv	Halothane	xi	Pancuronium
v	Bupivacain	xii	Tubocuraine
vi	Thiopentone	xiii	Suxamethonium
vii	Benzodiazepine	xiv	Neostigmine

**5. Antibiotics**

- |     |                 |    |            |
|-----|-----------------|----|------------|
| i   | Spectinomycin   | ii | Vancomycin |
| iii | Teicoplanon     | iv | Colistin   |
| v   | Sodium Fusidate | vi | Imipenem   |

**6. Inotropics**

- |     |           |    |           |
|-----|-----------|----|-----------|
| i   | Primacor  | ii | Milrinone |
| iii | Enoximone |    |           |

**7. Injection Prostaglandins**

- |     |              |    |            |
|-----|--------------|----|------------|
| i   | Dinoprostone | ii | Carboprost |
| iii | Gemeprost    |    |            |

**8. Alpha Blocker**

- |     |              |    |            |
|-----|--------------|----|------------|
| i   | Prazosin HCl | ii | Indoramine |
| iii | Daxazosin    | iv | Alfuzosin  |

**9. Biotechnological Products**

- |   |            |    |               |
|---|------------|----|---------------|
| i | Interferon | ii | Erythropoetin |
|---|------------|----|---------------|

**10. Narcotics, Psychotropic /Tri Cyclic Anti Depressant**

- |     |               |       |                  |
|-----|---------------|-------|------------------|
| i   | Morphine      | xviii | Chlorpromazine   |
| ii  | Buprenorphine | xix   | Meprobamate      |
| iii | Nalbuphine    | xx    | Chlordiazepoxide |
| iv  | Fantamil      | xxi   | Alprozolam       |
| v   | Pethidine     | xxii  | Clonazepam       |
| vi  | Lorazepam     | xxiii | Flurazepam       |



---

vii	Temazepam	xxiv	Loprazolam
viii	Oxazepam	xxv	Dothiepin
ix	Amoxapine	xxvi	Doxepin
x	Iprine Dole Codeine	xxvii	Nortriptyline
xi	Pentazocine	xxviii	Trimipramine
xii	Phenelzine	xxix	Tranycypromine
xiii	Lithium	xxx	Flupenthixol
xiv	Dextropropoxyphene	xxxi	Tryptophan
xv	Clomipramine	xxxii	Impiramine
xvi	Mianserin	xxxiii	Amipriptyline etc.
xvii	Maprotiline		

**11. Antiviral**

i	Acyclovir	vii	Idoxuridine
ii	Amantadine HCL	viii	Ribavirin
iii	Famciclovir	ix	Vidarabin
iv	Inosine Pranolsex	x	Trifluridine
v	Zidovudine	xi	Methisozone etc.
vi	Ganciclovir		

**12. Thrombolytic Enzymes**

i	Alteplase	ii.	Anisreplase
iii	Streptokinase	iv	Urokinase

**13. Product Used in Dialysis**

- |     |                                     |    |                                       |
|-----|-------------------------------------|----|---------------------------------------|
| i   | Peritoneal Dialysis & Haemodialysis | ii | Lysine Solution (Irrigation Solution) |
| iii | Hyper tonic Solution.               | iv | Isotonic Solution                     |

#### 14. Creams and aerosols Steroidal Preparations

- |     |                |    |                   |
|-----|----------------|----|-------------------|
| i   | Prednisolone   | ii | Methylprednislone |
| iii | Triamcinolone  | iv | Dexamethasone     |
| v   | Beclomethasone | vi | Hydrocortisone    |

#### 15. Hormones

- |     |              |      |                |
|-----|--------------|------|----------------|
| i   | Vasopressin  | vi   | Finasteriodes  |
| ii  | Desmopressin | vii  | Finasteriodes  |
| iii | Stanozolol   | viii | Somatropin     |
| iv  | Nandrolone   | ix   | Testosterone   |
| v   | Mesterolone  | x    | Progesterone's |

*Note:-* The Chief Commissioner, Islamabad may, on the recommendations of the Quality Control Board, Islamabad, by Notification in the official gazette, declare any drug to be schedule G drug for the purposes of these rules.

**Schedule H**

[See Rule 18(1)(g)]

**REQUIREMENT FOR THE LICENCEE IN FORM NO. 11 FOR THE  
DISTRIBUTION/WHOLESALE OF DRUGS.**

- i. The person (s) registered under section 24(1)(a) of the Pharmacy Act 1967 (XI of 1967) shall personally supervise the sale of drugs;
- ii. a sign board having minimum length 5 feet and width of 2.5 feet in black writing on a yellow colored shall be displayed on the front side;
- iii. the licensee shall maintain area sufficient for the storage of the drugs intended to be sold/distributed but shall in no case be less than 144 Sq Ft with minimum breath of 12 feet;
- iv. steel racks/pellets will be made available for the storage of drugs;
- v. drugs shall be stored in a way that suitable distance shall be maintained from the walls and floor;
- vi. air conditioner/air handling unit will be provided for the maintaining room temperature, however, cold storage arrangements shall have to be put in place in case the licensee is dealing with drugs requiring temperature 2 to 8 C;
- vii. Accounts/admin office will be established with computer facility for updated record of sale/purchase of pharmaceuticals.
- viii. Authority letter of the manufacturer(s) must be displayed.
- ix. For the safe delivery of drugs to the sale outlets, the delivery van must be air conditioned for preserving the properties of the content throughout the period during which it remained in possession of the supplier.
- x. The premises should be located in commercial area/building at preferably be at ground floor.
- xi. The sale/supply should be according to the Rules/Act and Notifications issued from time to time.

- xii. For drugs requiring special storage condition, proper storage must be ensured.
- xiii. This license and registration certificate (from pharmacy council) of the person(s), personally supervising the sale of drugs shall be displayed in a prominent place in part of the premises at appropriate level, open and visible to the public.
- xiv. The licensee shall comply with the provisions of the Drugs Act, 1976 and the rules framed there under for the time being in force.
- xv. The licensee shall report forthwith to the Licensing Authority and Drug Inspector, in case of any change in person(s) incharge, personally supervising the sale of drugs.
- xvi. No drug requiring special storage conditions of temperature and humidity shall be stored or sold unless the precautions necessary for preserving the properties of the contents have been observed throughout the period during which it remained in possession of the licensee.
- xvii. The supply of a drug shall be recorded suitably and the records, the bills or the counterfoils shall be preserved for a period of at least three years from the date of the sale;
- xviii. The licensee shall ensure that warranty in the prescribed form is issued to the purchaser for every batch of drug in compliance with the provisions of the section 23 (1) (i) of the Drug Act, 1976.
- xix. The licensee shall ensure that warranty in the prescribed form is obtained from the manufacturer or importer for every batch of drug so procured in compliance with the provisions of the section 23 (1) (i) of the Drug Act, 1976.

[No. 1 (19)-Law/2013-4151.]

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY

# THE CAPITAL UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT, 2014

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# **<sup>1</sup>THE CAPITAL UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT, 2014**

[22nd September, 2015]

ACT NO. XVI OF 2015

*An Act to provide for establishment of the  
Capital University of Science and Technology*

WHEREAS it is expedient to provide for the establishment of Capital University of Science and Technology at Islamabad and for matters ancillary thereto;

It is hereby enacted as follows:—

## CHAPTER I

### PRELIMINARY

**1. Short title, application and commencement.**- (1) This Bill<sup>2</sup> may be called the Capital University of Science and Technology Act, 2014.

(2) It extends to the whole of Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) “Academic Council” means the Academic Council of the University;

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<sup>1</sup> The Act received the assent of the President on 18th September, 2015 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 28th September, 2015, at pages 799-827.

<sup>2</sup> The word should be “Act”.

- (b) "Authority" means any of the Authorities of the University set up under section 18;
- (c) "Board" means the Board of Governors of the University;
- (d) "Chancellor" means the Chancellor of the University;
- (e) "College" means a constituent college;
- (f) "Commission" means the Higher Education Commission of Pakistan;
- (g) "Constituent College" means an educational institution, by whatever name described, maintained and administered by the University;
- (h) "Dean" means the head of a faculty of the University;
- (i) "Department" means a teaching department of the University;
- (j) "Director" means the head of an institute established as a constituent institute by the University;
- (k) "Executive Committee" means the Executive Committee of the University;
- (l) "Faculty" means an administrative and academic unit of the University consisting of one or more departments;
- (m) "Government" means the Federal Government;
- (n) "Institute" means an institute maintained and administered by the University;
- (o) "Officer" means any officers(s) of the University;
- (p) "Patron" means the Patron of the University;
- (q) "Prescribed" means prescribed by Statutes, regulations or rules;



- (r) "Professor Emeritus" means a retired Professor appointed by the Chancellor on honorary basis;
- (s) "Principal" means the head of a College;
- (t) "Registrar" means the Registrar of the University;
- (u) "Review Panel" means the Review Panel set up by the Chancellor under section 10;
- (v) "Representation Committees" means the representation committees constituted under section 25;
- (w) "Search Committee" means the search committee set up by the Board under section 13;
- (x) "Statutes", "Regulations" and "Rules" means respectively the Statutes, the Regulations and the Rules made under this Act;
- (y) "Teacher" include Professor, Associate Professor, Assistant Professor and Lecturer engaged whole-time by the University, or by a constituent college;
- (z) "Trust" means the Mohammad Ali Jinnah University Trust;
- (aa) "University" means the Capital University of Science and Technology;
- (ab) "University Teacher" means a whole-time teacher appointed and paid by the University; and
- (ac) "Vice-Chancellor" means the Vice-Chancellor of the University.

## CHAPTER II

### THE UNIVERSITY

**3. Establishment and Incorporation of the University.-** (1) There shall be established at Islamabad a University to be called the Capital University of Science and Technology consisting of:

- (a) the Patron, the Chancellor, the Vice-Chancellor, the members of the Board, the members of Executive Committee, deans, the chairmen of the teaching departments and members of the Academic Council of the University;
- (b) the members of the boards, committees and other bodies as the Board may establish;
- (c) the teachers and students of the University and its constituent units; and
- (d) such other officers and members of the staff as the Board may, from time to time, specify.

(2) The University shall be a body corporate by the name of Capital University of Science and Technology having perpetual succession and a common seal, with powers, among others to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(3) The principal seat of the University shall be at Islamabad and it may set up its campuses, colleges, institutes, offices, research/study centers and other facilities at such places in Pakistan as Board of Governors may determine. The additional campuses shall be set up in other parts of the country only after their evaluation by the Higher Education Commission to determine whether they meet the eligibility criteria fixed by the Commission.

(4) The University shall be competent to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(5) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act and the Higher Education Commission Ordinance, 2002 (LIII of 2002). In particular, and without prejudice to the authority granted to the Commission by the law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Board in the annual budget of the University.

**4. Powers and Purposes of the University.-** The University shall have the following powers, namely:—

- (a) to provide education and scholarship in such branches of knowledge as it may deem fit, and to make provisions for research, service to society and for the application, advancement and dissemination of knowledge by employing information technology including satellite, television, internet etc., or through conventional methods;
- (b) to prescribe courses of studies to be conducted by it and the colleges;
- (c) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
- (d) to prescribe the terms and conditions of employment of the officers, teachers and other employees of the University;
- (e) to engage, where necessary, persons on contract of specified duration and to specify the terms of each engagement;
- (f) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (g) to provide for such instruction for persons not being students of the University as it may prescribe and to grant certificates and diplomas to such persons;
- (h) to institute programmes for the exchange of students and teachers between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (i) to provide career counseling and job search services to students and alumni;
- (j) to maintain linkages with alumni;
- (k) to develop and implement fund-raising plans;

- (l) to provide and support the academic development of the faculty of the University;
- (m) to confer degrees on persons who have carried on independent research under prescribed conditions;
- (n) to accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;
- (o) to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;
- (p) to institute Professorships, Associate Professorships, Assistant Professorships and Lectureships and any other posts and to appoint persons thereto;
- (q) to create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (r) to recognize selected members of the teaching staff of colleges or educational institutions admitted to the privileges of the University or such other persons as it may deem fit, as University teachers;
- (s) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;
- (t) to establish teaching departments, schools, colleges, faculties, institutes, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (u) to provide for the residence of the students of the University and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging;

- (v) to maintain order, discipline and security on the campuses of the University and the colleges;
- (w) to promote the extra curricular and recreational activities of the students, and to make arrangements for promoting their health and general welfare;
- (x) to demand and receive such fees and other charges as it may determine from time to time;
- (y) to make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- (z) to enter into, carry out, vary or cancel contracts;
- (za) to receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (zb) to provide for the printing and publication of research and other works; and
- (zc) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education, learning, and research; and
- (zd) to decide virtual/online teaching methods and strategies in order to ensure the conduct of most effective educational and training programs in light of Policy on the subject made by the commission.

**5. University open to all classes, creeds, etc.-** (1) The University shall be open to all persons of either gender and of whatever religion, race, creed, class, colour or domicile and no person shall be denied privileges of the University on the grounds of religion, race, caste, creed, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten percent per annum on an annualised basis from the last such increase may not be made except in special circumstances, and only with the approval of the Chancellor.

(3) The University shall institute financial aid programmes for students in need, to the extent considered feasible by the Board given the resources available, so as to enable admission and access to the University and the various opportunities provided by it to be based on merit rather than ability to pay.

**6. Teaching at the University.-** (1) All recognized teaching in various courses shall be conducted by the University or the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other organizations.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

### CHAPTER III

#### OFFICERS OF THE UNIVERSITY

**7. Officers of the University.-** The following shall be the officers of the University, namely:—

- (a) Patron;
- (b) Chancellor;
- (c) Vice-Chancellor;
- (d) Deans;
- (e) Principals of the constituent colleges;
- (f) Head of the teaching departments;
- (g) Registrar;
- (h) Treasurer;
- (i) Controller of Examinations; and

- (j) such other persons as may be prescribed by the statutes or regulations.

**8. Patron.-** (1) The President of Islamic Republic of Pakistan shall be the Patron of the University.

(2) The Patron shall, when present, preside at the convocation of the University. In the absence of the Patron, the Board of Governors may request a person of eminence or the Chancellor to preside over the convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to confirmation by the Patron.

**9. Visitation.-** (1) The Patron may, in accordance with the terms and procedures as may be prescribed, cause an inspection or inquiry to be made on his own motion or at the request of the Higher Education Commission in respect of any matter connected with the affairs of the University and shall, from time to time, direct any person or persons to inquire into or carry out inspection of:

- (a) the University, its building, laboratories, libraries and other facilities;
- (b) any institution, department or hostel maintained by the University;
- (c) the adequacy of financial and human resources;
- (d) the teaching, research, curriculum, examination and other matters of the University; and
- (e) such other matters as the Patron may specify.

(2) The Patron shall communicate to the Board his views with regard to the result of visitation and shall, after ascertaining the views of the Board, advise the Chancellor on the action to be taken by it.

(3) The Chancellor shall, within such time as may be specified by the Patron, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the results of visitation.

(4) Where the Board does not, within the time specified, take action to the satisfaction of the Patron, the Patron may issue such directions as he deems fit and Board shall comply with all such directions.

**10. Chancellor.-** (1) The Chairman of the Trust shall be the Chancellor of the University and the Chairperson of the Board.

(2) The members of the Board as well as the Vice-Chancellor shall be appointed by the Chancellor from amongst the persons recommended by the Representation Committee set up for this purpose or the Search Committee established in accordance with this Act and the statutes, as the case may be, along with those elected.

(3) where the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may,—

- (a) as regards proceedings of the Board, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued:

Provided that if the Chancellor is satisfied that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed he may, after calling upon the Board to show cause in writing, appoint a five member Review Panel to examine and report to the Chancellor on the functioning of the Board. The report of the Review Panel shall be submitted within such time as may be prescribed by the Chancellor. The Review Panel shall be drawn from persons of eminence in academics and in the fields of law, accountancy and administration; and

- (b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Board, direct the Board to exercise powers under section 19.

(4) The Chancellor may remove any person from the membership of any authority if such person:—

- (a) has been found of unsound mind; or



- (b) has been incapacitated to function as a member of such Authority; or
- (c) has been convicted by a court of law for an offence involving moral turpitude; or
- (d) has been found indulging in any activity against the interest of the University.

(5) Should the Chancellor be incapacitated from acting as such due to absence or any other cause, the Vice-Chancellor or a nominee of the Chancellor shall act for him.

**11. Removal from the Board.-** (1) The Chancellor may, upon the recommendation of the Review Panel, remove any person from the membership of the Board on the ground that such person:

- (a) has become of unsound mind; or
- (b) has become incapacitated to function as member of the Board; or
- (c) has been convicted by a court of law for an offence involving moral turpitude; or
- (d) has absented himself from two consecutive meetings without just cause; or
- (e) has been guilty of misconduct, including use of position for personal advantage of any kind, or gross inefficiency in the performance of functions.

(2) The Chancellor shall remove any person from the membership of the Board on a resolution calling for the removal of such person supported by at least three-fourth of the membership of the Board:

Provided that before passing such resolution, the Board shall provide the member concerned a fair hearing:

Provided further that the provisions of this section shall not be applicable to the Vice-Chancellor in his capacity as a member of the Board.

**12. Vice-Chancellor.-** (1) There shall be a Vice-Chancellor of the University who shall be an eminent academician or a distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic functions of the University and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed.

(3) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any authority or body of the University.

(4) The Vice-Chancellor may, in an emergency that in his opinion requires an immediate action ordinarily not in the competence of the Vice-Chancellor, take such action and report to the Board.

(5) The Vice-Chancellor shall also have the following powers, namely:—

- (a) to direct teachers, officers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in the University as he may consider necessary for purposes of the University;
- (b) to sanction by re-appropriation an amount, not exceeding an amount prescribed by the Board, for an unforeseen item not provided for in the budget;
- (c) to make appointment of such categories of employees of the University and in such manner as may be prescribed by the statutes;
- (d) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the University except those appointed by or with the approval of the Board;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this A to an officer or officers of the University; and

- (f) to exercise and perform such other powers and functions as may be prescribed.

**13. Appointment and Removal of the Vice-Chancellor.-** (1) The Vice-Chancellor shall be appointed by the Chancellor on recommendations made by the Board.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Board on the date and in the manner prescribed by the Statutes and shall consist of two eminent members of society nominated by the Chancellor, of whom one shall be appointed the Convener, two members of the Board, two distinguished University Teachers who are not members of the Board and one academician of eminence not employed by the University. The two distinguished University Teachers shall be selected by the Board through a process, to be prescribed by Board, that provides for the recommendation of suitable names by the University Teachers in general. The Search Committee shall remain in existence till such time that the appointment of the next Vice-Chancellor has been made by the Chancellor.

(3) The persons proposed by the Search Committee for appointment as Vice-Chancellor shall be considered by the Board and of these a panel of three, in order of priority, shall be recommended by the Board to the Chancellor:

Provided that the Chancellor may decline to appoint any of the three persons recommended and seek recommendations of a fresh panel. In the event of a fresh recommendation being sought by the Chancellor the search committee shall make a proposal to the Board in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a renewable tenure of five years on terms and conditions prescribed by statute. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Board in support of such renewal:

Provided that the Chancellor may call upon the Board to reconsider such resolution once.

(5) The Board may, pursuant to a resolution in this behalf passed by three-fourth of its membership, recommend to the Chancellor the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may make a reference to the Board stating about inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that has come to his notice. After consideration of the reference the Board may, pursuant to a resolution in this behalf passed by two-third of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided further that prior to a resolution for removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(6) A resolution recommending removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accent the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Board.

(7) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is absent or is unable to perform functions of his office due to illness or some other cause, the Board shall make such arrangements for performance of the duties of the Vice-Chancellor as it may deem fit.

**14. Dean.-** (1) There shall be a dean of each faculty to be appointed by the Chancellor on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The dean shall be in charge of the faculty and shall assist the Vice-Chancellor on matters relating to teaching, research, academic program and extension of other development projects.

(3) Subject to overall supervision of the Vice-Chancellor, the dean shall formulate and recommend to the Academic Council, rules and delegations relating to academic and research matter of the faculty.

(4) The dean shall also have the following powers, namely:—

- (a) to collaborate with universities, industry and other research organizations.
- (b) to formulate recommendations to the Academic Council on the courses of study to be taught in different departments of the faculty;

- (c) to co-ordinate the award of fellowships, stipends, medals and prizes;
- (d) to coordinate the teaching and research work of the faculty;
- (e) to perform such other functions and exercise such other powers as may be entrusted or delegated to him by the Board or the Vice Chancellor; and
- (f) to delegate any of his powers to appropriate levels of management, subject to such conditions as he may deem fit.

**15. Registrar.-** (1) There shall be a Registrar of the University to be appointed by the Chancellor on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the University and shall:—

- (a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the authorities of the University;
- (b) be the custodian of the common seal and the academic record of the University;
- (c) maintain a register of registered graduates in the prescribed manner;
- (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Board may, on advice of the Vice-Chancellor, terminate appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**16. Treasurer.-** (1) There shall be a Treasurer of the University to be appointed by the Board on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Treasurer shall be as may be prescribed.

(3) The Treasurer shall be chief financial officer of the University and shall:

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;
- (b) prepare the annual and revised budget estimates of the University and present them to the Executive Committee or a committee thereof for approval and incorporation in the budget to be presented to the Board;
- (c) ensure that funds of the University are expended on the purposes for which they are provided;
- (d) have the accounts of the University audited annually; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be a renewable period of three years:

Provided that the Board may, on the advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**17. Controller of Examinations.-** (1) There shall be a Controller of Examinations, to be appointed by the Board on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The minimum qualifications necessary for appointment to the post of the Controller of Examinations shall be as may be prescribed.

(3) The Controller of Examinations shall be a full-time officer of the University and shall be responsible for all matters connected with the conduct of examinations and shall perform such other duties as may be prescribed.

(4) The Controller of examinations shall be appointed for a renewable term of three years:

Provided that the Board may, on the advice of the Vice-Chancellor, terminate appointment of the Controller of examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

#### CHAPTER IV

#### AUTHORITIES OF THE UNIVERSITY

**18. Authorities.-** (1) The following shall be the authorities of the University, namely:—

- (a) authorities established by the Act:—
  - (i) Board;
  - (ii) Executive Committee;
  - (iii) Academic Council;
- (b) authorities to be established by the statutes:—
  - (i) board of Advanced Studies and Research;
  - (ii) board of Studies;
  - (iii) selection board;
  - (iv) finance and planning committee;
  - (v) search committee for the appointment of the Vice-Chancellor;
  - (vi) representation committees for appointment to the Board, Executive Committee and the Academic Council;

- (vii) quality assurance committee;
- (viii) discipline committee; and
- (ix) such other authorities as may be prescribed by the Board.

**19. Board of Governors.-** (1) The body responsible for governance of the University shall be described as the Board, and shall consist of the following, namely:—

- (a) the Chancellor who shall be the chairperson of the Board;
- (b) the Vice-Chancellor;
- (c) one member of the Government not below the rank of Additional Secretary from the Ministry of Education;
- (d) four persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology and engineering, such that the appointment of these persons reflects a balance across the various fields:

Provided that the special focus or affiliation of the University, to be declared in the manner prescribed, may be reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Board;

- (e) one person from amongst the alumni of the University;
- (f) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college;
- (g) four University teachers; and
- (h) one person nominated by the Commission.

(2) The number of the members of the Board described under clauses (e) to (h) of sub-section (1) may be increased by the Board through



statutes subject to condition that the total membership of the Board does not exceed twenty one, with a maximum of five University teachers, and the increase is balanced, to the extent possible, across the different categories specified in sub-section (1).

(3) All appointments to the Board shall be made by the Chancellor. Appointments of persons described under clauses (e) and (f) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the representation committee set up in terms of section 25 and in accordance with procedure as may be prescribed:

Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Board:

Provided that as regards the University teachers described in clause (g) of sub-section (1) the Board shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of University teachers. Provided also that the Board may alternatively prescribe that appointment of University teachers to the Board shall also be in the manner provided by this sub-section for the persons described in clauses (e) and (f) of sub-section (1).

(4) Members of the Board, other than *ex-officio* members, shall hold office for three years. One-third of the members, other than *ex-officio* members, of the first restructured Board, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex-officio* members, of the first restructured Board, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than *ex-officio* members, shall retire from office on expiration of the third year:

Provided that no person, other than an *ex-officio* member, may serve on the Board for more than two consecutive terms:

Provided further that the University Teachers appointed to the Board may not serve for two consecutive terms.

(5) The Board shall meet at least twice in a calendar year.

(6) Service on the Board shall be on honorary basis:

Provided that actual expenses may be reimbursed as may be prescribed.

(7) The Registrar shall be secretary of the Board.

(8) In the absence of the Chancellor meetings of the Board shall be presided over by such member, not being an employee of the University or the Government, as the Chancellor may, from time to time, nominate. The member so nominated shall be the convener of the Board.

(9) Unless otherwise prescribed by this Act, all decisions of the Board shall be taken on the basis of the opinion of a majority of the members present. In the event of the members being evenly divided on any matter the person presiding over the meeting shall have a casting vote.

(10) The quorum for a meeting of the Board shall be two thirds of its membership, a fraction being counted as one.

**20. Powers and functions of the Board of Governors.-** (1) The Board shall have power of general supervision over the University and shall hold the Vice-Chancellor and the Authorities accountable for all the functions of the University. The Board shall have all powers of the University not expressly vested in an authority or officer by this Act and all other powers not expressly mentioned by this Act that are necessary for the performance of its functions but which are not inconsistent with the provisions of this Act or the statutes, regulations and rules made thereunder.

(2) Without prejudice to the generality of the foregoing powers, the Board shall have the following powers:—

- (a) to approve proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of accounts;
- (b) to hold, control and lay down policy for the administration of the property, funds and investments of the University, including the approval of the sale and purchase or acquisition of immovable property;
- (c) to oversee quality and relevance of the University's academic programmes and to review the academic affairs of the University in general;

- (d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;
- (e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University;
- (f) to approve strategic plans of the University;
- (g) to approve financial resource development plans of the University;
- (h) to consider drafts of statutes and regulations proposed by the Executive Committee and the Academic Council and deal with them in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Board may frame a statute or regulation on its own initiative and approve it after calling for the advice of the Executive Committee or the Academic Council as the case may be;

- (i) to annul by order in writing the proceedings of any authority or officer if the Board is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations after calling upon such Authority or officer to show cause why such proceedings should not be annulled;
- (j) to recommend to the Chancellor removal of any member of the Board in accordance with the provisions of this Act;
- (k) to make appointment of members of the Executive Committee, other than *ex-officio* members, in accordance with the provisions of the Act;
- (l) to make appointment of members of the Academic Council, other than *ex-officio* members, in accordance with the provisions of this Act;
- (m) to appoint Professors Emeritus on such terms and conditions as may be prescribed;

- (n) to remove any person from the membership of any authority if such person:
  - (i) has become of unsound mind; or
  - (ii) has become incapacitated to function as member of such authority; or
  - (iii) has been convicted by a court of law for an offence involving moral turpitude; and
- (o) to determine the form, provide for the custody and regulate the use of the common seal of the University.

(3) The Board may, subject to the provisions of this Act delegate all or any of the powers and functions of any authority, officer or employee of the University at its main campus, to any authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus, and for this purpose the Board may create new posts or positions at the additional campus.

**21. Executive Committee.-** (1) There shall be an Executive Committee of the University consisting of the following:—

- (a) Vice-Chancellor who shall be its Chairperson;
- (b) Deans of the faculties of the University;
- (c) three professors from different departments, who are not members of the Board, to be elected by the University teachers in accordance with procedure to be prescribed by the Board;
- (d) Principals of the constituent colleges;
- (e) Registrar;
- (f) Treasurer; and
- (g) Controller of Examinations;

(2) Members of the Executive Committee, other than *ex-officio* members, shall hold office for three years.

(3) As regards the three Professors described in clause (c) of sub-section (1) the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on the recommendation of the Vice-Chancellor.

(4) The quorum for a meeting of the Executive Committee shall be one-half of the total number of members, a fraction being counted as one.

(5) The Executive Committee shall meet at least once in each quarter of the year.

**22. Powers and duties of the Executive Committee.-** (1) The Executive Committee shall be the executive body of the University and shall, subject to the provisions of this Act and the statutes, exercise general supervision over affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, the statutes and directions of the Board the Executive Committee shall have the following powers:—

- (a) consider the annual report, the annual and revised budget estimates and to submit these to the Board;
- (b) transfer and accept transfer of movable property on behalf of the University;
- (c) enter into, vary, carry out and cancel contracts on behalf of the University;
- (d) cause proper books of accounts to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University;
- (e) invest any money belonging to the University including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882), or in the purchase of immovable property or in such other manner, as may prescribe, with the like power of varying such investments;

- (f) receive and manage any property transferred, and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the University;
- (g) administer any funds placed at the disposal of the University for specified purposes;
- (h) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University;
- (i) establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students;
- (j) recommend to the Board admission of educational institutions to the privileges of the University and withdraw such privileges;
- (k) to arrange for the inspection of colleges and the departments;
- (l) institute Professorships, Associate Professorships, Assistant Professorships, Lectureships, and other teaching posts or to suspend or to abolish such posts;
- (m) create, suspend or abolish such administrative or other posts as may be necessary;
- (n) prescribe the duties of officers, teachers and other employees of the University;
- (o) report to the Board on matters with respect to which it has been asked to report;
- (p) appoint members to various authorities in accordance with the provisions of this Act;
- (q) propose drafts of Statutes for submission to the Board;
- (r) regulate the conduct and discipline of the students of the University;

- (s) take actions necessary for the good administration of the University in general and to this end exercise such powers as are necessary;
- (t) delegate any of its powers to any authority or officer or a committee; and
- (u) perform such other functions as have been assigned to it by provisions of the Bill or may be assigned to it by the Statutes.

**23. Academic Council.-** (1) There shall be an Academic Council of the University, consisting of the following:—

- (a) Vice-Chancellor who shall be its Chairperson;
- (b) Deans of faculties and such heads of departments as may be prescribed;
- (c) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Board;
- (d) five Professors including Professors Emeritus;
- (e) Registrar;
- (f) Controller of Examinations; and
- (g) Librarian.

(2) The Board shall appoint the members of the Academic Council, other than *ex-officio* and elected members, on the recommendation of the Vice-Chancellor:

Provided that as regards the five professors and the members representing the departments, institutes and the constituent colleges the Board may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the representation committee set up in terms of section 25. Appointment of persons proposed by the representation committee may be made by the Board on recommendation of the Vice-Chancellor.

(3) Members of the Academic Council shall hold office for three years.

(4) The Academic Council shall meet at least once in each quarter.

(5) The quorum for meetings of the Academic Council shall be one half of the total number of members, a fraction being counted as one.

**24. Powers and functions of the Academic Council.-** (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the statutes, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the University and the colleges.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act and the statutes, the Academic Council shall have the power to,

- (a) approve the policies and procedures pertaining to the quality, of academic programmes;
- (b) approve academic programmes;
- (c) approve the policies and procedures pertaining to student related functions including admissions, expulsions, punishments, examinations and certification;
- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) propose to the Executive Committee schemes for the constitution and organization of faculties, teaching departments and boards of studies;
- (f) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities;
- (g) institute programmes for the continued professional development of University teachers at all levels;



- (h) recognize the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University;
- (i) regulate award of studentships, scholarships, exhibitions, medals and prizes;
- (j) frame Regulations for submission to the Board;
- (k) prepare an annual report on the academic performance of the University; and
- (l) perform such functions as may be prescribed by regulations.

**25. Representation Committees.-** (1) There shall be a representation committee constituted by the Board through Statutes for recommendation of persons for appointment to the Board in accordance with the provisions of section 19.

(2) There shall also be a Representation Committee constituted by the Board through statutes for the recommendation of persons for appointment to the Executive Committee and the Academic Council in accordance with the provisions of sections 22 and 24.

(3) Members of the representation committee for appointments to the Board shall consist of the following:—

- (a) three members of the Board who are not University teachers;
- (b) two persons nominated by the University teachers from amongst themselves in the manner prescribed;
- (c) one person from the academic community, not employed by the University, at the level of professor or college principal to be nominated by the University teachers in the manner prescribed; and
- (d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Board.

(4) The representation committee for appointments to the Executive Committee and the Academic Council shall consist of the following:

- (a) two members of the Board who are not University teachers;
- (b) three persons nominated by the University teachers from amongst themselves in the manner prescribed;

(5) The tenure of the representation committees shall be three years:

Provided that no member shall not serve for more than two consecutive terms.

(6) The procedures of the representation committees shall be as may be prescribed.

(7) There may also be such other representation committees set up by any of the other authorities of the University as are considered appropriate for recommending persons for appointment to the various authorities and other bodies of the University.

**26. Appointment of Committees by certain Authorities.-** (1) The Board, the Executive Committee, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the authorities appointing the committees.

(2) The constitution, functions and powers of the authorities for which no specific provision has been made in this Act shall be such as may be prescribed by statutes or regulations.

## CHAPTER V

### STATUTES, REGULATIONS AND RULES

**27. Statutes.-** (1) Subject to the provisions of this Act, statutes, to be published in the official Gazette, may be made to regulate or prescribe all or any of the following matters:—

- (a) the contents of and the manner in which the annual report to be presented by the Vice-Chancellor before the Board shall be prepared;

- (b) the University fees and other charges;
- (c) constitution of any pension, insurance, gratuity, provident fund and benevolent fund for University employees;
- (d) scales of pay and other terms and conditions of service of officers, teachers and other University employees;
- (e) maintenance of the register of registered graduates;
- (f) admission of educational institutions to the privileges of the University and the withdrawal of such privileges;
- (g) establishment of faculties, departments, institutes, colleges, study centres and other academic divisions;
- (h) powers and duties of officers and teachers;
- (i) conditions under which the University may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (j) conditions for appointment of Emeritus Professors and award of honorary degrees;
- (k) efficiency and discipline of University employees;
- (l) the constitution and procedure to be followed by representation committees in carrying out functions in terms of this Act;
- (m) the constitution and procedure to be followed by the Search Committee for appointment of the Vice-Chancellor;
- (n) constitution, functions and powers of the authorities of the University; and
- (o) all other matters which by this Act are to be or may be prescribed or regulated by statutes.

(2) The draft of statutes shall be proposed by the Executive Committee to the Board which may approve or pass with such modifications as the Board may think fit or may refer back to the Executive Committee, as the case may be, for reconsideration of the proposed draft:

Provided that statutes concerning any of the matters mentioned in clauses (a) and (1) of sub-section (1) shall be initiated and approved by the Board, after seeking the views of the Executive Committee:

Provided further that the Board may initiate a statute with respect to any matter in its power or with respect to which a statute may be framed in terms of this Act and approve such Statute after seeking the views of the Executive Committee.

**28. Regulations.-** (1) Subject to the provisions of this Act and the statutes<sup>1</sup>, the Academic Council may make Regulations, to be published in the official Gazette, for all or any of the following matters:—

- (a) courses of study for degrees, diplomas and certificates of the University;
- (b) manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) admission and expulsion of students to and from the University;
- (d) conditions under which students shall be admitted to the courses and examinations of the University and shall become eligible for award of degrees, diplomas and certificates;
- (e) conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) institution of fellowships, scholarships, exhibitions, medals and prizes;

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<sup>1</sup> The word should be "statutes".

- (h) use of the Library;
- (i) formation of faculties, departments and board of studies; and
- (j) all other matters which by this Act or the statutes are to be or may be prescribed by Regulations.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Board which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A regulation proposed by the Academic Council shall not be effective unless it receives approval of the Board.

(3) Regulations regarding or incidental to matters contained in clauses (g) and (i) of sub-section (1) shall not be submitted to the Board without the prior approval of the Executive Committee.

**29. Amendment and repeal of Statutes and Regulations.-** The procedure for adding to, amending or repealing the Statutes and the Regulations shall be the same as that prescribed respectively for framing or making Statutes and Regulations.

**30. Rules.-** (1) The authorities and the other bodies of the University may make rules, to be published in the official Gazette, consistent with the Act, statutes or the regulations, to regulate any matter relating to the affairs of the University which has not been provided for by this Act or that is not required to be regulated by statutes or regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Executive Committee.

## CHAPTER VI

### UNIVERSITY FUND

**31. The University Fund.-** (1) The university shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, grants, contributions and all other sources.

(2) Capital recurrent expenditure of the University shall be met from the contributions made by the Board and any other source, including other foundations, universities and individuals, and from the income derived from such sources.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University, shall be accepted without prior approval of the Board.

**32. Audit and Accounts.-** (1) The accounts of the University shall be maintained in such form and manner as may be determined by the Board and shall be audited each year within four months of the closing of the financial year of the University by an independent Chartered Accountant appointed by the Board.

(2) The accounts, together with the report of the auditor thereon, shall be submitted to the Board for approval.

(3) The auditor's report shall certify that the auditor has complied with the standards of audit and certification laid down by the Institute of Chartered Accountants of Pakistan.

## CHAPTER VII

### GENERAL PROVISIONS

**33. Retirement from Service.-** An employee of the University shall retire from service:

- (a) on the attainment of such age or tenure of service as may be prescribed for pension or other retirement benefits, as the competent authority may direct:

Provided that no employee shall be compulsory retired unless he has been informed in writing on the grounds of the action proposed to be taken against him and has been given reasonable opportunity of showing cause against that action; or

- (b) where no direction is given under clause (a) above, an employee shall retire on the completion of sixty years of his age.

**34. Opportunity of show cause.-** Except as otherwise provided, no officer, teacher or other employee of the University holding a permanent post, shall be reduced in rank, or removed or compulsorily retired from service, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

**35. Appeal to the Board.-** (1) Where an order has been passed punishing an employee other than the Vice-Chancellor, or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed, by the Vice-Chancellor or any other officer or teacher of the University, has the right to appeal to the Board against the order, and where the order is made by the Board has the right to apply to the Board for review of that order.

(2) The appeal or application for review shall be submitted to the Vice-Chancellor who shall lay it before the Board with his views and record of the case.

(3) No order in appeal or review shall be made unless the appellant or the applicant, as the case may be has been given an opportunity of being heard.

**36. Benefits and Insurance.-** (1) The University shall constitute for the benefit of its employees in such manner and subject to such conditions as may be prescribed, such pension, insurance, gratuity, provident fund and benevolent fund schemes as it may deem fit.

(2) Where any provident fund has been constituted under this Act the provision of Provident Fund Act, 1925 (XIX of 1925) shall apply to such fund.

**37. Commencement of term of members of Authorities.-** (1) When a member of a authority is elected, appointed or nominated, his term of office, as fixed under this Act shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remained absent from the University for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

**38. Filling of casual vacancies in authorities.-** Any casual vacancy among the appointed or nominated members of any authority shall be filled as soon as conveniently possible by the person or the body who appointed or nominated the members whose place has become vacant shall be member of such

Authority for the residue of the term for which the person whose place he fills would have been a member:

Provided that where a vacancy in the membership of an authority other than the Board, cannot be filled for the reason that the member was *ex-officio*, and the office has ceased to exist, or the organization, institution or other body other than the University has ceased to exist or has ceased to function, or for any other circumstances which make it impracticable to fill the vacancy, the vacancy shall be filled in such manner as the Board may direct on the recommendation of the Vice Chancellor.

**39. Disputes about membership of authorities.-** (1) Notwithstanding anything contained in this Act, a person nominated or appointed to any authority shall cease to be member of such authority as soon as he cease to hold the position by virtue of which he was nominated or appointed.

(2) If a question arises whether any person is entitled to be a member of any authority, the matter shall be referred to a committee consisting of the Chancellor, two nominees of the Board and a nominee of the Vice-Chancellor and the decision of the committee thereon shall be final and binding.

**40. Proceedings of authorities not invalidated by the vacancies.-** No act, resolution or decision of any authority shall be invalid by reason of any vacancy on the Authority doing, passing, or making it or by reason of any want of qualification or appointment or nomination of any *de facto* member or the authority, whether present or absent.

**41. Transitory Provisions.-** (1) Notwithstanding anything contained in this Act, the Board shall be structured and the members thereof, except the University teachers, appointed by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. As regards the University teachers, they shall also be appointed by the Chancellor for first structured Board and subsequently they will be elected or appointed as per prescribed manner. The first structured Board so constituted shall initiate, as soon as possible, the process for the appointment of the members of the Executive Committee and the Academic Council in accordance with the terms of this Act. The term of tenure provided in sub-section (4) of section 19 notwithstanding, one-third of the members, other than *ex-officio* members, of the first structured Board, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex-officio* members, of the first structured Board, to be determined by lot,



shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than *ex-officio* members, shall retire from office on the expiration of the third year.

(2) Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the Chancellor for a period of three years.

**42. Removal of Difficulties.-** If any difficulty arises as to the first constitution or reconstitution of any authority upon coming into force of this Act or otherwise in giving effect to any provision of this Act the Patron may give appropriate directions to remove such difficulty.

**43. Indemnity.-** No suit or legal proceedings shall lie against the Government, the University or any authority or employee of the University or any person, in respect of anything which is done, or purported to have been done in good faith this Act.

# THE ISLAMABAD CAPITAL TERRITORY NOTARIES RULES, 2014

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# <sup>1</sup>THE ISLAMABAD CAPITAL TERRITORY NOTARIES RULES, 2014

[8th January, 2014]

**S. R. O. 63(I)/2014.-** In exercise of the powers conferred by virtue of Section 15 of the Notaries Ordinance, 1961 (Ordinance XIX of 1961) read with the Justice Division's Notification No. 17(2)80-Pb., dated 31st December 1980, issued in pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order 1980 (P.O. No. 18 of 1980) and all other powers enabling him in this behalf, the Chief Commissioner, Islamabad Capital Territory is pleased to make the following rules, in supersession of earlier Notification No. 5/8-H.Judl.(II)/61, dated 5th January 1966:-

**1. Short title and commencement:**

- (i) These rules may be called the Islamabad Capital Territory Notaries Rules, 2014
- (ii) They shall come into force at once.

**2. Definition.-** In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) "competent authority" means the officer or authority designated as such by Government under rule 5;
- (b) "Form" means the respective form appended to these rules;
- (c) "Government" means the Chief Commissioner, Islamabad Capital Territory.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 29th January, 2014, at pages 139-157.

(d) "Ordinance" means the Notaries Ordinance, 1961 (XIX of 1961); and

(e) "section" means the respective section of the Ordinance.

**3. Qualifications for appointment as a notary.-** No Advocate/ Legal Practitioner shall be eligible for appointment as a notary unless on the date of the application for such appointment—

(a) He/she is a member of Islamabad Bar Association for a period of five years.

(b) He/she has been practicing as a Legal Practitioner for atleast five years.

**4. Age.-** (1) No person shall be appointed as notary who is less than thirty years.

(2) A person appointed as notary shall cease to hold office on his completing the sixty-fifth year of his age.

**5. Application for appointment as a notary.-** A person may make an application for appointment as a notary (hereinafter called "the applicant") in the form of a memorial addressed to such Officer or authority, as Government may, by notification, designate in this behalf.

(2) the memorial shall be drawn in accordance with Form I

**6. Preliminary action on application.-**The competent authority shall examine every application received by it and, if it is satisfied that the applicant does not possess the qualifications specified in rule 3, or is not within the age group specified in rule 4, shall reject it and inform the applicant accordingly.

**7. Recommendations of the competent authority.-** (1), the competent authority, shall after holding such enquiry as it thinks fit, make report to Government recommending either that the application may be granted for the whole or any part of the area to which the application relates or that it may be rejected.

(2) In making its recommendations under sub-rule (1), the competent authority shall have due regard to the following matters, namely:—

- (a) whether the applicant ordinarily resides (in the area) in which he proposes to practice as a notary;
- (b) whether, having regard to the commercial importance of the area in which the applicant proposes to practice and the number of existing notaries practicing in the area, it is necessary, to appoint any additional notaries for the areas;
- (c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections, if any, raised in respect of his appointment as a notary and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a Notary;
- (d) where the applicant belongs to a firm of legal practitioners, whether having regard to the number of existing notaries in that firm, it is proper and necessary to appoint any additional notary from that firm; and
- (e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants.

**8. Appointment of a notary.-** (1) Government shall consider the report made to it by the competent authority under rule 7, and may thereupon—

- (a) grant the application in respect of the whole or part of the area to which it relates; or
- (b) reject the application

(2) The applicant shall be informed of the order passed by Government under sub-rule (1).

(3) Where the application is granted, Government shall appoint the applicant as a notary and direct his name to be entered in the register of Notaries maintained under section 4 and issue to him a certificate on payment of prescribed fee authorizing him to practice in the area to which the application relates or any such part thereof as Government may specify in the certificate, as a notary for a period of three years from the date on which the certificate is issued to him.

(4) The register of Notaries under section 4 shall be maintained by the Office of Chief Commissioner in Form II.

**9. Extension of Area of practice.-** (1) A Notary who holds a certificate of practice in respect of a particular area, may apply to Government for extension of his area of practice, and Government may thereupon after considering the application other factors, pass such orders thereon as it may deem fit.

(2) Any extension of the area of practice shall not have the effect of extending the period of validity of the original certificate beyond the period of three years prescribed under sub-rule (3) of rule 8

**10. Fees for the issue, extension of renewal of certificate of practice.-**The fees for the issue, extension, renewal or duplicate copy of a certificate shall be as follows:-

	Rs.
(i) issue of a certificate of practice as notary	1000.00
(ii) extension of the area of practice	500.00
(iii) renewal of certificate of practice	1000.00
(iv) a duplicate of certificate	500.00

**11. Fees payable to a notary for doing any notarial work.-** (1) Every Notary shall be entitled to charge fees at the rate mentioned below:—

	Rs.
(a) For noting an instrument if the amount of instrument does not exceed Rs. 1,000	20.00
if it exceeds Rs. 1,000 but does not exceed Rs.5,000	25.00
if it exceeds Rs.5,000 but does not exceed Rs.20,000	30.00
if it exceeds Rs.20,000 but does not exceed Rs.30,000	35.00
if it exceeds Rs.30,000 but does not exceed Rs.50,000	40.00
if it exceeds Rs.50,000	50.00

(b)	For protesting an instrument—	
	If the amount of instrument does not exceed Rs. 1,000	20.00
	if it exceeds Rs.1,000 but does not exceed Rs.5,000	25.00
	if it exceeds Rs.5,000 but does not exceed Rs.20,000	30.00
	if exceeds Rs.20,000 but does not exceed Rs.30,000	35.00
	if it exceeds Rs.30,000 but does not exceed Rs.50,000	40.00
	if it exceeds Rs.40,000 but does not exceed Rs.50,000	45.00
	if it exceeds Rs.50,000 but does not exceed Rs.60,000	50.00
	if it exceeds Rs.60,000 but does not exceed Rs.70,000	60.00
	if it exceeds Rs.70,000 but does not exceed Rs.80,000	70.00
	if it exceeds Rs.80,000 but does not exceed Rs.90,000	80.00
	if it exceeds Rs.90,000 but does not exceed Rs. 1,00,000	90.00
	if it exceeds Rs. 1,00,000	100.00
(c)	For recording a declaration of payment for honour;	20.00
(d)	For duplicate protests, half the charge of original;	
(e)	For verifying, authenticating, certifying or attesting the execution of any instrument	20.00
(f)	For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security	50.00
(g)	For administering oath to, or taking, affidavit from, any person, in relation to the matters enumerated in section 8	20.00
(h)	For preparing any instrument intended to take effect in any country or place outside Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate	100.00

- |     |   |        |
|-----|---|--------|
| (i) | For attesting or authenticating any instrument intended to take effect in any country or place outside Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate | 100.00 |
| (j) | For translating, and verifying the translation of any document from one language into another   | 100.00 |
| (k) | For any other notarial work, such sum as Government may fix from time to time   |        |
- (2) In addition to the fees specified in sub-rule (i), a notary shall be entitled to charge, when required to attend at any place more than one mile from his office:—
- |      |  |        |
|------|--|--------|
| (a)  | where the notary is a Government Servant—travelling allowance in accordance with the Federal Government Travelling Allowances Rules; and   |        |
| (b)  | where the notary is not a Government Servant:—   |        |
| (i)  | If the place where he is required to attend is in the same station as his office   | 100.00 |
| (ii) | if the place where he is required to attend is not in the same station as his office, travelling allowance at the rate of Rs. one per mile for a journey by rail, and Rs. two per mile for a journey by road |        |

**12. Transaction of Business by a Notary.-** (1) A notary in performing his functions under the Ordinance shall use Forms III to XIV.

(2) Every notary shall maintain a book, with pages consecutively numbered, known as Notarial Register in which he shall record.-

- |     |   |
|-----|---|
| (a) | all declarations of payment for honour;   |
| (b) | verbatim copies issued by or protesting of instruments; and   |
| (c) | all certificates issued by him, etc., for verification, authentication, certification and attestation of the execution of instruments and fix his signature to each entry in the said Register. |



(3) Each notary shall, before bringing the Notarial register into use, add a certificate on the title page specifying the number of pages it contains. Such certificate shall be signed and dated by the notary.

(4) The District Magistrate, Islamabad or such officer as Government may from time to time appoint in this behalf, may inspect the notarial register at such times, not less than twice a year, as the District Magistrate or the Officer may fix.

(5) District Magistrate, Islamabad and Officers appointed by Government under sub-rule (4), shall have power to make a report to Government for taking action against a notary.

(6) When the original instrument is in a language other than English, any noting of protest or entry in his register which has to be made in respect of the instrument by a notary may be made either in that language or in English.

(7) In making presentment of bills or notes, a notary shall observe the provisions of Chapter V of the Negotiable Instruments Act, 1881 (XXVI of 1881).

(8) A notary may, in addition to the functions specified in clauses (a) to (h) of sub-section (1) of section 8,

- (a) draw, attest or certify documents, including conveyance of properties, under his official seal;
- (b) note and certify the general transactions relating to negotiable instruments; and
- (c) prepare a will or other testamentary document.

(9) Every notary shall grant a receipt for the fees and charges realized by him, and maintain a register showing all the fees and charges realized.

**13. Seal of notary.-** Every notary shall use a plain circular seal bearing, if he has been appointed by name, his name and the name of the area for which he has been appointed to exercise his functions, and the circumscription 'Notary'; and if he has been appointed by virtue of his Office, the name of his office and of the area within which he has been appointed to exercise his functions, and the circumscription "Notary".

**14. Inquiry into Allegations of Professional and other misconduct on the part of a Notary.-** (1) Whenever there is any allegation of professional or

other misconduct on the part of a notary, Government may direct an inquiry to be made by the competent authority into the allegation.

(2) The competent authority, after giving to the person making the allegation as well as to the notary against whom such allegation is made, an opportunity of being heard, and after taking into consideration any evidence, oral and documentary, that may be produced before it, shall make a report to Government.

(3) If Government, after considering the report of the competent authority, is of opinion that action should be taken against notary, Government may make an order, according to the nature and gravity of the misconduct of the notary proved—

- (a) Canceling the certificate of practice and perpetually debarring the notary from practice; or
- (b) Suspending him from practice for a specified period; or
- (c) Letting him off with a warning.

**15. Submission of Return.-** Every notary shall, in the first week of January every year, submit to Government an annual return of the notarial work done by him during the preceding year.

**16. Notary to have an Office.-** Every notary shall have an office within the area mentioned in the certificate issued to him under sub-rule (3) of rule 8 and he shall exhibit in a conspicuous place thereon a board showing his name and his designation as a notary.

**17. Adoption of Forms.-** If a notary has to deal with a case which does not in terms attract any of the forms, that notary should adopt the form which so far as may be meets with the requirements of such case with such modifications thereto as he thinks the exceptional peculiarities of the case justify.

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**FORM I**

**(See Sub-Rule (2) of RULE 5)**

**Memorial**

The memorial of (name of the applicant) Sheweth:

1. That the memorialist is a person eligible for appointment as a notary under the Notaries Ordinance, 1961 (XIX of 1961) and the Islamabad Capital Territory Notaries Rules, 2014.

(here state how the memorialist is qualified for appointment as a notary).

2. That the memorialist has resided in \_\_\_\_\_ here state the name of the local areas where he intends to practice for upwards (State how long).

3. That the number of notaries practicing at \_\_\_\_\_ (here state the name of the area where he intends to practice) is as follows:—

Notaries \_\_\_\_\_ (here state the number and the names of the existing notaries)

4. That the average annual income of the memorialist during the preceding three years is \_\_\_\_\_ (here state the figure).

5. That the above number of notaries practicing in the local area is insufficient for the requirements thereof. (The grounds of the statement should be added).

6. Give any further particulars in support of the application.

The memorialist therefore prays that the Government be pleased to appoint and admit him as notary under and by virtue of the Notaries Ordinance, 1961 (XIX of 1961) and the Islamabad Capital Territory Notaries Rules, 2014 to practice in \_\_\_\_\_ (here state the name of the local area).

Dated \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature of Memorialists

\_\_\_\_\_

**FORM II**

(See Sub-Rule (5) of RULE 8)

**ADDRESS**


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Serial No.	Name	Date of Birth	Residential	Professional	Qualifications	Area of jurisdiction	Subsequent extension if any of area of jurisdiction	Remarks

**FORM III****FORM OF NOTING FOR DISHONOUR.**

(See Sub-Rule (1) of RULE 12)

(To be made upon the instrument or upon a paper attached thereto or partly upon each).

Reference to page in Notarial Register.

Date of presentment and dishonours by non-acceptance/non-payment. Reasons, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured reason why holder treats it as dishonoured).

Date of note.

Notary's charges.

Signature of Notary

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**FORM IV**

**FORM OF NOTING FOR DISHONOUR.**

(See Sub-Rule (1) of RULE 12)  
(To be entered in the Notarial Register)  
(Copy of the bill and endorsement).

On the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ the above bill was a the request of \_\_\_\_\_ (here give the name) presented by me for acceptance to \_\_\_\_\_ (here the name), the drawee personally (at his residence or usual place of business) in \_\_\_\_\_ (town or village) and received the following answer:-

\* \* \* \* \*

The said bill is, therefore, noted for non-acceptance,

place and date \_\_\_\_\_

Signature of Notary.

(This note is to be signed in the margin by the Notary's clerk also if he presented the bill)

**FORM V**

**FORM OF PROTEST OF BILL OF EXCHANGE FOR NON ACCEPTANCE.**

(See SUB-RULE (1) OF RULE 12)

On the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, I \_\_\_\_\_ here (give the name) notary appointed under the Notaries Ordinance 1961 (XIX of 1961) of \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_ did, at \_\_\_\_\_ in person and having failed to do so, then by Registered letter, cause due and customary presentment to be made to and did demand acceptance of, the bill of exchange, hereto annexed for (or "a literal transcript whereof and of everything written thereon is hereto annexed") from \_\_\_\_\_ (here give the name) the person upon whom the said bill is drawn to which demand be made answer (state terms of answer, if any "(or to which demand he gave no answer)"; wherefore, I, the said notary, at the request aforesaid by this writing, do, in the presence of \_\_\_\_\_ (here give the name) and (here \_\_\_\_\_ give the name),

witnesses, protest the drawer of the said bill of exchange and all other parties thereto and all other concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of acceptance of the said bill.

Signature of Witnesses \_\_\_\_\_

Which I attest.

Should be of the Locality.

Signature of Notary.

(1) \_\_\_\_\_

(2) \_\_\_\_\_

\_\_\_\_\_

### FORM VI

#### FORM OF ACTS OF HONOUR (See SUB-RULE (1) OF RULE 12)

(a) Act of Honour on Acceptance (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the \_\_\_\_\_ day \_\_\_\_\_ 20\_\_\_\_\_, \_\_\_\_\_ (here give the name), and declared that he would accept the bill of exchange before protested under protest for the honour and upon the account of \_\_\_\_\_ (here give the name), (the second) indorser on the said bill.

Holding the second indorser and all others concerned always bound and obliged to indemnify him, the said appearer, for his re-imburement in due form of law and according to custom.

Which I attest.

Signature of Notary

Place and date

(b) Act of Honour on Payment (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, \_\_\_\_\_ (here give the name) and declared that he would pay the bill of exchange before protested (here give the name), the indoreser on the said bill.

Holding the said indorser and all others concerned always bored and oblige for reimbursement in due form of law and according to custom.

Amount Rs. \_\_\_\_\_

Notarial charges Rs. \_\_\_\_\_

Which I attest.

Signature of Notary.

Received this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ from \_\_\_\_\_ (here give the name.) the sum of Rs. \_\_\_\_\_ the amount of the said bill and notarial charges thereon.

Signature of Notary.

**FORM VII**

**FORM OF PROTEST OF BILL OF  
EXCHANGE FOR NON-ACCEPTANCE**

**WHEN THE DRAWEE CANNOT BE FOUND**

**(See Sub-Rule (1) of RULE 12)**

(a) Where search was made by notary in person.

On the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed) in \_\_\_\_\_ at the request of (here give the name) of \_\_\_\_\_ did in person make the due search at \_\_\_\_\_ for \_\_\_\_\_ (here give the name), in order to present to, and demand from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed)" which is drawn upon the said (here give the name), but was unable to find him, wherefore, I, the said notary at the request aforesaid, by this writing, do, in the presence of \_\_\_\_\_ witnesses, protest against the drawer of the said bill of exchange and re-exchanged and all costs damages and interest present and to come for want of acceptance of the said bill.

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses  
(Should be of the locality).

1. \_\_\_\_\_
2. \_\_\_\_\_

(b) Where registered letter was sent to the Drawee.

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ I \_\_\_\_\_ (Give the name) in \_\_\_\_\_ (here state the local area for which the notary has been appointed) in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_, did send by post a registered letter addressed to \_\_\_\_\_ (here give the name \_\_\_\_\_) at \_\_\_\_\_, wherein I enclosed and demanded from him acceptance of bill of exchange here to annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed)" which is drawn upon the said \_\_\_\_\_ (here given the name) and \_\_\_\_\_ (here give the name), witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all other concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of acceptance of the said Bill.

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_
2. \_\_\_\_\_

\_\_\_\_\_



**FORM VIII**

**FORM OF PROTEST OF BILL OF PROMISSORY  
NOTE OR BILL OF EXCHANGE FOR NON PAYMENT**

**(See Sub-Rule (1) of RULE 12)**

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed ) in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_ did at \_\_\_\_\_ in person and having failed to do so, then by registered letter, cause due and customary presentment to be made to and did demand payment of the promissory note (or bill of exchange as the case may be) hereto annexed (or a literal transcript whereof, and of everything written or printed thereon is hereto annexed)" from \_\_\_\_\_ (here give the name), the maker of the said promissory note for drawee, or acceptor, of the said bill of exchange, as the case may be), to which demand he made answer (state the remove) terms of his answer, if any) (or "to which demand he give no answer"); wherefore, I, the said notary at the request aforesaid, by this writing do, in the presence of \_\_\_\_\_ (here give the name) and \_\_\_\_\_ (here give the name), witnesses protest against the marker of the said promissory note (or the drawer of the said bill of exchange as the case may be) and all other parties thereto and all other concerned for all exchange, re-exchange and all costs, damages, and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest.

Signature of Notary

Place and date

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

**FORM IX****FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NONPAYMENT WHEN THE MAKER DRAWEE, OR ACCEPTOR (AS THE CASE MAY BE) CANNOT FOUND****(See Sub-Rule (1) of RULE 12)**

(a) where search was made by notary in person.

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed") in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_ did in person make the due search \_\_\_\_\_ at \_\_\_\_\_ for \_\_\_\_\_ (here give the name), the maker or drawee, or acceptor, as the case may be in order to present to and demand from him payment of the promissory note ( or bill of exchange, as the case may be ) hereto annexed (or" a literal transcript whereof and of every thing written or printed thereon is hereto annexed") but was unable to find him; wherefore, I the said notary at the request aforesaid, by this writing, do, in the presence of \_\_\_\_\_ (here give the name), and \_\_\_\_\_ (here give the name) witnesses, protest against the maker of the said promissory note (or drawer of said bill of exchange, as the case may be ) and all other parties thereto and all others concerned for all exchange, re-exchange and all cost, damages and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_
2. \_\_\_\_\_

(b) Where registered letter was sent to the Maker, Drawee or Acceptor \_\_\_\_\_ On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ I, \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) of \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed ) in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_ did send by post , a registered letter addressed to \_\_\_\_\_ (here give the name) at \_\_\_\_\_ the marker (or drawee, or acceptor, as the case may be) wherein I enclosed and demanded from him payment of the promissory note ( or bill of exchange, as the case may be ) hereto annexed (or" a literal transcript whereof an of every thing written or printed thereon is hereto annexed") but the letter was returned undelivered because the said \_\_\_\_\_ (here give the name), could not be found, wherefore, I, the said notary at the request aforesaid, by this writing do, in the presence of \_\_\_\_\_ (here give the name ) and \_\_\_\_\_ here give the name), witnesses, protest against the maker of the said promissory note (or drawer of said bill of exchange, as the case may be ) and all other parties thereto and all others concerned for all exchange, re-exchange and all cost, damages and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest.

Signature of Notary

Place and date

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

**FORM X****FORM OF PROTEST OF BILL OF  
EXCHANGE FOR BETTER SECURITY****(See Sub-Rule (1) of RULE 12)**

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) of \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed) in \_\_\_\_\_ at the request of (here give the name) \_\_\_\_\_ did exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") to \_\_\_\_\_ (here give the name), the person on whom the said bill is drawn, and whose acceptance appears thereon, and did demand better security for the payment thereof when the same should become payable in consequence of the said \_\_\_\_\_ (here give the name) having become insolvent (or "his credit having been publicly impeached", as the case may be, to which demand he made answer (state the terms of the answer, if any), (or "to which demand he gave no answer") wherefore, I, the said notary at the request aforesaid, by this writing do, in the presence of \_\_\_\_\_ (here give the name) and \_\_\_\_\_ (here give the name), witnesses, protest against the drawer of the said bill of exchanges and the acceptor and all other parties thereto, and all and all others concerned for all exchange, re-exchange and all costs damages, and interest present and to come for come for want of better security for the payment of said bill when due and payable.

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

**FORM XI**

**FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY WHEN THE ACCEPTOR CANNOT BE FOUND**

(See Sub-Rule (1) of RULE 12)

(a) where such protest was made by notary in person.

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) of \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed ) in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_ did in person make due search at \_\_\_\_\_ for \_\_\_\_\_ (here give the name), in order to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of every thing written or printed thereon is hereto annexed") to the said \_\_\_\_\_ (here give the name), the person on whom the said bill is drawn, and whose acceptance appears thereon, and demand better security for payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached", as the case may be), but was unable to find him : wherefore, I, the said notary, at the request aforesaid, by this writing, do, in the presence of \_\_\_\_\_ (here give the name) and \_\_\_\_\_ (here give the name) witnesses, protest against the drawer of the said bill of exchanges and the acceptor and all other parties thereto, and all and all others concerned for all exchange, re-exchange and all costs damages and interest present and to come for want of better security for the payment of said bill when due and payable.

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_

2. \_\_\_\_\_

(b) Where registered letter was sent to the Acceptor.

On the \_\_\_\_\_ day of \_\_\_\_\_ 20, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) of \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed) in \_\_\_\_\_ at the request of \_\_\_\_\_ (here give the name) of \_\_\_\_\_ did send by post a registered letter addressed to \_\_\_\_\_ (here give the name) wherein I enclosed the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed"), and did by such letter demand from the said \_\_\_\_\_ (here give the name), the person on whom the said bill is drawn and whose acceptance appears thereon, better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached", as the case may be), but the said letter was returned undelivered because the said \_\_\_\_\_ (here give the name) could not be found, wherefore I, the said notary, at the request aforesaid, by this writing, do, in the presence of \_\_\_\_\_ (here give the name) and \_\_\_\_\_ (here give the name) witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange and all cost, damages and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

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**FORM XII**

**FORM OF NOTICE OF PROTEST TO  
DRAWER TO BE GIVEN BY A NOTARY**

**(See Sub-Rule (1) of RULE 12)**

Take Notice that bill of exchange for \_\_\_\_\_ (here state the amount) drawn by you under date the \_\_\_\_\_ on \_\_\_\_\_ and payable at \_\_\_\_\_ has been dishonoured by non-acceptance (or non-payment, as the case may be) and protested, and that you will be held liable thereon.

Signature of Notary

Place and date \_\_\_\_\_

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**FORM XIII**

**FORM OF NOTICE OF PROTEST TO  
INDORSER TO BE GIVEN BY A NOTARY**

**(See Sub-Rule (1) of RULE 12)**

Take Notice that bill of exchange for \_\_\_\_\_ (here state the amount) drawn by \_\_\_\_\_ under date the \_\_\_\_\_ on \_\_\_\_\_ and payable at \_\_\_\_\_ and bearing your indorsement has been dishonoured by non-acceptance (or non-payment, as the case may be) and protested, and that you will be held liable thereon.

Signature of Notary

Place and date \_\_\_\_\_

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**FORM XIV****FORM OF NOTARIAL ACT OF DECLARATION  
HAVING BEEN MADE BY A PAYER FOR HONOUR**

(See Sub-Rule (1) of RULE 12)

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, I \_\_\_\_\_ (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) of \_\_\_\_\_ in \_\_\_\_\_ (here state the local area for which the notary has been appointed) in \_\_\_\_\_ do hereby certify that the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") (now protested for non-payment) was this day exhibited to \_\_\_\_\_ (here give the name), of \_\_\_\_\_ in the Province of \_\_\_\_\_ (or to \_\_\_\_\_ (here give the name), his agent in this behalf, as the case may be), who declared before me that he, the said \_\_\_\_\_ (here give the name), would pay the amount of the said bill under protest for the honour of \_\_\_\_\_ (here insert the name of the party for whose honour the payment is to be made) holding the said \_\_\_\_\_ (here insert the name of the party for whose honour the payment is to be made and the drawer and all other proper persons, responsible to him, the said \_\_\_\_\_ (here give the name), for the amount of the said bill and for (all proper costs, interests, damages, and expenses I have, therefore, in the presence of \_\_\_\_\_ (here give the name and \_\_\_\_\_ (here give the name) witnesses, granted this Notarial Act of honour accordingly).

Which I attest.

Signature of Notary

Place and date \_\_\_\_\_

Signature of witnesses

(Should be of the locality).

1. \_\_\_\_\_
2. \_\_\_\_\_

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY



# **THE ISLAMABAD CAPITAL TERRITORY COOPERATIVE SOCIETIES (MANAGING COMMITTEES ELECTION) RULES, 2014**

[4th February, 2014]

**No. 1(19)Law/2014-463.-** In exercise of the powers conferred by Section 71 of the Cooperative Societies Act, 1925 (Act VII of 1925) read with the Islamabad Capital Territory Administration Order 1980 and all powers enabling him in that behalf, the Chief Commissioner, Islamabad Capital Territory, is pleased to promulgate and enforce the following rules for election of the Managing Committees of the Cooperative Societies in the Islamabad Capital Territory.

## **1. SHORT TITLE, EXTENT AND COMMENCEMENT:**

- i. These rules may be called "The Islamabad Capital Territory Cooperative Societies (Managing Committees Election) Rules, 2014.
- ii. They shall apply to the election of the members of the Managing Committees of the Cooperative Societies registered with the Cooperative Societies Department, Islamabad Capital Territory, under the Cooperative Societies Act, 1925 and shall come into force at once.

## **2. DEFINITIONS:**

- i) In these rules, unless there is anything repugnant in the subject or context:
  - a) "Act" means The Cooperative Society Act, 1925 (Act VII of 1925).

- b) "Authority" means as defined in Section 3(f) of the Act.
  - c) "Candidate" means any member of a Society meeting the criteria laid down in "rule 3" below and has filed his nomination papers for the election.
  - d) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a Society is entrusted.
  - e) "Election" means election of the members of the Managing Committee of the Cooperative Societies under these rules.
  - f) "Election Commission" means The Election Commission of the Society to be constituted by the Authority under these rules.
  - g) "These rules" means The Islamabad Capital Territory Cooperative Society (Managing Committee Election) Rules, 2014.
  - h) "Member" includes a person joining in the application of a Society or a person admitted to membership after registration in accordance with the rules and byelaws applicable to such Society as defined in Section 3(c) of Cooperative Societies Act, 1925.
  - i) "Rules" means the Cooperative Society Rules, 1927 as framed under the Act.
  - j) "Voter" means a person who fulfills the qualification of a voter as prescribed under these rules and is eligible, under these rules, to cast vote in the election.
- ii) Expressions used but not defined in these Rules shall have the same meanings as assigned to them in the Act and/or the rules, respectively:-

**3. QUALIFICATION AND DISQUALIFICATION FOR CONTESTING THE ELECTION:**

- i) Eligibility criteria for contesting elections shall be as laid down for election of the members of the Committee under Rule 53 of the Cooperative Societies Rules, 1927.
- ii) No member shall be eligible to contest elections to become an office bearer of the Managing Committee who:
  - (a) is practicing the profession of Real Estate e.g. professional Property Dealer, Contractor, Land/Property Developer.
  - (b) acts for the society for any honorarium or profit or salary or is a borrower of the society unless he has cleared his liability or has relinquished the position for a period of at least 2 years immediately preceding the schedule for the elections.
  - (c) has ceased to be a member of the Society under its registered bye-laws.

**Explanation:** "Registered" includes registered after any amendment in the byelaws required by the Authority as per law relating to the Cooperative Society.

**4. QUALIFICATION OF A VOTER:**

Every member of the Society, who is notified as a voter by the Election Commission in the last list so prepared and notified by it, shall be qualified and eligible to cast a single vote in the election provided that all such voter members have made prescribed payment to the Society (Section 17 of a Cooperative Societies Act, 1925).

**5. TERM OF THE MANAGING COMMITTEE:**

- i) The term of a Managing Committee of the Society shall be as per Section 31(2) of the byelaws of the Society.
- ii) The term shall be from the date when the committee is Notified by the Registrar.

**6. ELECTION COMMISSION:**

- i) An Election Commission shall be constituted by the Authority to hold election of the Committee at least 90 days prior to the expiry of the term of the existing Managing Committee. It shall consist of an Election Commissioner and two members from amongst the members of the Society other than the existing office bearers of the Society and the candidate contesting the election and shall act under the direction of the Election Commissioner in all matters relating to the election.

**EXPLANATION:**

- (a) For the Societies where the term of Managing Committee has expired or is expiring within a period less than 90 days from the date of commencement of these Rules, the Election Commission shall be notified within 15 days after commencement of these rules.
- (b) If a member of the Election Commission opts to contest the election and files his nomination paper OR otherwise declines from the membership of the Commission he shall immediately cease to be a member of the Election Commission in which case any other member of the Society shall be substituted in his place by the Authority.
- ii) The Election Commission shall make all necessary arrangements for the election.
- iii) The Election Commission shall convey the election schedule along with instructions to all the members of the Society through a general circular to be delivered by Registered Post A.D and through a National Daily (Newspaper) of wide circulation, at least 60 days before the expiry of the term of the Committee of the Society. The schedule shall specify all details relating to the election (Annex-A 1-3) and the vacancies of the member of the Managing Committee to be filled through the elections.

- 
- iv) It shall be the duty of the committee of the Society to provide the original/attested record of its membership to the Circle Registrar 15 days before the expiry of its term.
  - v) Election Commission shall prepare and notify a list of the eligible voters for the election within 10 days of publication of election schedule of the Society.

**7. NOMINATION PAPERS:**

Nomination papers in the forms to be specified by the Election Commission shall be made available to all members of the Society at the office of the Society.

**8. SCRUTINY AND WITHDRAWAL OF NOMINATION PAPERS:**

- i) The candidate desiring to contest the election shall file their nomination papers duly filled, proposed and seconded by the members of the Society, at least 45 days before the end of the term of the existing Committee of the Society.
- ii) All nomination papers filed under sub-rule 8 (i) shall be scrutinized and verified by the Election Commission with such assistance as it may deem necessary, in the manner prescribed in sub-rule 6(iii) ante. The result of verification shall be announced in the presence of the candidates and a final list of the validly nominated candidates shall be circulated in the manner prescribed in Rule 6(iii) ante at last 30 days prior to the end of the term of the Society (Annex-II).
- iii) All candidates shall submit election fee to the Election Commission at the rate determined by the Election Commission alongwith their nomination papers as mentioned above.
- iv) An appeal against the rejection or acceptance of the nomination papers by the Election Commission shall be preferred to the Authority within 5 days of the rejection of the papers and decision of the authority thereon shall be final.

- v) The validly nominated candidates may withdraw their candidature by giving written intimation to the Election Commission in this respect at any time before 20 days of the expiry of the term of the Committee of the Society.
- vi) The final list of the candidates after disqualification under Rule 8(iv) ante and withdrawals under sub-rule 8(v) ante etc shall be placed on the notice board of the Cooperative Department and in the office of the Society by the Election Commission 15 days before the expiry of the term of the committee of the society.

**Explanation:** In case of any (public, local or weekly) holiday, the very next working day shall be deemed to be included in the limitation prescribed for any act/omission.

**9. ADMISSION TO THE POLLING STATION:**

- i) Admission of each voter to the polling station shall be regulated through the Society's membership slips and National Identity Cards of the Members/voters. Each voter shall enter his name, membership number, NIC number and signature in token of his attendance and participation in the election on the Register meant for attendance of the voters during the Voting hours fixed by the Election Commission.

**Explanation:** The Register kept for recording the election process shall be printed, bound and its pages shall be serial numbered. Each page of the Register shall be signed by the members of the Election Commission.

- ii) Ballot paper shall be issued to each individual voter by the Election Commission on the day of election after verification of the voter's antecedents through the documents mentioned in rule 9(i) ante.
- iii) Votes shall be cast by the voters during the hours on the day fixed for voting and announced by the Election Commission in the Election programme.

**10. QUORUM:**

- i) The election will be held at the time and place on the election day announced by the Election Commission.

- ii) 15% votes cast of the notified voter list shall constitute the quorum for election.
- iii) In case of lack of quorum, election shall be repeated on a subsequent date notified by the Election Commission on the same day as per rule 6(iii) ante.
- iv) In case of a subsequent election, the result of election regardless of the quorum as laid down in rule 10(ii) ante shall be final.

**11. MODE OF ELECTION:**

Election shall be held by secret balloting. The right of vote shall be exercised by the voters in person on the day, time and the premises notified and announced by the Election Commission as per Rule 6(iii) ante.

**12. BALLOT PAPERS:**

The Ballot papers shall be in such form as may be specified by the Election Commission and shall bear the seal of the Society and the Election Commission before distribution to the voters.

**13. OTHER ISSUES:**

All other questions relating to the conduct of elections shall be decided by the Election Commissioner in accordance with the Act, the Rules and these rules and the decision of the Election Commissioner shall be final (Annex-III).

**14. RESULT OF THE ELECTIONS:**

Candidates obtaining the largest number of votes shall be declared elected and in case of equality of votes between two or more candidates, the Election Commission shall decide the matter by a draw to be conducted in presence of the candidates upon final count of the votes cast at the same premises where the election is held.

**16. APPEAL:**

- i) An appeal by a candidate or a member, as the case may be, shall lie to the Authority within 5 days of the decision of the Election Commission in respect of:-

- a) Qualification or disqualification of a candidate.
  - b) Notified voter list.
  - c) Election procedure.
  - d) Result of the Election.
  - e) Any other issue relating to the election under these Rules.
- ii) Upon appeal, decision of the Authority, shall be final.
- iii) The decision of the Authority declaring the election of any candidate or candidates as invalid shall not affect the business conducted by the Committee with the participation of such candidate or candidates, during the pendency of the appeal, unless in the opinion of the Authority, the same prejudices the interest of the members of the Society or defeats any provision of the Act.
- iv) Re-election of any candidate or candidates of the society shall be made in accordance with the procedure laid down in Rule 6(iii) ante.

16. **SAVING:**

- i) These Rules shall override any provision of Byelaws of the Society, contrary to these rules.
- ii) Any Act or omission on the part of the Election Commission not defeating the ends of justice shall be considered merely a technical irregularity appealable under Rule 15(i) ante.

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY

Sd/-  
(CH. MUHAMMAD ALI)  
DIRECTOR (ADMIN)



# **<sup>1</sup>ISLAMABAD CAPITAL TERRITORY (SEIZURE AND DISPOSAL OF MOTOR VEHICLES) RULES, 2014**

[10th April, 2014]

**S.R.O. 310 (I)/2014.-** In exercise of the powers conferred by virtue of Section 43 of the Motor Vehicle Ordinance, 1965 (The West Pakistan Ordinance XIX of 1965) read with Justice Division's Notification No. F. 17(2)/80-Pub., dated 31-12-1980 issued in pursuance of Article 2 of Islamabad Capital Territory (Administration) Order 1980 (P. O. No. 18 of 1980) and all other powers enabling him in this behalf, the Chief Commissioner, Islamabad Capital Territory, is pleased to make the following rules:—

**1. Short title and commencement.-** (1) These rules may be called "Islamabad Capital Territory (Seizure and Disposal of Motor Vehicles) Rules, 2014".

(II) They shall come into force at once.

**2. Definition.-** (1) In these rules, unless the context otherwise requires, the following expression shall have the meaning respectively assigned to them, that is to say,

- (a) **"Director General"** means the Director General Excise & Taxation, ICT Islamabad.
- (b) **"Director"** means the Director Excise & Taxation, ICT Islamabad.
- (d) **"MRA"** means the Motor Registering Authority / Excise & Taxation Officer, ICT Islamabad.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 17th April, 2014, at pages 869-874.

- (e) **"Form"** means a form appended to these rules.
- (f) **"Motor Vehicle"** means a motor vehicle defined in the Ordinance.
- (g) **"Officer"** means the Officer of Excise & Taxation Department not below the rank of the Assistant Excise & Taxation Officer/Excise Inspector authorized by the Director.
- (h) **"Ordinance"** means the Motor Vehicles Ordinance, 1965.

(2) The words and expressions used in these rules, but not defined shall have the same meanings as assigned to them in the Ordinance.

3. **Possession.-** Any motor vehicle the registration certificate of which has been cancelled under section 35 of the Ordinance, or a motor vehicle detained under section 115 of the Ordinance, or a motor vehicle the keeper of which fails to produce any valid documents in support of his claim of ownership or possession over the vehicle to the satisfaction of the Excise & Taxation Officer, shall be taken into possession by the Officer.

4. **Establishment of Warehouse.-** Government shall establish a warehouse at Islamabad Capital Territory, to be known as Excise Warehouse and shall for safe custody of vehicles seized under the Ordinance, keep all such vehicles in the said warehouse.

5. **Procedure after taking possession.-** (1) The Officer soon after taking possession of the vehicle under rule 3 shall prepare inventory in Form "A" in quadruplicate. One copy of the receipt shall be given to the person from whom the vehicle is taken into possession while the second copy, alongwith the vehicle, shall immediately be sent to the officer incharge of the warehouse for safe parking of the vehicle. The third copy shall forthwith be sent to the MRA, alongwith a brief report, who shall inform the Director, Excise & Taxation accordingly. The forth copy of the receipt shall be kept by the officer for his own record.

(2) On receipt of Form "A" and the vehicle the officer incharge of the warehouse shall enter form "A" and other particulars of the vehicle in a separate register to be maintained by him in Form "B" and shall be responsible for the safe custody of the vehicle till its disposal in accordance with these rules:

Provided that the officer incharge of the Warehouse after recovery of the vehicle under sub-rule (2), shall send the vehicle to the Forensic Science Laboratory for chemical examination of its chassis number and the notice to this effect may also be given to the owner or possessor of the vehicle as per Form "A" and the expenses whereof to be born by the Excise & Taxation Department.

(3) The MRA on receipt of the report under rule (1), shall issue notice to the owner or keeper through registered post with acknowledgment due, asking him to appear before him within two weeks and establish that he is *bonafide* owner/possessor of the vehicle.

(4) In case the owner or keeper appears and advances him claim regarding the ownership for the vehicle seized, the MRA shall finalize his claim and decide the case within two weeks time after hearing both the sides. If for some unavoidable reason the proceedings cannot be finalized within two weeks time, the case shall be referred to the Director, Excise & Taxation for extension of time, who may grant extension for a period not more than thirty days.

(5) If the owner or possessor establishes that he is rightful owner or possessor of the vehicle, the MRA shall, under his seal, direct the officer incharge of the warehouse to deliver the vehicle to him under intimation to the officer who seized the vehicle.

**6. Proclamation.-** In case the owner or keeper of the vehicle fails to respond to the notice given to him under sub-rule (3) of rule 5, or fails to establish his *bonafide* ownership with regard to the vehicle, the MRA shall issue a proclamation specifying the full particulars of the vehicle and require any person who may have any claim what so ever, thereto, to appear before him for establishing his claim within two weeks time from the date of issue of such a proclamation. The proclamation shall be made in accordance with the procedure as specified by the Director General, under intimation to the Government.

**7. Confiscation.-** If no claim is received pursuant to the proclamation made under rule 6, or if received and the claimant is unable to prove his *bonafide* ownership to the vehicle, the MRA shall record his order for confiscation of vehicle and confiscate the same in favour of Government and subject to rule 8, dispose of the vehicle by way of sale in an open auction through an auction committee to be constituted by the Government. The sale proceeds thereof shall, after clearance of the dues of the Custom Department, if any, in the form of custom duty, sale tax, etc., be paid into Government Treasury:

Provided that the confiscated vehicle in which no other number is deciphered on its chassis sheet is refitted and welded, will not be put to sale by way of auction. Such vehicles can be retained in the Excise & Taxation Department for performance of official duties or allotment to other Departments of the Government for official duty, by the Director General, after fulfilling all the codal formalities.

**8. Appeals.-** (1) Any body aggrieved from the order of the M R A may prefer an appeal to the Director, within 30 days of the order appealed against and the order passed by the Director shall, subject to sub-rule (2) be final:

Provided that no order on the appeal shall be passed without giving both the sides an opportunity of being heard.

(2) Director General, may, on its own accord or on a revision petition filed with it by any claimant within 60 days of the orders of the Director, call for the record of the case and may pass such orders as its deems fit.

Form A

Form A

OFFICIAL COPY

INCHARGE WARHOUSE COPY

EXCISE & TAXATION DEPARTMENT  
(MOTOR REGISTERING AUTHORITY)  
ISLAMABAD CAPITAL TERRITORY

EXCISE & TAXATION DEPARTMENT  
(MOTOR REGISTERING AUTHORITY)  
ISLAMABAD CAPITAL TERRITORY

Date \_\_\_\_\_ Sr. No. \_\_\_\_\_

Date \_\_\_\_\_ Sr. No. \_\_\_\_\_

This motor vehicle (registration certificate of which has been cancelled under section 35 of the Motor Vehicles Ordinance, or a motor vehicle detained under section 115 of the Ordinance, or a motor vehicle the keeper of which failed to produce any valid documents in support of his/her claim of ownership or possession over the vehicle to the satisfaction of the Excise & Taxation Officer;) is being taken into possession by the Officer under Islamabad Capital Territory (Seizure and Disposal of Motor Vehicle) Rules, 2014.

This motor vehicle (registration certificate of which has been cancelled under section 35 of the Motor Vehicles Ordinance, or a motor vehicle detained under section 115 of the Ordinance, or a motor vehicle the keeper of which failed to produce any valid documents in support of his/her claim of ownership or possession over the vehicle to the satisfaction of the Excise & Taxation Officer;) is being taken into possession by the Officer under Islamabad Capital Territory (Seizure and Disposal of Motor Vehicle) Rules, 2014.

- 1) Name of possessor / keeper \_\_\_\_\_
- 2) I D Card No. \_\_\_\_\_
- 3) Address \_\_\_\_\_
- 4) Registration Number (as displayed) \_\_\_\_\_
- 5) Engine No. (as displayed) \_\_\_\_\_
- 6) Type of Vehicle \_\_\_\_\_
- 7) Colour/Model \_\_\_\_\_
- 8) Date of appearance \_\_\_\_\_

- 1) Name of possessor / keeper \_\_\_\_\_
- 2) I D Card No. \_\_\_\_\_
- 3) Address \_\_\_\_\_
- 4) Registration Number (as displayed) \_\_\_\_\_
- 5) Engine No. (as displayed) \_\_\_\_\_
- 6) Type of Vehicle \_\_\_\_\_
- 7) Colour/Model \_\_\_\_\_
- 8) Date of appearance \_\_\_\_\_

AETO/INSPECTOR  
for MOTOR REGISTERING AUTHORITY  
ISLAMABAD

AETO/INSPECTOR  
for MOTOR REGISTERING AUTHORITY  
ISLAMABAD

Form A

Form A

PERSONAL COPY

MRA COPY

EXCISE & TAXATION DEPARTMENT  
(MOTOR REGISTERING AUTHORITY)  
ISLAMABAD CAPITAL TERRITORY

EXCISE & TAXATION DEPARTMENT  
(MOTOR REGISTERING AUTHORITY)  
ISLAMABAD CAPITAL TERRITORY

Date \_\_\_\_\_ Sr. No. \_\_\_\_\_

Date \_\_\_\_\_ Sr. No. \_\_\_\_\_

This motor vehicle (registration certificate of which has been cancelled under section 35 of the Motor Vehicles Ordinance, or a motor vehicle detained under section 115 of the Ordinance, or a motor vehicle the keeper of which failed to produce any valid documents in support of his/her claim of ownership or possession over the vehicle to the satisfaction of the Excise & Taxation Officer;) is being taken into possession by the Officer under Islamabad Capital Territory (Seizure and Disposal of Motor Vehicle) Rules, 2014.

This motor vehicle (registration certificate of which has been cancelled under section 35 of the Motor Vehicles Ordinance, or a motor vehicle detained under section 115 of the Ordinance, or a motor vehicle the keeper of which failed to produce any valid documents in support of his/her claim of ownership or possession over the vehicle to the satisfaction of the Excise & Taxation Officer;) is being taken into possession by the Officer under Islamabad Capital Territory (Seizure and Disposal of Motor Vehicle) Rules, 2014.

- 1) Name of possessor / keeper \_\_\_\_\_
- 2) I D Card No. \_\_\_\_\_
- 3) Address \_\_\_\_\_
- 4) Registration Number (as displayed) \_\_\_\_\_
- 5) Engine No. (as displayed) \_\_\_\_\_
- 6) Type of Vehicle \_\_\_\_\_
- 7) Colour/Model \_\_\_\_\_
- 8) Date of appearance \_\_\_\_\_

- 1) Name of possessor / keeper \_\_\_\_\_
- 2) I D Card No. \_\_\_\_\_
- 3) Address \_\_\_\_\_
- 4) Registration Number (as displayed) \_\_\_\_\_
- 5) Engine No. (as displayed) \_\_\_\_\_
- 6) Type of Vehicle \_\_\_\_\_
- 7) Colour/Model \_\_\_\_\_
- 8) Date of appearance \_\_\_\_\_

AETO/INSPECTOR  
for MOTOR REGISTERING AUTHORITY  
ISLAMABAD

AETO/INSPECTOR  
for MOTOR REGISTERING AUTHORITY  
ISLAMABAD

Form B

**EXCISE AND TAXATION DEPARTMENT  
(MOTOR REGISTERING AUTHORITY)  
ISLAMABAD CAPITAL TERRITORY**

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Sr. No.	Date	Received From	Vehicle particulars	Possessors particular	Sign

# **<sup>1</sup>THE ISLAMABAD HIGH COURT, MEMBER INSPECTION TEAM (MIT) POWERS, DUTIES AND FUNCTIONS RULES, 2014**

[12th August, 2014]

**S.R.O. 744(I)/2013.-** In exercise of the powers conferred by Articles 202 and 203 of the Constitution of Islamic Republic of Pakistan (1973), and on the recommendation of Administration Committee, the Chief Justice Islamabad High Court has been pleased to make the following rules:-

**1. Short title and commencement.-** (1) These rules may be called "The Islamabad High Court, Member Inspection Team (MIT) Powers, Duties and Functions Rules, 2014".

(2) They shall come into force at once.

**2. The Hon'ble Chief Justice may appoint one or more District & Sessions Judges to work as Member(s) of the Inspection Team of Islamabad High Court, to perform the following functions:-**

- (a) To monitor the monthly performance of subordinate courts.
- (b) To inspect the sub-ordinate courts at random and on the directions of the Hon'ble Chief Justice.
- (c) To ensure quarterly inspection of the courts by its presiding officers and yearly inspection of all the courts within their jurisdiction by the District & Sessions Judges concerned.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 21st August, 2014, at pages 2503-2508.

- (d) To ensure compliance of the directions of the National Judicial (Policy Making) Committee (NJPMC) by the subordinate courts.
- (e) To suggest measures for eradication of corruption among the staff of the subordinate courts.
- (f) To speedily process the complaints regarding the work and conduct of the judicial officers of subordinate courts.
- (g) To deal with the informal complaints against presiding officers and employees of District Courts/subordinate courts as per Appendix-D/1.
- (h) To issue directions from time to time for regulating the work of the subordinate courts.
- (i) To examine the monthly jail inspection notes of courts and give suggestions/proposals in this regard and to put up the same before the Hon'ble Chief Justice.
- (j) To scrutinize the consolidated monthly performance reports received from each District regularly and submit the same with his own comments to the Hon'ble Chief Justice and the Hon'ble Inspection Judge/Hon'ble Judges of the High Court.
- (k) To redress the grievances of the public relating to delays, obstacles and irregularities in the disposal of the cases by the subordinate courts as well as grievances of the public arising due to illegalities, high-handedness, violation of rules and regulations by the official functionaries.
- (l) To maintain record of pendency and disposal of cases of Anti-Terrorism courts on weekly and monthly basis.
- (m) To make suggestions and recommendations deemed necessary for promotions of speedy disposal of cases and measures for convenience of the Bar and the litigant public.
- (n) To suggest special measures for disposal of old cases pending in the subordinate courts.



- (o) To coordinate the activities relating to Access to Justice Program.
- (p) To undertake and perform any other task specially assigned to him by the Hon'ble Chief Justice/Hon'ble Inspection Judge of the subordinate courts/Hon'ble Judges of Islamabad High Courts.
- (q) To study the weakness, bottlenecks of the procedure and the system and make recommendations/proposals for removing the same.
- (r) To maintain record and follow up action in view of the periodical inspections and other inspections of the subordinate courts by the Hon'ble Inspection Judge or officers of Islamabad High Court including Member Inspection Team (MIT) under the directions of Hon'ble Chief Justice, Islamabad High Court.
- (s) To regularly obtain reports from the Criminal Courts about disposal of cases of women prisoners, juvenile offenders and prisoners involved in petty offences.
- (t) To ensure all time availability of a striking force for immediate action on complaints of corruption.
- (u) To monitor the performance of the process serving agencies, point out the deficiencies and dereliction in the performance of duty by the personnel of the process serving agencies, bring the same to the notice of concerned Authorities and suggest measures for effectively overcoming such deficiencies and shortcomings.

3. The MIT Branch shall work and report directly to the Hon'ble Chief Justice.

MEERAN JAN KAKAR,  
*Registrar Islamabad High Court.*

ISLAMABAD HIGH COURT, ISLAMABAD

No. Genl./IHC/2012/5280 Dated: 16/01/2012

NOTIFICATION

The Hon'ble Chief Justice and the Judges have been pleased to prescribe the following format of the complaints about the conduct of the Judicial Officers/Presiding Officers, employees of subordinate courts and other concerned officers & officials, their filing, processing and the procedure for their disposal:-

## I- Form of the complaint

ISLAMABAD HIGH COURT ISLAMABAD  
OFFICE OF THE MEMBER INSPECTION TEAM

COMPLAINT FORM

*(Fill it out and mail it to the address at the bottom of the form. Please answer all questions, and then describe your complaint. Feel free to express the realities and add additional pages, if necessary. Incomplete form shall not be entertained.)*

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Day time Phone No. \_\_\_\_\_ Today's Date \_\_\_\_\_

Name of Court you are complaining about \_\_\_\_\_

Where is the Court located? \_\_\_\_\_

Is it a complaint against a court? Yes ( ) No. ( )

If the complaint is not against a court, the MIT's Office probably cannot help you except to refer you to the right place. The MIT's Office only investigates complaints about courts under the administrative control of the Islamabad High Court, Islamabad.

Have you filed any appeal or grievance with the court complained against itself?  
Yes ( ) No. ( )

If you have an appeal or grievance, what was the court's answer? Please attach copies of your appeal and court's answer. **IT IS IMPORTANT TO TRY TO RESOLVE YOUR PROBLEM WITH THE COURT BEFORE COMPLAINING TO THE MIT.**

\_\_\_\_\_  
\_\_\_\_\_  
Name(s) of the person(s) you spoke or wrote to at the court about your problem \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Phone Number(s) of the Person(s) \_\_\_\_\_

Has your complaint ever been the subject of a court hearing? Yes ( ) No. ( )

If so, what is the court case number? \_\_\_\_\_

Have you asked anyone else for help to solve your problem?  
(An Attorney or any other state agency, etc. Yes ( ) No. ( )

May we talk to that person about you/complaint? Yes ( ) No. ( )

Names and phone numbers of persons you talked to about your problem \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Please give us any other information to help us to investigate your complaint  
(Your date of birth, domicile, qualification, profession, National Identity Card No.  
etc)

\_\_\_\_\_  
\_\_\_\_\_  
Your name will not be released unless you give your permission. Can we use your name when talking with the court about your complaint? Yes ( ) No. ( )

Use these lines to briefly state your complaint. Please tell us:

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What did you want from the court?

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What do you want the MIT to do to help you?

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**Affidavit:** I hereby solemnly affirm that all the contents given above are true and correct to the best of my knowledge and belief and nothing has been concealed in this behalf.

SIGNATURE & DATE BY:

(DEPONENT)

(NOTARY PUBLIC)

Please send this form along with supporting documents to:

Office of the Member Inspection Team or Additional Member Inspection Team,  
Islamabad  
High Court Islamabad  
Ph:No.051-9108042  
Fax:No.051-9108043  
E-Mail:ihcmitcomplaintcell@gmail.com

Note:- Comments questions and suggestions for total quality management shall be appreciated and may be sent to Member Inspection Team on the given address.

# **<sup>1</sup>THE ADVOCATE-GENERAL (TERMS AND CONDITIONS OF SERVICE) ORDER, 2015**

[9th January, 2015]

PRESIDENT'S ORDER NO. 1 OF 2015

AN  
ORDER

*to appoint an Advocate-General  
for Islamabad Capital Territory;*

WHEREAS it is expedient to appoint an Advocate-General for Islamabad Capital Territory and to provide for matters connected therewith and ancillary thereto;

AND WHEREAS the executive authority of the Federation in respect of Islamabad Capital Territory is exercisable by the President;

NOW, THEREFORE, in exercise of the powers conferred by Article 258 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make the following Order:—

**1. Short title, extent and commencement.-** (1) This Order may be called the Advocate-General (Terms and Conditions of Service) Order, 2015.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Appointment of the Advocate-General.-** There shall be an Advocate-General for Islamabad Capital Territory who shall be appointed by the President.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 14th January, 2015, at pages 9-11.

**3. Qualifications.-** A person shall be appointed as Advocate-General who is citizen of the Pakistan and is qualified to be judge of the High Court.

**4. Functions.-** It shall be the duty of the Advocate-General to give advice to the Provincial Government on such constitutional or legal matters and perform such other functions of a legal character as may be referred or assigned to him by Provincial Government.

**5. Tenure.-** The Advocate-General shall hold the office during the pleasure of the President and shall not engage in private practice so long as he holds the office of the Advocate-General.

**6. Resignation.-** The Advocate-General may, by writing under his hand addressed to the President, resign his office.

**7. Salary and allowances.-** The Advocate-General, on assumption of office, as such shall be entitled to following salary and allowances, namely,—

(a)	Salary	Rs. 100,000/- per month
(b)	Non-practicing allowance	Rs. 500,000/- per month
(c)	Telephone ceiling (office)	No limit
(d)	Telephone ceiling (residence)	Rs. 7,000/- per month
(e)	Mobile charges	Rs. 7,000/- per month
(f)	Transport facility	1300-CC car with driver and 300 litres petrol per month.
(g)	House rent	Rs. 60,000/- per month
(h)	Medical facility	as is admissible to BS-20 officer.
(i)	Travelling and daily allowance	as is admissible to BS-20 officer.

**8. Power to make rules.-** The Federal Government may, by notification in the official Gazette, make rules, for matters not provided for in this Order, to carry out the purposes of this Order.

# **THE ISLAMABAD CAPITAL TERRITORY LOCAL GOVERNMENT ACT, 2015**

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# <sup>1</sup>THE ISLAMABAD CAPITAL TERRITORY LOCAL GOVERNMENT ACT, 2015

[5th August, 2015]

ACT NO. X OF 2015

*An Act to rationalize and reorganize the local  
government system in the Federal Capital*

WHEREAS it is expedient to establish an elected local government system to devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments; to promote good governance, effective delivery of services and transparent decision making through institutionalized participation of the people at local level; and, to deal with ancillary matters;

It is hereby enacted as follows:—

## CHAPTER I

### INTRODUCTION

1. **Short title, extent and commencement.**- (1) This Act may be called the Islamabad Capital Territory Local Government Act, 2015.

(2) It extends to the Islamabad Capital Territory except any area excluded by the Government, by notification, for reasons to be recorded in writing.

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<sup>1</sup> The Act received the assent of the President on the 3rd August, 2015 and published in the Gazette of Pakistan, Extraordinary Part I, Islamabad, dated 6th August, 2015, at pages 561-659.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for coming into force of different provisions of this Act.

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

- (a) "Administration" means the Islamabad Capital Territory Administration;
- (b) "Authority" means the Capital Development Authority;
- (c) "budget" means an official statement of the income and expenditure of a local government for a financial year;
- (d) "building" includes any shop, house, hut, outhouse, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth, ramp, stair-case and steps;
- (e) "building line" means a line beyond which the outer face or any part of an external wall of a building may not project beyond privately owned land in the direction of any street, existing or proposed;
- (f) "bye-laws" means bye-laws made under this Act or made under the Capital Development Authority Ordinance, 1960 (XXIII of 1960) or the Municipal Administration Ordinance, 1960;
- (g) "cattle" includes cows, buffaloes, bulls, oxen, bullocks, heifers, calves, camels, sheep, goats and others;
- (h) "Chairman" means the Chairman of a Union Council as mentioned in section 11;
- (i) "Chief Officer" means the Chief Officer appointed under section 63;
- (j) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

- (k) “conservancy” means the collection, treatment, removal and disposal of refuse;
- (l) “dairy” includes any farm, cattle-shed, cow-house, milk store, milk shop or any other place from where milk or milk products are supplied;
- (m) “Deputy Mayor” means a Deputy Mayor of the Metropolitan Corporation elected under section 12;
- (n) “District” means the area specified in section 2 of the Capital of the Republic (Determination of Area) Ordinance, 1963 (Ordinance VI of 1963);
- (o) “drain” includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying sullage or rain water;
- (p) “dwelling house” means any building used substantially for human habitation;
- (q) “Election Commission” means the Election Commission constituted under Article 218 of the Constitution of the Islamic Republic of Pakistan;
- (r) “factory” means a factory as defined in the Factories Act, 1934 (XXV of 1934);
- (s) “food” includes every eatable used for food or drink by human beings but does not include drugs or water;
- (t) “Government” means Federal Government as the Rules of Business may specify;
- (u) “infectious disease” means cholera, plague, smallpox and tuberculosis, and includes such other disease as the Government may, by notification, declare to be infectious or disease for purposes of this Act;
- (v) “land” includes the land which is being built up or is built up or is covered with water or is under cultivation or is fallow;

- (w) "Local Fund" means the fund of a local government established under section 78;
- (x) "local government" means a Union Council or the Metropolitan Corporation established under this Act;
- (y) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetables or any other article of food or for the sale and purchase of livestock or animals and includes any place which may be notified as a market;
- (z) "Master Plan" means the Master Plan developed, maintained and enforced by Capital Development Authority;
- (aa) "Mayor" means the Mayor of the Metropolitan Corporation elected as such under section 12;
- (bb) "member" means a member of a local government;
- (cc) "Metropolitan Corporation" means the Metropolitan Corporation notified as such under section 9;
- (dd) "misconduct" means transgression of the prescribed code of conduct or dereliction of duty or deliberate unlawful behavior or violation of law or rules or lawful directions or orders of the Government and includes,-
  - (i) gross negligence in the performance of duties with manifest wrongful intent or evil design; or
  - (ii) an act that results in wrongful gain to any person by wrongful application of law; or
  - (iii) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration; or
  - (iv) bribery, corruption, jobbery, favoritism, nepotism or willful diversion of the fund of the local government;



- (ee) “municipal offence” means an act or omission punishable under this Act and includes an act or omission declared as municipal offence under any other law for the time being in force in Islamabad Capital Territory;
- (ff) “notification” means notification issued by the Government under this Act and published in the Official Gazette;
- (gg) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury as may be specified, 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;
- (hh) “occupier” means any person, for the time being, in actual lawful occupation of the land or building and includes an owner in actual occupation of the land or building;
- (ii) “owner” includes the person for the time being receiving the rent of land and buildings or either of them, including an agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building was let to a tenant;
- (jj) “peasant” means a landless farm worker or, a person, who during the period of five years preceding the year in which the election is held, owning less than five acres of land as sole owner for subsistence living;
- (kk) “prescribed” means prescribed by the rules as defined under clause (tt);
- (ll) “prohibited zone” means any area or areas within a local government declared as prohibited zone by a public notice for purposes of this Act;
- (mm) “public road” means and includes a road or street or way maintained by the Government or by a local government or by any other local authority;
- (nn) “public place” means any building, premises or place to which the public have access;

- (oo) "rate" means and includes the charges that may be fixed and levied by the local governments for provision of any services, for which it incurs a cost, provided under this Act;
- (pp) "refuse" includes rubbish, offal, night-soil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;
- (qq) "rent" means whatever is by law payable in money or kind by a tenant or lessee on account of lawful occupation or use of any building or land;
- (rr) "revenue estate" means a revenue estate declared under the Land Revenue Act, 1967 (XVII of 1967) as adapted in the Islamabad Capital Territory;
- (ss) "road" includes a road or a street or way which is not a thoroughfare;
- (tt) "rules" means rules made under the Capital Development Authority Ordinance, 1960 or may be made under this Act;
- (uu) "Schedule" means a Schedule appended to this Act;
- (vv) "streets line" means a line dividing the land comprised in, and forming part of, a road or street from the adjoining land;
- (ww) "tax" includes any cess, rate, fee, toll or other charge levied under this Act;
- (xx) "technocrat" means a person who is the holder of a degree requiring conclusion of at least sixteen years of education recognized by the Higher Education Commission and at least five years of experience in the relevant field;
- (yy) "Union Council" means an area notified as a Union Council under section 7;
- (zz) "vehicle" means a wheeled conveyance capable of being used on a road or street;

- (aaa) "Vice Chairman" means the Vice Chairman of a Union Council as mentioned in section 11;
- (bbb) "village" means an integrated and contiguous human habitation commonly identified by a name and includes a dhok, chak, gaown, basti or any other comparable habitation within a revenue estate;
- (ccc) "voter" means a person, whose name for the time being appears on the electoral rolls prepared or adapted for the purposes of the election under this Act;
- (ddd) "worker" means a person directly engaged in work or is dependent on personal labour for subsistence living and includes a worker as defined in the Industrial Relations Act 2012 (X of 2012);
- (eee) "youth" means a person who is enrolled as a voter in the respective Union Council and is not less than twenty-five years of age on last day fixed for filing of nomination papers; and
- (fff) "Zoning Regulation" means the Islamabad Capital Territory Zoning Regulations 1992.

(2) The expressions, not defined in sub-section (1), shall have the same meaning as defined in any other relevant law or generally used.

**3. Local governments to work within the existing framework.-** (1) The local governments established under this Act shall faithfully observe all laws applicable in Islamabad Capital Territory.

(2) In the performance of their functions, the local governments shall not impede or prejudice the exercise of the executive authority of the Government or any office performing functions of the Provincial Government in the Islamabad Capital Territory.

(3) The development, planning and overall maintenance of the Master plan within the specified area of Islamabad Capital Territory will continue to vest with Capital Development Authority and thus the overall Master Plan shall apply and no action by any authority, body or corporation shall be initiated in violation of the Capital Development Authority Ordinance, 1960 and the Zoning

regulations duly approved by the Government. All powers to be exercised and rules to be enforced shall be subject to the planning framework already set in the aforementioned laws, rules and regulations.

(4) This legal framework shall without derogation to the existing laws and regulations of the Islamabad Capital Territory and Capital Development Authority and segments not covered by the prevalent law shall be covered by the respective local Government, as determined by the Government. Wherever there is a clash between the existing law and provisions of this Act, the existing law shall prevail unless clearly specified or repealed.

## CHAPTER II

### LOCAL AREAS

**4. Local areas.-** (1) For purposes of this Act, the Government shall, by notification, specify the local area within Islamabad Capital Territory as Union Councils and for the Metropolitan Corporation, as the case may be.

(2) The Government may, by notification, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a Union Council.

(3) Any two or more adjoining Union Councils within Islamabad Capital Territory may, after inviting public objections through a resolution passed by two-third majority of the total membership of each of the Union Councils, make a proposal to the Government for a change in their respective boundaries subject to the condition that no revenue estate shall be divided and the size of population in the relevant Union Council shall, as far as possible, be close to the average population of similar Union Councils in Islamabad Capital Territory.

(4) The Government may, with the concurrence of the Election Commission, alter the limits of a local area under this section after the initiation of proceedings of delimitation of constituencies by the Election Commission but the Government shall not alter the limits of a local area after the announcement of election schedule for election in local area.

**5. Division and reconstitution of a local government.-** (1) The Government may, by notification, divide a local government into two or more local governments or alter the limits of a local government and may specify in the notification the consequences which shall ensue upon the publication of such notification.

(2) When, as a result of such division or reconstitution, any new local government is constituted, in accordance with the provisions of this Act in the manner specified in the notification,—

- (a) the existing members of any local government so divided or reconstituted shall become the members of such local government as the Government may, by notification, specify as if each such member had been elected to that local government; and
- (b) such local government shall, to the extent and in the manner specified in the notification, be the successor of the local government so divided or reconstituted.

**6. Local Government and Delimitation.**- (1) The Government shall, by notification in the official Gazette, determine the number of Union Councils within Islamabad Capital Territory.

(2) After the demarcation of the Local Government under section 5 and determination of number of Union Councils, the Election Commission, shall delimit Union Councils.

(3) The Election Commission shall delimit and notify the Councils on the basis of the principles laid down in section 7, as nearly as possible, under the Delimitation of Constituencies Act, 1974 (XXXIV of 1974) or any other Act of the Majlis-e-Shoora (Parliament).

**7. Delimitation of Union Councils.**- (1) A Union Council shall be an area consisting of one or more revenue estates or, in the case of an area where revision of settlement under the law has not taken place, one or more census villages or, in the case of an urban area, a census block or blocks as delimited for purposes of the last preceding census or a census block and a revenue estate, notified as such by the Election Commission.

(2) As far as possible:

- (a) the area of a Union Council shall be a territorial unity;
- (b) the boundaries of a Union Council shall not cross the limits of the Metropolitan Corporation; and
- (c) the population of Union Councils within the Metropolitan Corporation shall be uniform.

**8. Waiver of conditions.-** The Election Commission may, in a specific case and for reasons to be recorded in writing, waive the conditions of delimitation mentioned in section 6.

### CHAPTER III

#### CONSTITUTION OF LOCAL GOVERNMENTS

**9. Constitution of Local Governments.-** (1) Subject to sub-section (2), the local governments constituted under this Act shall be:

- (a) Metropolitan Corporation for Islamabad Capital Territory; and
- (b) Union Councils for Islamabad Capital Territory as the Government may notify.

(2) The Government may, by notification, declare any area in Islamabad Capital Territory to be a Union Council.

(3) The Government may, by notification, specify the name by which local government shall be known and unless the name of a local government is so specified, it shall be known as the local government of the place where its office is situate.

### CHAPTER IV

#### COMPOSITION OF LOCAL GOVERNMENTS

**10. Local governments.-** (1) Local governments shall consist of Union Councils and Metropolitan Corporation as given in section 11 and section 12, respectively.

(2) If there are more than one member in any category of seats in a local government, the election shall be held on the basis of proportional representation.

**11. Union Council.-** A Union Council shall consist of the following members elected under Chapter V:—

- (i) Chairman and Vice Chairman, as joint candidates;
- (ii) six general members;

- (iii) two women;
- (iv) one peasant or worker;
- (v) one youth member; and
- (vi) one non-Muslim.

**12. Metropolitan Corporation.-** (1) The Metropolitan Corporation shall consist of the following members elected under Chapter V,—

- (i) Mayor and Deputy Mayor, as joint candidates;
- (ii) Chairmen of all Union Councils;
- (iii) women;
- (iv) peasants/workers;
- (v) technocrats;
- (vi) youth members; and
- (vii) non-Muslims.

(2) The number of women should not be less than 33 per cent, peasants/workers not less than 5 per cent, non-Muslims not less than 5 per cent, youth not less 5 per cent each and technocrat not less than 2 per cent. The numbers shall be computed by the government accordingly through a notification issued from time to time.

(3) The Mayor and the Deputy Mayor shall be elected as joint candidates, in the first session of the Metropolitan Corporation, from amongst the members mentioned at serial number (ii) to (vii) of sub-section (1), by majority of the members mentioned at serial number (ii) to (vii) of sub-section (1) present and voting.

**13. Saving.-** Nothing contained in this Chapter shall be construed to prevent a woman, peasant, worker, technocrat or a non-Muslim from being a candidate or elected to a general seat in any local government.

## CHAPTER V

**LOCAL GOVERNMENT ELECTIONS**

14. **Franchise.**- Save as otherwise provided, election of members of all local governments, shall be held on party basis through secret ballot on the basis of adult franchise.

15. **Election of the members of the Union Councils.**- Members of each Union Councils shall be directly elected by the voters registered in the concerned Union Council.

16. **Election of the members of the Metropolitan Corporation.**- Members of Metropolitan Corporation, mentioned at serial number (iii) to (vii) of sub-section (1) of section 12, shall be elected by the members of the Union Councils present and voting.

17. **Election Commission to conduct elections.**- (1) The Election Commission shall conduct the local government elections.

(2) The Election Commission may, by order in the Official Gazette, make provisions for the conduct of local government elections if no provisions or no sufficient provisions have been made under this Act or the rules.

18. **Executive Authority to assist the Election Commission.**- It shall be the duty of all executive authorities in the Islamabad Capital Territory to assist the Election Commission in the discharge of its functions.

19. **Electoral rolls.**- (1) A person shall be entitled to be enrolled as a voter if he,—

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age; and
- (c) fulfils such other conditions as the Election Commission may specify.

(2) The electoral rolls for the local government elections shall be prepared by the Election Commission in such manner as it may deem appropriate and the electoral rolls shall not be invalid by reason of any erroneous description in the electoral rolls of any person listed or of an omission of the name of any



person entitled to be enrolled or of inclusion of the name of any person not so entitled.

(3) Every person whose name is entered in the electoral roll shall be entitled to cast a vote at the direct elections of the local government.

**20. Appointment of Returning Officer etc.-** (1) Subject to sub-section (2), the Election Commission shall appoint from amongst the officers of the Election Commission, the Government, a body or entity controlled by the Government, a Returning Officer and an Assistant Returning Officer for each constituency for purposes of direct election under this Act.

(2) The Election Commission may appoint a person as Returning Officer or Assistant Returning Officer for two or more constituencies.

(3) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to such conditions as may be imposed by the Election Commission, exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.

(4) It shall be the duty of a Returning Officer to do all such acts as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.

**21. Polling Station.-** (1) The Returning Officer shall, before such time as the Election Commission may fix, propose to the Election Commission a list of polling stations for the constituency.

(2) The Election Commission may make such alterations in the list of polling stations submitted under sub-section (1) as it deems necessary and shall forward to the Returning Officer the final list of the polling stations.

(3) The Returning Officer shall establish in each constituency polling stations according to the final list sent by the Election Commission specifying the electoral area and the voters of the electoral area who shall be entitled to vote at each polling station, and shall, at least seventy two hours before the polling day, give wide publicity of the polling stations, in such manner as he may deem fit.

(4) A polling station shall not be located in any premises which belong to or are under the control of any candidate.

**22. Presiding Officers and Polling Officers.-** (1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers to assist the Presiding Officer as the Returning Officer may consider necessary.

(2) A person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

(3) The Returning Officer shall submit a list of Presiding Officers and Polling Officers to the Election Commission at least fifteen days before the polling day for approval and no change in the personnel shall be made except with the approval of the Election Commission.

(4) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll.

(5) The Returning Officer shall authorize one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions.

(6) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the Officer so suspended.

**23. Supply of electoral rolls.-** (1) The Election Commission shall provide the electoral rolls of the constituency to the Returning Officer.

(2) The Returning Officer shall provide to the Presiding Officer the electoral rolls, containing the names of the voters entitled to vote at a polling station.

**24. Other powers and functions of the Election Commission.-** In addition to the powers and functions of the Election Commission under this Act, the Election Commission shall, in relation to local government elections, exercise such other powers and perform such other functions as may be prescribed.

**25. Qualifications for candidates.-** (1) A person shall qualify to be elected as a member or to hold an elected office of a local government, if he,—

- (a) is a citizen of Pakistan;
- (b) is the youth, is not less than twenty five years of age on the last day fixed for filing the nomination papers; or
- (c) is enrolled as a voter in the electoral rolls of the Union Council.

(2) The qualifications mentioned in paragraphs (d) to (g) of clause (1) and the disqualification referred to in clause (2) of Article 62 of the Constitution of the Islamic Republic of Pakistan for membership of Majlis-e-Shoora (Parliament) shall *mutatis mutandis* apply to a person to qualify to be elected as a member or to hold an elected office of a local government.

**26. Disqualifications for candidates and elected members.-** (1) The disqualifications mentioned for membership of Majlis-e-Shoora (Parliament) in paragraphs (a) to (p) of clause (1) of Article 63 of the Constitution of the Islamic Republic of Pakistan shall *mutatis mutandis* apply to a person from being elected or chosen as, and from being, an elected member of a local government.

(2) If a person,—

- (a) is found by the Election Commission to have contravened any provisions of section 25 or sub-section (1) of section 26, he shall stand disqualified from being a candidate for election to any office of a local government for a period of four years; or
- (b) has been elected as a member of a local government and is found by the Election Commission to have contravened any provision of section 25 or sub-section (1) of section 26, he shall cease forthwith to be an elected member or to hold the office of such member and shall stand disqualified from being a candidate for election to a local government for a period of four years.

**27. Bar against dual membership.-** (1) A Mayor, a Deputy Mayor, a Chairman or a Vice Chairman may contest election for any other political office

after resigning from the office of the Mayor, Deputy Mayor, Chairman or Vice Chairman.

(2) A member of a local government, other than the Chairman of a Union Council, may contest election for any other political office without resigning from the membership of the local government but any such member shall not simultaneously hold more than one office.

(3) If a member of a local government is elected to any other political office, on the notification of election of that political office, his seat as member of the local government shall become vacant.

(4) If a Chairman of a Union Council is elected as the Mayor or a Deputy Mayor, he shall cease to be the Chairman of the Union Council and the seat of the Chairman of the Union Council shall stand vacated.

(5) Nothing in this section shall apply to bar a member of a local government to contest the election of Mayor, Deputy Mayor, Chairman or Vice Chairman of a local government.

**28. Conduct of elections.-** The election to a local government shall be conducted in the prescribed manner.

**29. Term of office.-** (1) Subject to the this Act, the term of office of a local government shall be five years commencing on the date on which it holds its first meeting.

(2) The first meeting of a local government shall be held not later than thirty days from the day on which the names of its members are notified.

(3) On the expiry of the term of office of a local government, the Government may appoint an administrator to perform the functions of the local government until the elected local government assumes office which period shall not exceed six months.

(4) Save as otherwise provided, a local government shall in its first meeting and to the exclusion of any other business, elect the Mayor and Deputy Mayor or Deputy Mayors, Chairman and Vice Chairman in the prescribed manner.

**30. Oath of office.-** (1) A member shall, before taking his seat in a local government, make and subscribe to an oath in such form as may be

(2) The Mayor, Deputy Mayor, Chairman and Vice Chairman shall assume office by making and subscribing to an oath in such form as may be prescribed.

(3) A Mayor, Deputy Mayor, Chairman and Vice Chairman and a member shall, after taking oath of office, declare his assets in the prescribed manner.

**31. Vacancy.-** If the office of a Mayor, Deputy Mayor, Chairman or Vice Chairman, or a member indirectly elected on a reserved seat for any reason, falls vacant during the term of office of a local government, the new Mayor, Deputy Mayor, Chairman, Vice Chairman or member shall be elected in the prescribed manner within thirty days from the date when such vacancy is notified and he shall, subject to this Act, hold office for the remaining term of the local government.

**32. Removals.-** (1) Where proceedings of disqualification under section 26 have been initiated against a member, the Election Commission or any authority authorised by it may issue a notice to the member 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 25.

(2) Where the Election Commission or an authority authorised by it is not satisfied with the reply to the notice referred to in sub-section (1) or any reply to the said notice is not filed within the period fixed by it, it may order for an enquiry in the matter and for that purpose appoint an enquiry officer.

(3) On the basis of enquiry held under sub-section (2), the Election Commission or an authority authorised by it may order the removal of the member.

**33. Resignation.-** (1) A Mayor, Deputy Mayor, Chairman, Vice Chairman or a member may resign his office by tendering resignation in writing under his hand to the local government of which he is the Mayor, Deputy Mayor, Chairman, Vice Chairman or a member.

(2) The resignation tendered under sub-section (1) shall be deemed to have been accepted and effective forthwith and the local government shall forward copies of the resignation to the Election Commission and the Government.

**34. Vote of no-confidence.-** (1) Subject to this section, a Mayor or Deputy Mayor, shall cease to hold office if a vote of no-confidence is passed against him in the prescribed manner by two-third majority of the total number of members of the local government.

(2) A motion of no-confidence shall not be moved before the expiry of one year of his assumption of office as the Mayor or Deputy Mayor.

(3) Where a motion of no-confidence against the Mayor or Deputy Mayor, has been moved and fails for want of the requisite majority of votes in a meeting, no similar motion shall be moved against him before the expiry of one year from the date when such motion was moved.

**35. Bar against re-election or re-appointment.-** When a Mayor, Deputy Mayor, Chairman or Vice Chairman, of a local government, is removed from office on the ground of misconduct, he shall not, during the unexpired period of the term of that local government be eligible for re-election or re-appointment to any office during the remaining term of the local government.

**36. Notification of election, resignation and removal.-** (1) Every election or removal of a member shall be notified by the Election Commission.

(2) The Government shall notify,—

(a) vacation of office owing to resignation or death of a member; and

(b) election, appointment or vacation of office, owing to any cause, of the Mayor, Deputy Mayor, Chairman or Vice Chairman.

**37. Election petition.-** (1) Subject to this Act, an election to an office of a local government shall not be called in question except by an election petition.

(2) A candidate may, in the prescribed manner, file an election petition before the Election Tribunal challenging an election under this Act.

**38. Election Tribunal.-** (1) The Election Commission shall, by notification, appoint an Election Tribunal for such local area as may be specified in the notification.

(2) The Election Commission may transfer an election petition from one Election Tribunal to another Election Tribunal.

(3) Subject to the rules, the Election Commission may, by notification, issue instructions for presentation, hearing and trial of an election petition.

(4) The Election Tribunal shall decide an election petition within one hundred and twenty days from the date of filing of the election petition.

**39. Powers of Election Tribunal.-** The Election Tribunal may exercise powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (V of 1908) and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code.

**40. Decision of the Election Tribunal.-** (1) The Election Tribunal may, on the conclusion of trial of an election petition, make an order,—

- (a) dismissing the petition;
- (b) declaring the election of the returned candidate to be void;
- (c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or
- (d) declaring the election as a whole to be void.

(2) The decision of the Election Tribunal shall take effect from the date on which it is made and shall be communicated to the Election Commission.

**41. Ground for declaring election of returned candidate void.-** (1) The Election Tribunal shall declare the election of the returned candidate to be void if it is satisfied that,—

- (a) the nomination of the returned candidate was invalid; or
- (b) the returned candidate was not, on the nomination day, qualified for or was disqualified from, being elected as a member; or
- (c) the election of the returned candidate has been procured or induced by any corrupt or illegal practice; or

- (d) corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the connivance of the candidate or his election agent.

(2) The election of a returned candidate shall not be declared void if the Election Tribunal is satisfied that any corrupt or illegal practice was committed without the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precaution to prevent its commission.

**42. Ground for declaring a person other than a returned candidate elected.-** The Election Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the respondents and the Election Tribunal is satisfied that the petitioner or such contesting candidate was entitled to be declared elected.

**43. Ground for declaring elections as a whole void.-** The Election Tribunal shall declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected by reasons of,—

- (a) the failure of any person to comply with the provisions of this Act or the rules; or
- (b) the prevalence of extensive corrupt or illegal practice at the election.

**44. Decision in case of equality of votes.-** Where after the conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Election Tribunal shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.

**45. Appeal against the orders of Election Tribunal.-** (1) Any person aggrieved by a final order of an Election Tribunal may, within thirty days of the communication of such order, prefer an appeal to the Islamabad High Court.

(2) The Islamabad High Court shall decide an appeal preferred under sub-section (1) within ninety days.



**46. Corrupt practice.-** A person guilty of bribery, personating or undue influence shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or with both.

**47. Bribery.-** A person is guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf,—

- (a) receives, agrees or contracts for any gratification for voting or refrains from voting or refrains from being a candidate at or withdrawing or retiring from, an election;
- (b) gives, offers or promises any gratification to any person for the purpose of—
  - (i) inducing a person to be or to refrain from being a candidate at an election; or
  - (ii) inducing a voter to vote or refrain from voting at any election; or
  - (iii) inducing a candidate to withdraw or retire from an election; or
  - (iv) rewarding a person for having been or for having refrained from being a candidate at an election; or
  - (v) rewarding a voter for having voted or refrained from voting at an election; or
  - (vi) rewarding a candidate for having withdrawn or retired<sup>1</sup> from an election.

*Explanation:—*In this section, 'gratification' includes a gratification in money or estimable in money and employment for reward.

**48. Personating.-** 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, dead or fictitious.

**49. Undue influence.-** A person is guilty of undue influence, if he,—

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<sup>1</sup> The word should be "retired".

- (a) in order to compel any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an 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; or
  - (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 contrivance—
  - (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.

*Explanation:*—In this section, 'harm' includes social ostracism or excommunication or expulsion from any caste or community.

**50. Illegal practice.**— A person is guilty of illegal practice punishable with fine which may extend to two 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, or a local government or authority to further or hinder the election of a candidates;
- (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 or tampers with the ballot-box used at a polling station;
- (e) knowingly induces or procures any person to do any of the aforesaid acts;
- (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 purposes 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;  
or
  - (iii) regarding the withdrawal of a candidate;
- (h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for purposes 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 and waiting to vote at the polling station to depart without voting.

**51. Prohibition of canvassing.**- A person is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, on the polling day in connection with the election,—

- (a) convenes, calls or organises 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;
  - (iii) 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 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 voters to vote, or discourage the voters from voting, for any contesting candidate.

**52. Disorderly conduct near polling station.-** 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 three 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; or
- (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; or
  - (ii) interferes with the performance of the duty of a presiding officer polling officer or any other person performing any duty at a polling station; or
- (d) abets the doing of any of the aforesaid acts.

**53. Tampering with papers.-** 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 twenty 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 papers 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 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 the aforesaid acts.

**54. Interference with the secrecy of voting.-** A person is guilty of an offence punishable with imprisonment which may extend to six months or with fine which may extend to twenty 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 about the candidate for whom a voter in that station is about to vote or has voted.

**55. Failure to maintain secrecy.-** 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 twenty 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.

**56. Conduct of officials.-** A presiding officer, polling officer or any other officer or official performing 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 twenty 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 from giving 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 authorised 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.

**57. Breaches of official duty in connection with election.-** A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant 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 imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.

**58. Assistance by Government servants.-** A person in the service of the Government, a local government or a body owned or controlled by the Government or a local 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 twenty thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

**59. Summary trial.-** All offences under this Chapter except the offence under section 46 shall be tried summarily under the provisions of the Code.

**60. Cognizance.-** A Court shall not take cognizance of an offence under section 56 or section 57 except on a complaint in writing of the Election Commission or the Returning Officer.

**61. Offence to be cognizable.-** An offence punishable under section 46 shall be a cognizable offence.

**62. Prosecution of offences under this Chapter.-** (1) Subject to section 59, a Court shall not take cognizance of an offence under this Chapter except on a complaint in writing made by order or under authority of the Election Commission.

(2) An offence punishable under this Chapter shall be triable by a Magistrate of first class and if a Magistrate lacks jurisdiction to try such case it shall be tried by a court of competent jurisdiction.

## CHAPTER VI

**EXECUTIVE POWERS AND CONDUCT OF BUSINESS**

**63. Executive authority and conduct of business.-** (1) The executive authority of a local government shall extend to doing of all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided, the executive authority of a local government shall vest in and be exercised by its Mayor or Chairman.

(3) All acts of a local government, whether executive or otherwise, shall be expressed to be taken in the name of the local government and shall be authenticated in the manner prescribed.

(4) For Metropolitan Corporation, the Government shall appoint a Chief Officer and such number of other officers as may be prescribed.

(5) The Chief Officer of Metropolitan Corporation shall be its Principal Accounting Officer and, in case of a Union Council, the Chairman of the Union Council shall be the Principal Accounting Officer.

(6) The Chief Officer shall ensure coordination between the Metropolitan Corporation and the Union Councils in Islamabad Capital Territory and the Government.

(7) The Chief Officer shall be responsible for ensuring adherence by the Metropolitan Corporation to all laws, policies and oversight framework of the Government in the prescribed manner.

**64. Additional functions.-** (1) The Government may, in the prescribed manner, devolve one or more of its functions to a local government for improved and efficient service delivery to the citizens.

(2) In the performance of the functions mentioned in sub-section (1), a local government shall be bound by the directions of the Government.

(3) The Government shall, in the prescribed manner, provide technical support and fiscal resources required for carrying out the said functions by a local government.



**65. Delegated functions.-** (1) The Metropolitan Corporation may, in the prescribed manner, devolve one or more of its functions to the Union Councils for improved and efficient service delivery to the citizens.

(2) In the performance of the function mentioned in sub-section (1), a Union Council shall be bound by the directions of the Metropolitan Corporation.

(3) The Metropolitan Corporation shall, in the prescribed manner, provide technical support and fiscal resources required for carrying out the devolved functions by a Union Council.

**66. Conduct of business.-** (1) The business of a local government shall be conducted in the prescribed manner.

(2) Any proceedings or decision of a local government shall not be invalid merely because of a vacancy or defect in the membership of the local government.

(3) A local government may appoint committees consisting of such number of its members and other persons to perform such functions and in such manner as may be prescribed.

**67. Meetings.-** (1) A local government shall, within three months of the assumption of office, frame bye-laws for the conduct of its meetings.

(2) A meeting of a local government shall be presided over by the Mayor or Chairman and, in his absence, by the Deputy Mayor or *Vice* Chairman and, in the absence of both, by a member chosen for that purpose by the members present.

(3) A local government shall hold at least one meeting during a month.

(4) A meeting of a local government shall be open to public except when a local government, by simple majority, decides to consider any matter in a session attended exclusively by its members and officials.

(5) The Chief Officer or an officer authorised by him shall record minutes of the meeting of a local government and submit the same to the person who presided the meeting for approval.

(6) The Chief Officer shall, after approval, issue the minutes of a meeting under his signatures.

(7) A member who, directly or indirectly, by himself or by any partner, employer or employee has any share or interest in respect of any matter or has acted professionally, in relation to any matter on behalf of any person having therein any share or interest as aforesaid, shall not vote or take any other part in any proceedings of the local government or any of its committees.

**68. Contracts.-** (1) All contracts made by or on behalf of a local government shall be,—

- (a) in writing and expressed to be made in the name of the local government;
- (b) executed in such manner as may be prescribed; and
- (c) reported to the local government by the Mayor or the Chairman at the meeting next following the execution of the contract.

(2) A local government may assign any of its functions to a public or private organization on such terms and conditions or enter into public-private partnership for efficient performance of any of its functions as may be prescribed.

**69. Reporting and evaluation.-** (1) A local government shall—

- (a) maintain such record of its working as may be prescribed or required by the Government;
- (b) prepare and publish such periodical reports and returns as may be prescribed or required by the Government; and
- (c) adopt such other measures as may be necessary for the publication of information about the working of the local government.

(2) The performance evaluation of officers and officials of the local governments shall be made in the prescribed manner.

**CHAPTER VII**

**UNION COUNCILS**

**70. Union Councils.-** (1) A Union Council shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property and enter into any contract and may sue and be sued in its name.

(2) The Chairman of a Union Council shall be the executive head of the Union Council and the Vice Chairman of the Union Council shall perform the functions of the Chairman when the Chairman is unable to perform his functions on account of absence or for any other reason.

(3) A Chairman of a Union Council shall,—

- (a) provide leadership for preparation of budget and the annual development plan;
- (b) present the budget in the Union Council;
- (c) ensure that the business of Union Council is carried out strictly in accordance with this Act and other laws;
- (d) issue executive orders to the Union Secretaries;
- (e) represent the Union Council in the Metropolitan Corporation; and
- (f) report to the concerned authorities in respect of—
  - (i) encroachment on State or local government property and violation of land use and building laws, rules and bye-laws;
  - (ii) dangerous and offensive articles and trades mentioned in First Schedule;
  - (iii) environmental and health hazards; and
  - (iv) adulteration of articles of food.

(4) A Union Council Secretary, under the supervision of the Chairman, shall coordinate and facilitate in community development, functioning of the committees and delivery of municipal services.

(5) The Government may, in the prescribed manner, issue a schedule of establishment for a Union Council.

**71. Functions of the Union Council.-** (1)<sup>1</sup> A Union Council shall, subject to the provisions of the Capital Development Authority Ordinance, 1960, perform functions specified in the Second Schedule.

## CHAPTER VIII

### METROPOLITAN CORPORATION

**72. Metropolitan Corporation.-** The Metropolitan Corporation shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property and enter into any contract and may sue and be sued in its name.

**73. Functions of Metropolitan Corporation.-** (1) The Metropolitan Corporation shall, subject to the provisions of Capital Development Authority Ordinance, 1960 and Islamabad Capital Territory Zoning Regulations 1992 perform functions mentioned in Third Schedule subject to issuance of Notification by the Federal Government.

(2) The Metropolitan Corporation may entrust any of its functions to a person, an authority, agency or company through a contractual arrangement, on such terms and conditions as may be prescribed.

**74. Executive Authority.-** (1) A Mayor shall be the executive head of the Metropolitan Corporation.

(2) The Deputy Mayor, and in case there are more than one Deputy Mayor, the Deputy Mayor who is senior in age, shall perform the functions of the Mayor if the Mayor is unable to perform his functions on account of absence or for any other reason.

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<sup>1</sup> No sub-section (2) is given in the Gazette.

(3) The Chief Officer shall coordinate and facilitate the performance of functions assigned to the Metropolitan Corporation under the supervision of the Mayor.

**75. Mayor.-** (1) The Mayor shall—

- (a) provide vision for leadership and direction for efficient functioning of the Metropolitan Corporation in consultation and coordination with other Government agencies and authorities;
- (b) recommend to the Metropolitan Corporation, the strategies, programmes and services to address prioritised needs;
- (c) recommend or determine the best way to implement those strategies, programmes and services through partnerships, delegations, contracts and other means to the maximum benefit of the community;
- (d) maintain administrative and financial discipline of the Metropolitan Corporation;
- (e) present tax proposals to the Metropolitan Corporation;
- (f) issue executive orders to the municipal offices for discharge of the functions of the Metropolitan Corporation;
- (g) represent the Metropolitan Corporation on public and ceremonial occasions;
- (h) present proposal to the Metropolitan Corporation for approval of budget;
- (i) conduct inspections of municipal offices functioning under the Metropolitan Corporation; and
- (j) to devise mechanisms for accountability and oversight in municipal matters.

(2) The Mayor shall, in the performance of duties—

- (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services can be evaluated, including key performance indicators;
- (b) evaluate progress against the key performance indicators;
- (c) review the performance of the Metropolitan Corporation in order to improve,—
  - (i) economy, efficiency and effectiveness;
  - (ii) efficiency of revenue collection services; and
  - (iii) implementation of the bye-laws;
- (d) oversee formulation and execution of the annual development plan, delivery of services and functioning of the Metropolitan Corporation;
- (e) present report on the performance of the Metropolitan Corporation to the house of the Metropolitan Corporation at least twice a year; and
- (f) perform such other duties and exercise such powers as the Metropolitan Corporation may delegate.

**76. Chief Officer.-** (1) The Chief Officer shall be responsible for—

- (a) coordination;
  - (b) internal audit;
  - (c) human resource management;
  - (d) public relations;
  - (e) legal affairs; and
  - (f) emergency services.
- (2) The Chief Officer, in carrying out his functions, shall —

- (a) supervise and coordinate all offices responsible for the provision of municipal services;
- (b) prepare a report on the planning and implementation of development plans of the Metropolitan Corporation for presentation to the house of the Metropolitan Corporation in its annual budget session;
- (c) ensure that the business of the Metropolitan Corporation is carried out in accordance with the law;
- (d) ensure implementation of environmental and social safeguards;
- (e) effect procurements, as prescribed in accordance with law; and
- (f) take action against violators of this Act, rules or bye-laws.

**77. Municipal offices.-** The Government may, in the prescribed manner, issue a schedule of establishment for the Metropolitan Corporation and such schedule may include planning, finance, municipal regulation and municipal infrastructure offices.

## CHAPTER IX

### LOCAL GOVERNMENT FINANCE

**78. Local Fund and Public Account.-** (1) A local government shall establish a Local Fund and all the revenues received by the local government from the following sources shall be credited to the Fund—

- (a) the proceeds of taxes, tolls, fees, rates or charges levied by the local government;
- (b) grants made to or monies received by the local government from the Government or other sources;
- (c) rents and profits payable or accruing to the local government from immovable property vested in or controlled or managed by it;

- (d) proceeds or any other profits from any investment;
- (e) gifts, grants or contributions to the local government by individual or institutions;
- (f) income accruing from markets or fairs regulated by the local government;
- (g) fines and penalties imposed under this Act;
- (h) proceeds from other sources of income which are placed at the disposal of the local government under directions of the Government;
- (i) all monies transferred to the local government by the Government; and
- (j) monies transferred by another local government under this Act.

(2) The Government shall transfer the grants of a local government, in the shape of share in the proceeds of taxes of the local government collected by the Government, to the Local Fund of the local government on monthly basis.

(3) Every local government shall maintain a Public Account to place all revenues received by the local government from the following sources—

- (a) receipts accruing from trusts administered or managed by the local government;
- (b) refundable deposits received by the local government; and
- (c) deferred liabilities.

(4) A local government may establish and maintain a separate account for any special purpose to which one or more sources of revenue mentioned in sub-section (1) or any part of these sources or any specified portion of the Local Fund may be assigned.

(5) The separate account under sub-section (1) shall be maintained, administered and regulated as if it were a Local Fund.



**79. Custody of Local Fund and Public Account.-** The monies credited to the Local Fund or the Public Account of a local government shall be kept and operated in an account of the local government in such manner as may be prescribed.

**80. Charged expenditure.-** (1) The following expenditure shall be charged upon the Local Fund—

- (a) the money required for repayment of loans;
- (b) the money required to satisfy any judgment, decree or award against the local government;
- (c) the money that the local government may be required by the Government to contribute towards the conduct of local government elections and other deferred liabilities of the local government; and
- (d) such other expenditure of local government as may be prescribed.

(2) If any expenditure is a charge upon the Local Fund and is not paid, the Government may, by order, direct the person having the custody of the respective Local Fund to pay such amount from the Local Fund.

**81. Application of Local Fund.-** (1) Monies credited to a Local Fund shall be expended in accordance with the annual budget and revised budget estimates approved by the local government.

(2) A local government shall not transfer monies to any other local government except by way of payment of debts, for carrying out deposit works or for such other purposes as may be prescribed.

(3) The application of Local Fund shall be subject to the budgetary constraints and according to the minimum prescribed ratio of development and non-development expenditures.

(4) Where a new local government is to take over during a financial year as a result of fresh elections, the outgoing local government shall not spend funds or make commitments for any expenditure under any demand for grant or appropriation in excess of eight percent per month of the budgeted funds for the remainder of its term in office in that financial year.

**82. Budget.-** (1) The annual budget for a local government shall contain estimates of—

- (a) grants from the Government;
- (b) amounts available in the Local Fund;
- (c) receipts for the next year: and
- (d) expenditure to be incurred for the next year.

(2) The Government shall, sufficiently before the beginning of each financial year, notify the provisional share, which may be credited to the Local Fund of a local government.

(3) The functionaries of a local government may re-appropriate budget in accordance with the powers of re-appropriation delegated to them by the local government and at the end of the financial year, a revised budget shall be submitted to the local government for approval.

(4) A demand for a grant shall not be made except on the recommendation of the Mayor or the Chairman.

(5) Conditional grants from the Government or other local government shall be shown separately in the budget and shall be governed by the conditions on which such grants were made.

(6) A local government shall prepare the budget in the prescribed manner and in accordance with the chart of accounts notified by the Auditor-General of Pakistan.

**83. Approval of budget.-** (1) Before the commencement of the next financial year, the Mayor or Chairman shall present the budget for consideration and approval of the local government.

(2) The local government may discuss the charged expenditure but shall not vote on such expenditure.

(3) The budget of a local government shall, subject to quorum, be approved by simple majority and the local government shall not take up any other business during the budget session.

(4) The Government may review approved budget of a local government, and if found contrary to the budget rules, may require the local government to rectify it

(5) A budget shall not be approved if the sums required to meet estimated expenditure including previous liabilities and commitments exceed the estimated receipts.

(6) In case a budget is not approved by a local government before the commencement of the financial year to which it relates, the local government shall spend money under various objects, on pro-rata basis, in accordance with the budgetary provisions of the preceding financial year for a period not exceeding thirty days.

(7) A local government shall not spend funds or make commitments for any expenditure, under any demand for grant or appropriation, in excess of eight percent of the amount budgeted in the preceding year within the period of thirty days mentioned in sub-section (6).

(8) In case, a local government fails to pass the budget within the extended period as specified in sub-section (6), the Government shall prepare, approve and authenticate the budget of the local government for full year.

(9) After approval of the budget by a local government, the Mayor or the Chairman shall authenticate under his signature a schedule specifying,—

- (a) grants made or deemed to have been made by the local government; and
- (b) sums required to meet the expenditure charged upon the Local Fund.

(10) The schedule authenticated under sub-section (8) shall be laid before the local government but shall not be open to discussion or vote.

(11) The authenticated schedule shall be communicated to the local government functionaries, accounts officials and the Government.

(12) At any time before the expiry of the financial year to which the budget relates, a revised budget for the year may, if necessary, be prepared and such revised budget shall be approved in the manner as that of annual budget.

**84. Honoraria and allowances.-** A local government may, subject to the prescribed limitations, make budgetary provisions for honoraria and allowances of the Mayor, Chairman, Deputy Mayor, Vice Chairman or a member of the local government.

**85. Accounts.-** (1) The accounts of all receipts and expenditure of a local government shall be kept in such form and in accordance with such principles and methods as may be prescribed by the Auditor-General of Pakistan.

(2) In addition to maintenance of accounts by Metropolitan Corporation, the government may notify any other officer(s) to maintain such accounts also.

(3) The Union Secretary shall maintain the accounts of the Union Council.

(4) The officer(s) notified under sub-section (2) shall pre-audit all the payments from the Local Fund of a local government other than the payments from the Local Fund of the Union Councils.

(5) The Union Secretary shall pre-audit all the payments from the Local Fund of the Union Council.

(6) A local government shall not withdraw or disburse money from the Local Fund unless it is pre-audited in the prescribed manner.

(7) The officer(s) notified under sub-section (2) shall, by fifteenth day of July, prepare an annual statement of receipts and expenditures of the accounts of local governments for the preceding financial year and shall transmit the statement to the Government and the concerned local government.

(8) A copy of the annual statement of accounts shall be displayed at a conspicuous place in the office of the local government, and on the internet or web, for public inspection and all objections or suggestions concerning such accounts received from the public shall be considered by the local government and appropriate decision shall be taken.

(9) The Controller General Accounts shall, on the basis of such audit as he may consider appropriate or necessary, certify the accounts of a local government for each financial year.

**86. Audit.-** (1) The Auditor-General shall audit the accounts of a local government in the form and manner as may be deemed appropriate.

(2) The audit report of the Auditor-General shall be considered by the Public Accounts Committee of the National Assembly.

(3) If in the opinion of the Government, it is necessary in public interest to have a special audit of a local government; it may direct that such audit may be conducted either by the officer notified under section 85(2) or any other audit agency.

(4) After the receipt of special audit report of a local government, the Government may, after enquiry by the Local Government Commission constituted under section 95, take appropriate action on the recommendations of the Commission.

**87. Local government debt.-** (1) A local government shall not incur any debt without previous approval of the Government.

(2) A local government may invest surplus funds, if any, in such securities and financial institutions, as may be approved by the Government.

## CHAPTER X

### LOCAL GOVERNMENT TAXATION

**88. Taxes to be levied.-** (1) Subject to this Act, a local government may, by notification, levy any tax, fee, rate, rent, toll, charge or surcharge specified in Fourth Schedule.

(2) The Government shall vet the tax proposal prior to the approval of the tax by the local government in order to ensure that the proposal is reasonable and in accordance with law.

(3) The Government shall vet the tax proposal within thirty days from the date of receipt of the proposal failing which it shall be deemed to have been vetted by the Government.

(4) A local government shall not levy a tax without previous publication of the tax proposal and inviting and hearing public objections.

(5) A local government may, subject to provision of sub-section (1), increase, reduce, suspend, abolish or exempt any tax.

**89. Property tax.-** (1) The property tax, under this Act, shall be collected by Metropolitan Corporation.

(2) In matters for which no provision or no adequate provision relating to the property tax has been made under this Act, the provisions of the Urban Immovable Property Tax Act (West Pakistan Act V of 1958), as adapted in Islamabad Capital Territory, shall apply.

(3) The Tax collected under this section shall be distributed amongst the Metropolitan Corporation and Union Councils in such a ratio as the Government may, by notification specify.

**90. Collection of taxes.-** (1) A tax or fee levied under this Act shall be collected in the prescribed manner.

(2) The Government may prescribe the mode of collection of a tax or a fee levied under this Act.

(3) If a person fails to pay any tax or fee or any other money payable to a local government, the local government and, if so requested by the local government, the Government shall recover the tax, fee or other money as arrears of land revenue.

(4) The recovery of tax, fee or other money under sub-section (3) shall not absolve the person from prosecution of any offence under this Act or any other law.

**91. Additional powers of the Government.-** (1) Notwithstanding anything contained in this Chapter, the Government may, by rules, determine the minimum rate of a tax or fee to be levied and collected by a local government.

(2) The Government may, for reasons to be recorded in writing and by notification, exempt the levy of any tax or fee of a local government for a specified period of not more than fifteen days on any special occasion or in order to alleviate the specific hardship suffered by people at large or a section of people.

CHAPTER XI

LOCAL GOVERNMENT RELATIONS

**92. Relations of Government and local governments.-** (1) A local government shall collect such tax or taxes within its local area as the Government may direct and the local government shall, after the collection of such tax or taxes, deposit the receipts in the relevant Government account.

(2) The Government may provide guidelines and render advice to a local government for achieving the objectives of Government policy and for promoting economic, social and environmental security of the Capital Territory.

**93. Powers of the Government.-** (1) The Government may issue directions to a local government and the local government shall be bound by such directions.

(2) Where the situation demands immediate action and the local government fails to comply with the directions given to it under sub-section (1), the Government may direct the officer authorized by it to take such action as the situation may necessitate.

**94. Entrustment of functions to local government.-** (1) When the Government requires a local government to perform any specific task beyond the budgetary provisions of the local government, the Government shall provide necessary resources to the local government.

(2) A local government may, with the consent of the Government, entrust any of its functions to the Government or to any other local government.

(3) The Government may, with the consent of a local government, decentralize any of its offices other than the offices already decentralized to the local government or entrust any of its functions to the local government and in that case the Government shall provide technical and administrative support and fiscal resources for the performance of such functions.

**95. Local Government Commission.-** (1) The Government shall appoint a Local Government Commission which shall consist of persons of integrity and good track record of public service.

(2) The Commission shall consist of the following:

- (a) a Chairman, who shall be a retired civil servant or an eminent citizen of integrity and good track record, to be appointed by the Government;
- (b) two members of the Senate, one each nominated by the leader of the House and leader of the Opposition in the Senate;
- (c) two members of the National Assembly, one each nominated by the leader of the House and leader of the Opposition in the National Assembly;
- (d) two eminent, qualified and experienced technocrat members nominated by the Government, including at least one woman;
- (e) Representative of Chief Commissioner Islamabad Capital Territory office not below the rank of BS-19;
- (f) Director, Development and Finance, Islamabad Capital Territory;

(3) The Director, Development and Finance, Islamabad Capital Territory shall be the Secretary of the Commission.

(4) The Local Government Commission may co-opt any official of the Government for any specific assignment.

(5) Subject to sub-section (6), the tenure of the members of the Local Government Commission, other than the Chairman, Secretary and representatives of Chief Commissioner and Chairman Capital Development Authority, shall be five years.

(6) The Government may, after serving a notice and opportunity of hearing, remove a member of the Commission after recording reasons.

(7) In the event of a casual vacancy in the membership of the Commission, the Government shall, for the residual period, appoint another person of the same category as member of the Commission in accordance with the provisions of sub-section (1).



(8) The Ministry of Interior or the Administration shall provide secretarial support to the Commission by establishing a separate Secretariat of the Commission.

(9) No act or proceedings of the Commission shall be invalid by reason or existence of any vacancy or defect in the constitution of the Commission.

(10) The Government shall provide a separate budget for the Commission in the annual budget.

(11) The Government shall notify the schedule of establishment of the Commission.

(12) The Secretary of the Commission shall be the Principal Accounting Officer and the Commission shall have its own drawing and disbursing officer.

(13) The Government, its departments and agencies shall aid and assist the Commission in the performance of its functions.

**96. Functions of the Commission.-** (1) The Local Government Commission shall—

- (a) conduct annual and special inspections of the local governments and submit its reports to the Government;
- (b) if so directed by the Government, conduct:
  - (i) an inquiry by itself or through any other agency about any matter concerning a local government; or
  - (ii) audit by itself or direct any other agency to conduct a special audit of a local government;
- (c) resolve the disputes between the Union Council and Metropolitan Corporation, and the disputes between the local Government and other governmental bodies and departments, and if the Commission fails to settle the dispute, the aggrieved party may move the Government for resolution of the dispute;

- (d) enquire into the matters referred to it by the Government or a Chief Officer and give its decision on such matter;
- (e) conduct social and performance audit of the local governments on the basis of specific performance indicators through a third party and publish the report of such audit;
- (f) submit to the Government an annual report on the over-all performance of the local governments;
- (g) take cognizance of violations of laws and rules by a local government in the performance of its functions; and
- (h) organize consultative planning meetings of National legislators and the Mayors on a periodic basis to provide their participation in development activities with regard to—
  - (i) consultative process of the annual development plan;
  - (ii) formulating procedure for utilization of the Legislators' development grant;
  - (iii) assessing implementation of decision of these meetings;
  - (iv) carrying out review of development schemes; and
  - (v) facilitation in the performance of departmental functions of the decentralized offices, relating to policy analysis, oversight, checks and balances, capacity building and coordination through the Commission.

(2) The decision of the Commission shall be binding on the local governments failing which the Commission may report the matter with specific recommendations to the Government for an appropriate action.

(3) The Government may, on the recommendation of the Commission, suspend a Mayor or a Chairman for a maximum period of ninety days for fair

conduct of inquiry under sub-section (1) or for preventing the Mayor or Chairman from continuing with any unlawful activity during the pendency of the inquiry.

(4) Where, on an inquiry under sub-section (1), the Mayor, Deputy Mayor, Chairman or Vice Chairman is found guilty of misconduct by the Commission, the Commission shall recommend to the Government any appropriate action including removal of the Mayor, Deputy Mayor, Chairman or Vice Chairman.

(5) The Commission may exercise the powers of a civil court under the Code of Civil Procedures, 1908 (V of 1908), in respect of the following matters—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commission for the examination of witnesses.

**97. Responsibility of the Commission.-** The Local Government Commission shall be responsible to the Government.

**98. Local Government Board.-** (1) There shall be constituted a Board to be called the Local Government Board consisting of a Chairman and not less than three and not more than five members to be appointed by the Government on such terms and conditions as the Government may determine.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and transfer property and shall, by its name, sue or be sued.

(3) The Chief Commissioner shall be *ex-officio* Chairman of the Board.

(4) The Government shall appoint a Secretary of the Board to deal with day to day administration of the Board and to perform such other functions as may be assigned to him by the Board.

(5) A local government shall contribute towards the expenditure of the Board an amount calculated at such rate as may, from time to time, be fixed by the Government and the accounts of the Board shall be maintained and audited in the prescribed manner.

(6) The Board shall—

- (a) make appointments, order transfers, take disciplinary action and deal with other service matters in respect of the members of the prescribed local government service cadre;
- (b) set up and operate pension fund and such other funds as may be considered necessary for the benefit and welfare of the employees of the Board and the prescribed local government service cadre; and
- (c) perform such other functions as may be prescribed.

(7) The business of Board shall be conducted in such manner as may be prescribed.

**99. Dissolution of local governments.-** (1) Notwithstanding anything to the contrary contained in section 29, where, before the expiry of the term of the local governments, the general elections for National Assembly are announced, the Government may, by notification, dissolve the local governments.

(2) On the dissolution of the local governments under sub-section (1), all powers and functions of the local governments shall be exercised and performed by such persons or authorities as the Board may appoint in this behalf as Administrators and the funds and properties belonging to the local governments shall vest in Government till such time the elected local governments assume office.

## CHAPTER XII

### LOCAL GOVERNMENT PROPERTY

**100. Ownership of immovable property.-** (1) Subject to any reservations made or any conditions imposed by the Government, the property specified below shall vest in the respective local government if it is:

- (a) vested in the local government through succession as provided in section 3;
- (b) transferred to the local government by the Government or any other authority, organisation or an individual;
- (c) constructed or acquired by the local government with its title; and
- (d) a road, street or any other immovable property developed by the local government for public purposes with express or implied consent of the owner.

(2) Until otherwise directed by the Government, the properties of the Government in possession of the local governments established under the Capital Territory Local Government Ordinance, 1979 shall pass on to their successors as provided in section 126.

(3) The successor local governments shall, subject to policy of the Government or contractual obligations, make bye-laws for the use, development and management of the local government properties.

(4) The Government shall not, except with the prior consent of the local government, transfer an immovable property vested in the local government.

**101. Transfer of property by the Government.-** Subject to such conditions as may be prescribed, the Government may, on its own accord or on a request by a local government, transfer the management of nazul land, auqaf land or any other Government or public property to it for administration as a trustee.

**102. Stock taking by the local government.-** (1) Every local government shall once in every year in July, take the physical stock of its movable and immovable properties and publish the report in the prescribed manner.

- (2) The report referred to in sub-section (1) shall contain—
  - (a) particulars of the properties held during the preceding year;
  - (b) total value of the property, annual return there from and change in its value, if any;

- (c) particulars of unserviceable articles;
- (d) particulars of losses, if any; and
- (e) proposal for utilization, development and improvement during the following year.

**103. Use of properties of local governments.-** (1) The properties of local governments shall be used only for public purposes.

(2) Subject to this section, a local government shall not sell or permanently alienate any of its immovable property.

(3) A local government may grant lease of its immovable property through competitive bidding by public auction in the prescribed manner.

(4) The Government may constitute a Committee headed by the Chief Officer of the local government to identify the encroached or redundant properties of a local government that may be sold in the prescribed manner with the approval of the Government and the funds generated from the sale of such properties shall be kept in a separate account and be used only for purposes of development.

(5) The movable property of a local government which is required to be disposed of shall be sold through competitive bidding by public auction.

**104. Acquisition of immovable property.-** (1) Whenever any local government considers it necessary or expedient it may acquire any immovable property for a public purpose.

(2) A local government may, in the prescribed manner, purchase an immovable property through an agreement when such property is required for a public purpose.

### CHAPTER XIII

#### OFFENCES AND ENFORCEMENT

**105. Offences, punishments and their cognizance.-** (1) The offences specified in Fifth and Sixth Schedules shall be liable to punishment by way of imprisonment, fine, seizure, forfeiture, confiscation and impounding and such other penalties as are provided in this Act.

- (2) If a person commits an offence specified in
- (a) Part-I of Fifth Schedule, such person shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to five hundred thousand rupees or with both and where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to fifty thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission;
  - (b) Part-II of Fifth Schedule, such person shall be punishable with imprisonment which may extend to three years or fine which may extend to one hundred thousand rupees or with both and where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to ten thousand rupees for every day for the period the accused persisted in the offence from the date of its commission;
  - (c) Part-III of Fifth Schedule, such person shall be punishable with imprisonment which may extend to six months or fine which may extend to twenty five thousand rupees or with both and where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to five hundred rupees for every day for the period the accused persisted in the offence from the date of its commission; and
  - (d) Sixth Schedule, such person shall, in the first instance, be liable to fine by issuing a ticket specified in Seventh Schedule and where an accused repeats the offence within a period of three months for which the accused was subjected to fine, he shall be liable to the same punishment as provided in clause (c).

(3) The offences specified in clauses (a) and (b) of sub-section (2) shall be cognizable and information in this regard shall be forwarded to the officer incharge of a police station by the Inspector after prior approval of the Chief

Officer for registration of a case against the accused in accordance with the provisions of section 154 of the Code.

(4) A Court shall take cognizance of the offences specified in clause (c) of sub-section (2) on a complaint made in writing by the Inspector after prior approval of the Chief Officer in accordance with the provisions of section 200 of the Code.

(5) The offences specified in Part-III of Fifth Schedule and Sixth Schedule shall be tried in a summary manner in accordance with the provisions of section 260 to 265 of the Code but the limit of punishment mentioned in sub-section (2) of section 262 of the Code shall not be applicable.

(6) The fines imposed by a Court for an offence specified in Sixth Schedule shall on collection be deposited in the Public Account of the local government.

(7) The Government may, by notification, entrust to a local government the enforcement of any other law.

**106. Appointment and control of Inspectors.-** (1) The Mayor or the Chairman shall, with the approval of the local government, authorize the officials of the local government as Inspectors for the enforcement of the offences specified in the Schedules.

(2) The prescribed officer shall be the controlling authority and administrative head of an Inspector and the Inspector shall report to the officer for the enforcement of provisions of this Chapter.

**107. Imposition of fine through ticketing.-** (1) Notwithstanding anything contained in this Chapter, where any person, in the opinion of an Inspector, is contravening any provision of the law relating to the offences specified in Sixth Schedule, the Inspector shall charge the accused by issuing a ticket in the prescribed form for payment of fine specified in Seventh Schedule, if such offence has been committed for the first time by the accused within three months.

(2) The ticket referred to in sub-section (1) shall be issued in quadruplicate by delivering three copies to the accused after obtaining his signatures or thumb impression on the fourth copy to be retained by the Inspector for record.



(3) The fine may be deposited in the bank account of the local government within ten days from the date of imposition of fine for credit in the Public Account of the local government.

(4) The person to whom a ticket has been issued under this section may either contest the imposition of fine in the Court within ten days from the date of the issuance of the ticket or deposit the fine within that period and provide a copy of payment receipt to the office of the local government.

**108. Court proceedings for default in deposit of fine.-** (1) The prescribed officer shall, on daily basis, provide a scroll of all unpaid tickets to the Court.

(2) The Court receiving the scroll shall issue summons to the accused forthwith stating the date of hearing for summary trial in accordance with the provisions of section 260 to 265 of the Code but the limit of punishment mentioned in sub-section (2) of section 262 of the Code shall not be applicable.

(3) Where on the first date of hearing, the accused appears before the Court and produces the proof of deposit of fine, or unconditionally admitting his failure, deposits the fine forthwith along with the penalty which shall not be less than ten percent and not more than twenty five percent of the amount of fine determined by the Court in accordance with the procedure provided in sub-section (2) of section 388 of the Code further proceedings against the accused may be dropped and no conviction shall be recorded against him.

(4) Upon the failure of the accused to appear before the Court in response to the summons issued by it, the Court shall forthwith issue warrants for arrest of the accused and upon issuance of such warrants the accused will be liable to punishment under clause (c) of sub-section (2) of section 103.

**109. Compounding of offences.-** Subject to this Act, a local government shall constitute a committee consisting of the Mayor or the Chairman as its Convener, an officer of the local government and a member of the local government as its members for compounding the offences in the prescribed manner.

**110. Municipal Wardens.-** (1) A local government, other than a Union Council, may, with the prior approval of the Government, establish and maintain Municipal Wardens in the prescribed manner.

(2) The Government may, notwithstanding anything contained in any other law, specify the duties which such force may be required to perform.

**111. General powers of Inspectors.-** (1) In case of any serious threat to the public health, safety or welfare or danger to life and property, or where violation of any rule or bye-law is being committed, the Inspector may, in his area of jurisdiction, in addition to imposition of fine or initiating prosecution under this Act—

- (a) suspend any work;
- (b) seize the goods;
- (c) seal the premises;
- (d) demolish or remove the work; or
- (e) issue directions for taking corrective measures within the specified time.

(2) An Inspector shall not enter any dwelling unit without permission of the occupier or the Court.

(3) An Inspector authorized under section 106 may, in relation to the offences specified in Fifth Schedule—

- (a) issue notices in writing on behalf of the local government;
- (b) initiate legal proceedings in the Court; and
- (c) assist in defending legal proceedings initiated against the local government.

**112. Rights of citizen not affected.-** Nothing contained in this Chapter shall restrict or limit the right of the citizens or residents of a local area to bring any suit or other legal proceedings against any local government, its officers or other functionaries violating his rights provided by any law.

CHAPTER XIV

MISCELLANEOUS

**113. Right to Information.-** (1) Subject to any reasonable restrictions imposed under rules, a person may seek any information in possession of a local government.

(2) Every designated functionary of a local government shall, within fifteen days of an application, provide requisite information to the applicant on payment of such fee as may be prescribed.

(3) A local government shall, on quarterly basis, publish on its website or at prominent place information about the staffing and the performance of the offices of the local government during the preceding three months.

(4) A local government shall maintain records in the prescribed manner with the special emphasis on electronic record keeping.

**114. Municipal entities.-** (1) A local government other than a Union Council, with the approval of the Government, may establish an authority, agency or company answerable to the local government for the performance of municipal functions.

(2) A local government, other than a Union Council may, with the approval of the Government and in coordination with any other local government, establish an authority, agency or a company for an area covering more than one local government.

(3) An entity established under this section shall be subject to such control as may be prescribed.

**115. Local government servants.-** (1) Notwithstanding anything contained in any other law, the Government shall, in the prescribed manner, create a service cadre for a local government or a group of local governments.

(2) The Government may prescribe the terms and conditions for recruitment, promotion, dismissal, disciplinary, conduct and any other related service matter for the service cadre mentioned in sub-section (1).

(3) A local government other than a Union Council may, in the prescribed manner, absorb an employee, already working in any other municipal

body/local government prior to the commencement of this Act, with the consent of the employee against an equivalent pay scale.

**116. Appeals.-** A person aggrieved by any order passed by a local government or its functionaries may prefer an appeal to such authority, in such manner and within such time as may be prescribed and an order passed in appeal shall be final.

**117. Power to make rules.-** (1) The Government may, subject to previous publication and by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters specified in Part-I of Eighth Schedule.

(3) The rules made under sub-section (1) shall meet the following considerations—

- (a) consistency with democratic decentralisation;
- (b) enhancement of welfare of the people;
- (c) fairness and clarity; and
- (d) natural justice and due process of law.

**118. Bye-laws.-** (1) A local government may, and if required by the Government shall, make bye-laws not inconsistent with this Act and the rules to give effect to the provisions of this Act.

(2) The bye-laws made by a local government shall come into force from the date the bye-laws are published in the official Gazette or on the website specified by the Government.

(3) In particular and without prejudice to the generality of the foregoing power, the bye-laws may provide for all or any of the matters specified in Part-II of Eighth Schedule.

**119. Delegation of powers.-** (1) The Government may, subject to such conditions as may be specified, delegate any of its functions under this Act to an

officer sub-ordinate to it except the power to make rules, to suspend or remove a Mayor or Chairman or to dissolve the local governments.

(2) Subject to the rules, a local government may delegate any of its powers, including financial powers under this Act or rules or bye-laws to the Mayor, Chairman, Deputy Mayor or Vice Chairman or any of its members or officers as it may deem fit, except the powers to make bye-laws and to pass annual or revised budget.

**120. Action taken in good faith.-** No suit, prosecution, or other legal proceedings shall lie against any public servant serving in a local government for anything done in good faith under this Act.

**121. General powers of local governments.-** Notwithstanding any specific provision of this Act, a local government shall perform its functions conferred by or under this Act and exercise such powers and follow such procedures as are enumerated in Ninth Schedule.

**122. Members and servants of local governments to be public servants.-** Every member and every servant of a local government, and every other person duly empowered to act on behalf of a local government, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

**123. Bar against employment.-** The Mayor, Chairman, Deputy Mayor, Vice Chairman or a member of a local government shall not be employed under such local government for a period of one year from the date on which he ceases to be the Mayor, Chairman, Deputy Mayor, Vice Chairman or member.

**124. Conciliation (Musaliyat) Council.-** (1) The Government shall constitute a Conciliation (Musaliyat) Council for amicable settlement of disputes in the prescribed manner.

(2) A Council shall consist of a panel of seven members, including at least one woman, to be nominated by the Government from amongst residents of the local government but the members of the local government shall not be appointed as members of the Council.

(3) The members of Council shall be nominated for a term of five years or until earlier replaced by the Government.

(4) Any casual vacancy in the panel of members of the Council shall be filled by the Government, as soon as may be, but not later than thirty days from the occurrence of the vacancy.

(5) Any civil or criminal dispute may be referred to the Council where parties to the dispute have agreed to make such reference.

(6) The Council shall not assume jurisdiction in a non-compoundable offence.

(7) The Council shall make efforts for amicable settlement of the dispute between the parties and it shall record its findings through agreement between the parties.

(8) Every settlement of a dispute by Council in a case pending before a court shall be subject to the approval of such court.

(9) The parties to the dispute may agree to add any other person as member of council for their dispute and such person shall be treated as member of the Council in that case.

(10) The Council shall perform its functions as may be prescribed.

**125. Arbitration Council.-** (1) The Government shall establish an Arbitration Council to settle disputes between the Union Council and Metropolitan Corporation, and the disputes between the local government and other governmental bodies.

(2) The Arbitration Council shall consist of a Chairman and two members having legal background.

(3) The Arbitration Council shall perform its functions as may be prescribed.

**126. Constitution of Oversight Committees.-** (1) There shall be different oversight committees at Union Council and Metropolitan Corporation level elected from the respective councils in the manner as may be prescribed to oversee the performance of the offices and report the matters to the Metropolitan Corporation and the Councils, as the case may be.

(2) The Oversight Committees shall perform their functions as may be prescribed.

CHAPTER XV

TRANSITIONAL PROVISIONS

**127. Interim authorities.-** (1) On coming into force of this Act, any office, authority or a local government established under the Capital Territory Local Government Ordinance, 1979 or the Capital Development Authority Ordinance, 1960 or the Municipal Administration Ordinance, 1960 shall continue discharging functions and providing services without any interruption until a local government is established under this Act for the local area.

(2) All functionaries of a local government established under the Federal Capital Local Government Ordinance, 1979 or the Capital Development Authority Ordinance, 1960 or the Municipal Administration Ordinance, 1960 shall continue to perform their respective duties and responsibilities with the successor local government under this Act, until transferred to any other local government.

(3) The Government may re-organize the authorities, agencies and bodies of the local governments established under the Capital Territory Local Government Ordinance, 1979 or the Capital Development Authority Ordinance, 1960 or the Municipal Administration Ordinance, 1960 and decentralize such authorities, agencies and bodies to the local governments established under this Act.

**128. Interim maintenance of institutions.-** Where on the enforcement of this Act in any area, any service undertaken or institution maintained by the Government is required under any of the provisions of this Act to be compulsorily undertaken or maintained by a local government, such service or institution shall, notwithstanding anything contained in this Act, continue to be undertaken or maintained by the Government until the management thereof is transferred to the local government.

**129. Financial transition.-** (1) All taxes, cesses, fees, rates, rents, tolls or charges which were being charged, levied and collected by any office of a local government or any authority shall continue to be charged, levied and collected under this Act by the successor local government or the authority and every person liable to pay such a tax, cess, fee, rate, rent, toll, charge or any arrear of the tax, cess, fee, rate, rent, toll or charge shall continue to make the payment until such tax, cess, fee, rate, rent, toll or charge is revised, withdrawn or varied under this Act.

(2) Where any local government established under the Federal Capital Local Government Ordinance, 1979 (XIII of 2001) was receiving any grant or any compensation in lieu of Octroi or Zila tax, the successor local government under this Act shall continue to receive such grant or compensation.

(3) Where a local government assumes the office under this Act for the first time:

- (a) the Government shall transfer grants to the local government on the basis of a formula notified by the Government; and
- (b) its budget for the financial year during which it assumes the office shall relate to the remaining period of that year and provisions regarding budget under this Act shall, as far as possible, apply to such a budget.

(4) On allocation, re-allocation or transfer of the employees of the Government or any other body of any local government or any other organization established under the Federal Capital Local Government Ordinance, 1979 or the Capital Development Authority Ordinance, 1960, the salaries, emoluments and pensions of such employees shall not be reduced on such allocation, re-allocation or transfer.

(5) The Government shall ensure payment of salaries and other emoluments of the employees referred to in sub-section (4) till such time as the Government may deem appropriate.

**130. Succession.-** (1) The Government or an officer designated by the Government shall, within one hundred and eighty days of the commencement of this Act, divide rights, assets and liabilities of the local governments or the Authority amongst the local governments and the Government or the Authority, and the decision of the Government or of the designated officer shall be final.

(2) The Government shall bring all bye-laws, rules, regulations, notifications or any other legal instrument, issued under any law in force on the date of commencement of this Act, in conformity with this Act within a period of two years from the date of commencement of this Act.

(3) Except as provided by this Act, all existing bye-laws, rules, regulations, notifications or any other legal instrument shall, subject to this Act, continue in force, so far as applicable and with the necessary adaptations until altered, repealed or amended by the Government.



**131. Removal of doubts.-** Where this Act makes any provision for anything to be done but has not made any provision or any sufficient provision, as to the authority by whom, or the manner in which it shall be done, then it shall be done by such authority and in such manner as may be prescribed.

**132. Repeal and saving.-** (1) The Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), the Islamabad Capital Territory Local Government Ordinance, 2002 (CXV II of 2002), the Islamabad Capital Territory Local Government Elections Ordinance, 2002 (LVII of 2002) and section 15-A of the Capital Development Authority Ordinance, 1960 (XXIII of 1960) are hereby repealed.

(2) Save as otherwise specifically provided in this Act, nothing in this Act shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rule, regulation, bye-laws appointment, conveyance, mortgage, deed, document or agreement made tax or fee levied; resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of the Capital Territory Local Government Ordinance, 1979 and section 15-A of the Capital Development Authority Ordinance, 1960 and any such thing, action, investigation, proceedings, order, rule, regulation, bye-laws, appointment, conveyance, mortgage, deed, document, agreement, tax, fee, resolution, direction, proceedings or instrument shall, if in force at the commencement of this Act, continue to be in force, and have effect as if it were respectively done, taken, commenced, made, directed, passed, given, executed or issued under this Act.

**133. Removal of difficulty.-** (1) The Government may, within two years of the commencement of this Act, by order consistent with this Act, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

(2) Any question or doubt as to the interpretation of any provision of this Act or of any order made thereunder shall be resolved by a decision of the President and such decision shall be final.

**134. Amendment of Schedules.-** (1) The Government may, by notification, amend any of the Schedules.

(2) The Government, may by notification, assign any of the functions of the Union Council or the Metropolitan Corporation, specified in the Second and Third Schedules respectively, to any statutory body or public or private company.

**FIRST SCHEDULE**

[see sections 70 &amp; 73]

**DANGEROUS AND OFFENSIVE ARTICLES AND TRADES**

1. The business of storing or selling timber, firewood, coal, charcoal and coke, hay straw grass and bamboo, jute, shrub, hemp munj and their products, matches, explosives, petrol, oil and lubricants, paper, ghee and other dangerously inflammable materials.
2. Sugar refining and sugar refineries.
3. Preparation of aerated water.
4. Operating or running bake houses.
5. Electroplating.
6. Welding.
7. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever blasting powder, ammunition, fireworks, gun powder, sulphur, mercury, 'gases, gun cotton, saltpeter, nitro-compounds, nitro-mixtures, phosphorus or dynamite.
8. Cleaning, dying, preparing or manufacturing by any process whatever clothes or yarn in indigo and other colours.
9. Storing, processing, cleanings, crushing, melting, preparing or manufacturing by any process whatever or dealing in bones, tallow, offal, fat blood, soap, raw hides and skins candles, manure, catgut and oil cloth.
10. Manufacturing oils.
11. Washing or drying wool or hair.
12. Making or manufacturing bricks, "surkhi", tiles, or earthenware pots clay pipes or other earthenware by any process of baking or burning.
13. Burning or grinding of limestone or metal stone or storing of lime for sale.

14. Cleaning or grinding of grain or chilies by any kind or class or machinery.
15. Keeping animals likely to create nuisance.
16. Fell mongering.
17. Casting of heavy metals such as iron, lead copper and brass.
18. Dealing in poison, acid, chemicals, liquid or otherwise.
19. Whole-sale storing cleaning pounding and selling of tobacco except the storing of tobacco required for the preparation of biddis, cigars or cigarettes.
20. Operating or running tin factories.
21. Manufacture of safes, trunks and boxes.
22. Marble cutting and polishing.
23. Glass leveling and polishing.
24. Manufacture of cement and hume pipes.
25. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, rags, pitch, tar, turpentine, demmar, coconut, fibre, flax, hemp, rosin or spirit.
26. Tanning, pressing or packing hides or skins whether raw or dry.
27. Trade or operation of a Ferries.
28. Working of power-looms, rice husking plants, steam whistle, steam trumpet or electric or hand operated sirens beyond hours fixed for their operation by a Local government.
29. Discharging fire-arms and letting off fire-works. Fire-balloons or detonators, or any game dangerous to life, dwelling and other property.
30. Trading, storing and selling used or new tyres likely to cause dengue epidemic.

31. Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or likely to cause to human life or electric installations or disruption of electric supply.

32. Any other article or trade declared by Government to be dangerous for life, health or property or likely to cause nuisance.

## **SECOND SCHEDULE**

*[see Section 71]*

### **FUNCTIONS OF UNION COUNCIL**

- (a) improve and maintain public ways, public streets and public open spaces;
- (b) arrange lighting of public ways, public streets and public places;
- (c) mobilize the community:
  - (i) for maintenance of public ways, public streets, culverts, bridges, public buildings and local drains;
  - (ii) for plantation of trees, landscaping and beautification of public places in the Union Council;
  - (iii) for prevention and removal of encroachments on public ways, streets and places;
- (d) maintain rural water supply schemes and public sources of drinking water, including wells, water pumps, tanks, ponds and other works for the supply of water and open drains;
- (e) coordinate with the community organizations for proper maintenance of rural water supply schemes and sewerage in the prescribed manner;
- (f) establish cattle pounds;
- (g) manage and maintain grazing areas, common meeting places and other common property;
- (h) hold fairs and recreational activities;

- (i) provide conservancy services in the Union Council;
- (j) arrange for registration of births, deaths, marriages and divorces and pass on such information about births, deaths, marriages and divorces in the Union Council to such persons and institutions as may be prescribed;
- (k) support a public sector agency to establish public facilitation centre in the Union Council for such purpose and on such terms and conditions as may be prescribed;
- (l) support relief measures in the event of any fire, flood, hailstorm, earthquake, epidemic or other natural calamity and assisting relevant authorities in relief activities;
- (m) promote local sports;
- (n) provide for libraries and reading rooms;
- (o) take other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the Union Council;
- (p) identify deficiencies in delivery of services and making recommendations for improvement of services to the Metropolitan Corporation;
- (q) execute development works in the prescribed manner; and
- (r) maintain such statistics and data as may be prescribed and disseminate information on matters of public interest.

### **THIRD SCHEDULE**

*[see Section 73]*

#### **FUNCTIONS OF METROPOLITAN CORPORATION**

- (a) implement rules and bye-laws governing public utilities;
- (b) approve development schemes for beautification of urban areas;
- (c) enforce all municipal laws, rules and bye-laws governing its functioning;

- (d) develop integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services;
- (e) assist in provision of relief in the event of any fire, flood, hailstorm, earthquake, epidemic or other natural calamity and assist relevant authorities in relief activities;
- (f) execute and manage development plans;
- (g) provide relief for the widows, orphans, poor, persons in distress and children and persons with disabilities;
- (h) promote technological parks, cottage, small and medium size enterprises;
- (i) prevent and remove encroachments;
- (j) regulate affixing of sign-boards and advertisements except where this function is being performed by the Capital Development Authority;
- (k) provide, manage, operate, maintain and improve the municipal infrastructure and services, including—
  - (i) water supply and control and development of water sources;
  - (ii) sewage and sewage treatment and disposal;
  - (iii) storm water drainage;
  - (iv) sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes, treatment and disposal including landfill site and recycling plants;
  - (v) roads and streets;
  - (vi) street lighting;
  - (vii) playgrounds, open spaces, graveyards and arboriculture;  
and

- (viii) slaughter houses;
- (l) prepare financial statements and present them for internal and external audit in the manner as may be prescribed;
- (m) urban renewal programmes;
- (n) develop and maintain museums, art galleries, libraries, community and cultural centers;
- (o) conserve historical and cultural assets;
- (p) undertake landscape, monuments and municipal ornamentation;
- (q) maintain regional markets and commercial centers;
- (r) maintain a comprehensive data base and information system and provide public access to it on nominal charges;
- (s) regulate dangerous and offensive articles and trades mentioned in First Schedule;
- (t) collect approved taxes, fees, rates, rents, tolls, charges, fines and penalties;
- (u) organize sports, cultural, recreational events, fairs and shows, cattle fairs and cattle markets and regulate sale of animals;
- (v) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violation thereof as and where applicable;
- (w) manage properties, assets and funds vested in the local government;
- (x) develop and manage schemes;
- (y) authorize an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;

- (z) prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws in the courts of competent jurisdiction in Islamabad Capital Territory;
- (aa) maintain municipal records and archives; and
- (bb) perform such other functions as may be prescribed.

#### **FOURTH SCHEDULE**

*[see section 88]*

#### **LOCAL GOVERNMENT TAXATION**

##### **Part-I**

##### **Taxes and other levies by Union Councils**

- (1) Entertainment tax on dramatical and the atrical shows.
- (2) Fees for registration and certification of births and marriages.
- (3) Fee on the services provided by the union council.
- (4) Rate for the execution or maintenance of any work of public utility like lighting of public places, drainage, conservancy and water supply operated by union council.
- (5) Community tax for the construction of public work of general utility for the inhabitants of the union.
- (6) Fee for licensing of professions and vocations as prescribed.
- (7) Any other tax or levy authorised by the Government.

##### **Part-II**

##### **Taxes and other levies by Metropolitan Corporation**

- (1) Water rate.
- (2) Drainage rate.
- (3) Conservancy rate.



- (4) Fee for approval of building plans, erection and re-erection of buildings,
- (5) Fee for change of land use of a land or building as prescribed.
- (6) Fee for licenses, sanctions and permits.
- (7) Fee on the slaughter of animals.
- (8) Tax on professions, trade, callings and employment.
- (9) Market fees.
- (10) Tax on sale of animals in cattle markets.
- (11) Toll tax on roads, bridges and ferries maintained by the Metropolitan Corporation.
- (12) Fee at fairs and industrial exhibitions.
- (13) Fee for specific services rendered by the Metropolitan Corporation.
- (14) Tax for the construction or maintenance of any work of public utility.
- (15) Parking fee.
- (16) Water conservancy charge from the owner or occupier of a house or any other building, except an educational institution having a swimming pool with a minimum surface area of 250 square feet.
- (17) Tax on installation of Base Transceiver Station/Tower.
- (18) Any other tax or levy authorized by the Government.

**FIFTH SCHEDULE***[see section 105]***OFFENCES REQUIRING TRIAL BY A COURT****PART-I**

- | <b><u>S. No.</u></b> | <b><u>Offence</u></b>   |
|----------------------|---|
| 1.                   | Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in or managed, maintained or controlled by the local government in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, or risk or injury to property. |
| 2.                   | Failure of industrial or commercial concerns to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.   |
| 3.                   | Adulteration of any eatable or drinkable or consumable item sold or supplied to the public.   |
| 4.                   | Manufacturing, trading, storing or supplying any eatable or drinkable item and other items unsafe for human consumption or public health.   |

**PART-II**

- | <b><u>S. No.</u></b> | <b><u>Offence</u></b>  |
|----------------------|--|
| 5.                   | Overcharging or illegally charging any tax, fee, fine, charge or rate by an employee of a local government or a contractor or his staff without the authority of a local government. |
| 6.                   | Preparing or using counterfeit or proscribed Forms of the local government.  |
| 7.                   | Wilfully obstructing any officer or servant of a local government or any person authorized to exercise power conferred under this Act.   |

8. Failure to deliver back possession of property to the local government on cancellation and expiration of lease.
9. Doing an act without license or permission when the doing of such act requires a license or permission under any of the provisions of this Act or the rules or bye-laws.
10. Evasion of payment of tax or other impost lawfully levied by a local government.
11. Supplying or marketing drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health, or its use has been prohibited by a local government on the ground of being unsafe for human consumption, or whose quality and suitability for human consumption has not been ascertained and certified by a laboratory authorized by the Government.
12. Cultivation of agriculture produce or crop, for supply or sale to public using such manure, or irrigating it with sewer water or any such liquid as may be injurious to public health or offensive to the neighbourhood.
13. Dyeing or tanning skins within such distance of any commercial or residential areas as may be specified by the local government.
14. Manufacturing, storing, trading or carrying fire crackers, fire balloons or detonators or any dangerous chemical, inflammable, hazardous or offensive article or material without license from concerned authority.
15. Immovable encroachment in or on or under any property or any open space or land vested in or managed, maintained or controlled by a local government.
16. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules for using such space for any purpose which is not approved.
17. Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or likely to cause threat to human life or electric installations or disruption of electric supply.

18. Failure to demolish or otherwise secure a building declared by the local government to be dangerous building.
19. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by a local government on or under a street, road, graveyard or a drain without the sanction of the concerned local government.
20. Quarrying, blasting, cutting timber or carrying building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.
21. Contravention of the prohibition or attempt or abetment of any of the offences in this Part.

### **PART-III**

#### **S. No. Offence**

22. Preparation and sale of article or articles of food or drink by a person apparently suffering from any infectious or contagious disease that may endanger the health of people.
23. Establishing any cattle market without permission of the local government.
24. Establishing any bus, wagon, taxi or other commercial motorized or non-motorized vehicle stand, for purposes of plying them on different routes, on any road, street, footpath, public place or any other property vested or managed or controlled or maintained by a local government without its permission.
25. Establishing or running any restaurant or vending stalls for eatables on any road, street, footpath, public place, over a drain, or any other property vesting in or managed or controlled or maintained by a local government without its permission.
26. Establishing a brick kiln and lime kiln within such distance of a residential area as may be specified by the local government.

27. Cutting down of any tree, or erection or demolition of any building or part of a building where such action is declared under this Act to be a cause of danger or annoyance to the public.
28. Contravention of the prohibition or attempt or abetment of any of the offences in this Part.

**SIXTH SCHEDULE**

[see sections 105 & 107]

**OFFENCES WHERE TICKET CAN BE ISSUED**

<b>S. No.</b>	<b>Offence</b>	<b>Amount of Fine</b>
1.	Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public.	Rs. 1,000 and Rs. 6,000 in case of large restaurants, hotels and shops.
2.	a. Fixing of wooden <i>khokhas</i> , and temporary shops or extension thereof on footpaths or beyond the street line.	Rs.2,000
	b. Plying of handcarts for the sale of goods without permission.	Rs.400
3.	Failure by the owner or occupier of any land to clear away and remove any vegetation declared by a local government to be injurious to health or offensive to neighbourhoods.	Rs. 1,000
4.	Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.	Rs. 1,000
5.	Without the permission of the local government, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain or to	Rs.4,000 in case of commercial concerns and Rs. 1,000 for others.

be put upon any street, or public place, or into irrigation channel or any sewer or drain not set apart for the purpose.

6. Keeping or maintaining any cattle in any part of the prohibited zone or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has been made. Rs. 1,000
7. Keeping ferocious dogs or other animals in residential areas or taking such animals to public places or the areas specified by the local government, without leash or chain and without being muzzled or to set at large any animal or dog infected with rabies or any other infectious disease. Rs.400
8. Obstructing or tampering with any road, street, drain or pavement. Rs.2,000
9. Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system. Rs.2,000
10. Without the previous sanction of the local government laying out a drain or altering any drain in a street or road; connecting any house drain with a drain in a public street; and drawing off, diverting or taking any water except with the permission required under this Act. Rs.2,000.
11. Digging of public land without the permission in writing of local government. Rs.2,000
12. Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the local government. Rs.2,000
13. Failure to furnish, on requisition, information in respect of any matter which a local government Rs.600

is authorized to call for under any of the provisions of this Act, rules or bye-laws or furnishing wrong information.

14. Obstructing lawful seizure of animals liable to be impounded on the ground of violations of rules or bye-laws governing the picketing, tethering, keeping, milching or slaughter of animals or their trespass of private or public property. Rs. 1,000
15. Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicle or animals or as a place encampment without the permission of the local government. Rs. 1,000
16. Causing or permitting animals to stray or keeping, tethering, stalling, feeding or grazing any cattle on any road, street or thoroughfare or in any public place or damaging or causing or permitting to be damaged any road, street or thorough fare by allowing cattle to move thereon. Rs. 1,000
17. Disposal of carcasses of animals within prohibited distance. Rs. 1,000
18. Failure to dispose of offal, fat or any organ or part of a dead animal in a place set apart for the purpose by the local government. Rs. 1,000
19. Throwing or placing any refuse, litter or garbage on any street, or in any place, not provided or appointed for the purpose by a local government. Rs. 1,000
20. Failure to provide for disposal of litter or garbage inside or outside a shop by its owner or occupier. Rs. 1,000
21. Failure to maintain clean premises of the area in Rs.2,000

- front of a shop, office or factory up to the public street or road serving this facility.
22. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public. Rs.1,000
23. Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by a local government. Rs. 2,000
24. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal drain, cesspool or other receptacle for filth, sullage, water or refuse by an owner or occupier of a house, shop, office, industry or premises. Rs. 4,000 for commercial/ industrial concerns and for a residential house
25. Failure to clean the premises, houses, shops and cultivated lands of the plastic bags and other non-perishable materials. Rs. 1,000
26. Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health. Rs. 4,000 for public premises and Rs. 1,000 for private premises
27. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use. Rs. 1,000
28. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under this Act to be injurious to health or offensive to the neighbourhood. Rs. 2,000
29. Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools Rs. 2,000



affecting physical environments and breeding of mosquitoes.

30. Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water. Rs. 2,000
31. Feeding or allowing to be fed an animal meant for dairy or meat purposes, on deleterious substance, filth or refuse of any kind which is dangerous to health of consumers. Rs. 2,000
32. Defacing or disturbing, without due authorization, any direction-post, lamp post or lamp extinguishing or any light arranged by a local government. Rs.2,000
33. Fixing any bill, notice, play card, poster or other paper or means of advertisement against or upon any private or public building or place other than the places fixed for the purpose by a local government. Rs.2,000
34. Exhibiting any obscene advertisement. Rs. 2,000
35. Loud playing of music or radio, beating of drum or tom-tom, blowing a horn or beating or sounding any brass or other instruments or utensils in contravention of any general or special prohibition issued by a local government or in and around a hospital or an educational institution. Rs. 2,000
36. Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place. Rs. 2,000
37. Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation. Rs. 2,000

38. Failure to lime-wash or repair a building, if so required by local government. Rs. 2,000
39. Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity. Rs. 1,000
40. Causing or permitting to be caused by any owner or keeper of an animal which, through neglect or otherwise, damages any land or crop or produce of land, or any public road. Rs. 2,000
41. Selling cattle and animals in contravention of any law, rule or bye-laws of a local government. Rs. 2,000
42. Kite flying in contravention of any general or specific prohibition issued by local governments. Rs.600
43. Keeping pigeon or other birds in a manner causing danger to air traffic. Rs. 1,000
44. Contravention of any prohibition or direction of the local government issued under this Act or the rules. Rs. 1,000
45. Attempt or abetment of any of the offence in this Schedule. Same as for the offence specified in the Schedule

**SEVENTH SCHEDULE**

[see section 105(d)]

Name & Address of the Offender:	Name & Address of the Offender:	Name & Address of the Offender:	Name & Address of the Offender:
NIC NO. _____	NIC NO. _____	NIC NO. _____	NIC NO. _____
Particulars of Offence: (Section of law with details of offences):	Particulars of Offence: (Section of law with details of offences):	Particulars of Offence: (Section of law with details of offences):	Particulars of Offence: (Section of law with details of offences):
Date of commission of Offence: Amount of Fine: Rs.	Date of commission of Offence: Amount of Fine: Rs.	Date of commission of Offence: Amount of Fine: Rs.	Date of commission of Offence: Amount of Fine: Rs.
(in letters) Date by which the Fine is to be paid	(in letters) Date by which the Fine is to be paid	(in letters) Date by which the Fine is to be paid	(in letters) Date by which the Fine is to be paid
<i>(Note: The amount of fine shall be deposited in Bank)</i>	<i>(Note: The amount of fine shall be deposited in Bank)</i>	<i>(Note: The amount of fine shall be deposited in Bank)</i>	<i>(Note: The amount of fine shall be deposited in Bank)</i>
Corrective actions ordered: _____	Corrective actions ordered: _____	Corrective actions ordered: _____	Corrective actions ordered: _____
Name of the Court having jurisdiction:	Name of the Court having jurisdiction:	Name of the Court having jurisdiction:	Name of the Court having jurisdiction:
Signature or Thumb Impression of the Offender:	Signature or Thumb Impression of the Offender:	Signature or Thumb Impression of the Offender:	Signature or Thumb Impression of the Offender:
Signatures of Inspector/Seal	Signatures of Inspector/Seal	Signatures of Inspector/Seal	Signatures of Inspector/Seal
<i>Copy-1 (To be retained by Inspector)</i>	<i>Copy-2 (To be retained by Offender on payment of fine)</i>	<i>Copy-3 (To be returned to Inspector by offender after payment within ten days)</i>	<i>Copy-4 (To be sent by the Bank to the local Accounts Officer)</i>

**EIGHTH SCHEDULE***[see sections 117 & 118]***Part - I (Rules)**

1. Local Government (Conduct of Elections).
2. Local Government (Conduct of Business).
3. Local Government (Taxation).
4. Local Government (Property).
5. Local Government (Auction).
6. Local Government (Births, Deaths, Marriages and Divorces).
7. Local Government (Servants).
8. Local Government (Budget).
9. Local Government (Accounts).
10. Local Government (Contracts).
11. Local Government (Works).
12. Local Government (Conduct of Inspections).
13. Local Government (Conduct of elected officials).
14. Local Government (Fiscal Transfers).
15. Local Government (Delegation of Financial Powers).
16. Any other set of rules necessary for the implementation of this Act.

**Part-II (Bye-laws)**

1. Conduct of meetings.

2. Fixing of wooden khokhas, plying of handcarts for the sale of goods, and temporary or permanent shops or extensions thereof on footpaths or beyond the street line.

3. Watering cattle or animals, or bathing or washing at, or, near a well or other source of drinking water for the public.

4. Registration and regulation of institutions for orphans, widows, senior citizens, mentally ill, and women in distress.

5. Regulation of burial and cremation places.

6. Slaughter of animals and maintenance of slaughter-houses.

7. Prevention of adulteration of foodstuffs.

8. Animal husbandry and milk supply.

9. Prevention and abatement of nuisances.

10. Dangerous and offensive trades and articles.

11. Regulation of parking.

12. Organization and regulation of fairs, shows, tournaments and other public gatherings.

13. Prevention of beggary, juvenile delinquency and other social evils.

14. Licensing.

15. Markets.

16. Libraries.

17. Parks and open places.

18. Prevention of air, water, noise, and soil pollution.

19. Plantation.

20. Picketing, parking animals or collecting carts or vehicles on any street.

21. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose.
22. Dyeing or tanning animal skins.
23. Tampering with any main, pipe, or any apparatus or appliance for the supply of water.
24. Excavation of earth, stone or any other material.
25. Disposing of carcasses of animals.
26. Use of sewer water for farming.
27. Flow or drain to be put upon any street, or public place, or into an irrigation channel or any sewer or drain not set apart for the purpose.
28. Fixing any bill, notice, placard, or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the local government.
29. Such other matters as in the opinion of a local government are necessary or expedient to be provided for in the bye-laws to achieve the objectives of this Act.

## NINTH SCHEDULE

[see section 121]

### GENERAL POWERS OF LOCAL GOVERNMENTS

#### **Animals**

1. **Prohibition of picketing or tethering in streets.**- No animal shall be picketed or tethered in such streets or places as may be specified by the local government and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.
2. **Prohibition against keeping and maintaining cattle.**- (1) Notwithstanding anything contained in any other law or any agreement, instrument, custom or usage or decree, judgment or order of any court or other authority, the local government may declare any part of its local area as a prohibited zone.

(2) At any time after a declaration under sub-paragraph (1) has been made, the local government may, by general or special notice, prohibit the keeping and maintaining of the cattle by any person in the prohibited zone.

(3) No person shall, after the expiry of the period fixed under sub-paragraph (2), keep or maintain cattle in any part of the prohibited zone:

Provided that the prohibition shall not apply to—

- (i) cattle kept *bona fide* for sacrificial purposes;
- (ii) cattle kept for drawing carts or use in mills, with the permission of the local government and subject to such conditions as it may impose;
- (iii) cattle under treatment in any veterinary hospital;
- (iv) cattle brought to a cattle market demarcated by the local government for purposes of sale; and
- (v) cattle brought to a slaughter-house or kept by butchers for purposes of slaughter within the area demarcated by the local government.

(4) Persons affected by the prohibition order under sub-paragraph (2) to meet their genuine needs may be allowed to keep and maintain their cattle at the places earmarked as "cattle colonies" by the local government on such terms and conditions as it may impose.

**3. Dangerous animals.-** A local government may, by bye-laws, define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such bye-laws, among other matters, may provide for the detention, destruction or disposal otherwise of such animals.

**4. Disposal of carcasses.-** Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption or for some other religious purpose such person shall either

- (a) convey the carcasses within twenty-four hours to a place, if any, fixed by the local government for the disposal of the dead bodies of animals; or

- (b) give notice of the death to the local government whereupon the local government shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

**5. Animal husbandry.-** (1) A local government may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A local government may, by bye-laws, define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such disease.

(3) A local government may, through bye-laws, provide means and measures to prevent cruelty to animals.

**6. Animal farms.-** A local government may establish, maintain and manage cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the bye-laws may provide.

**7. Registration of the sale of cattle.-** A local government may, by bye-laws, require that sale of such animals as may be specified shall be registered with the local government in such manner and subject to the payment of such fees as the bye-laws may provide.

**8. Cattle shows, zoo, etc.-** (1) A local government may hold cattle shows, cattle fairs and cattle markets within the limits of its local area and charge such fee or tax per cattle head sold as the bye-laws may provide.

(2) A local government may, with the previous approval of the Government, maintain or contribute towards the maintenance of zoological gardens.

**9. Registration and control of dogs.-** (1) A local government may make bye-laws to provide for the registration of all dogs kept in such area or areas within its local area as may be specified.

(2) Such bye-laws shall—



- (a) require the registration, by the local government, of all dogs kept within the area or areas specified or any part thereof.
  - (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 of the local government 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
  - (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 local government thinks fit.
- (3) A local government may
- (a) cause to be destroyed or 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;
  - (c) require the owner or person in-charge of any dog—
    - (i) to restrain it so that it is not set at large in any street without being muzzled, leashed or chained; and
    - (ii) to provide immediate information, if the dog belonging to him has been bitten by any animal

suffering or reasonably suspected to be suffering from rabies or any other infectious disease.

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

**10. Power to seize.-** (1) A cultivator, tenant, occupier, vendee or mortgagee of any land or crop or produce or any part thereof or any person who has advanced cash for the cultivate of crop may seize or cause to be seized any animal trespassing on such land and doir damage thereto, or any crop or produce thereon, to send them or cause them to be sent with twenty-four hours to a pound established under this Act.

(2) Persons in charge of public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like, and the officers of police, may seize or cause to be seize animals doing damage thereto, and shall send them or cause them to be sent, within twenty four hours of the seizure, to the nearest animal pound.

**11. Pounds.-** A local government may establish such number of animal pounds as may necessary and may fix, from time to time, the location of the animal pounds, the rate feeding, watering and accommodating the impounded animals.

**12. Pound keepers.-** A local government may appoint pound-keepers on whole-time or par time basis on such terms and conditions as may be fixed.

**13. Registers and returns.-** (1) A pound-keeper shall keep such registers and furnish such returns as may be required by the local government.

(2) When animals are brought to the pounds, the pound-keeper shall enter in the register the number and description of animals, the day and hour on which they were brought, the name and residence of the seizerer and that of the owner, if known, and shall give the seizerer or his agent a copy of such entry.

**14. Possession and feeding.-** The pound-keeper shall take charge of, feed and water the animals until they are disposed of as hereinafter provided.

**15. Fines for impounded animals.-** For every animal impounded under this Act, the pount<sup>1</sup> keeper shall levy a fine in accordance with the scale

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<sup>1</sup> The word should be "pound".

fixed by the local government and the fines so charged shall form part of and be credited to the local fund.

**16. Delivery or sale of animals.-** (1) If the owner of an impounded animal or his agent appears and claims the animal, the pound-keeper shall deliver it to him on payment of the fine and charges incurred in respect of such animal under proper receipt to be recorded by the owner or his agent in the register.

(2) If the animal is not claimed within seven days of impounding, the pound-keepers shall inform the officer in charge of the Police Station who shall thereupon display at conspicuous place in his office a notice stating the number and description of animals and places of seizure and impounding. A similar notice shall be displayed at a conspicuous place in the office of the local government.

(3) If the animal is not claimed within seven days of the notice it shall be sold by the local government by open auction after giving sufficient publicity in the local area:

Provided that the person auctioning the animals or the pound-keeper or his relatives shall not bid for or purchase the impounded animals.

(4) The proceeds of the sale of the animal shall be paid to the owner if he appears within six months of the sale, after deduction of fines, feeding and other charges.

### **Arboriculture**

**17. Arboriculture.-** A local government shall plant trees on public streets and other public places within its local area and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

**18. Nuisance pertaining to trees and plantations.-** (1) A local government may, by by-laws, determine the pests of trees and plants and provide for their destruction.

(2) If any land or premises within the local area of the local government is grown with rank or noxious vegetation, or under-growth, the local government may by notice require the owner or the occupier of such land or premises to clear such vegetation or under-growth within a specified time and if he fails to do so within such time, the local government may have such vegetation or under-growth cleared and the cost incurred shall be deemed to be tax levied on the owner or occupier under this Act.

(3) A local government may, in the manner provided in the bye-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of its local area as may be specified.

### **Boundaries and Trees**

**19. Boundary walls, hedges and fences.-** (1) No boundary wall, hedge or fence of any material or description shall be erected in such parts of a local area as are specified by a local government without the permission in writing of the local government.

(2) A local government may, by notice in writing, require the owner or lessee of any land in its local area—

- (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 local government or which was in existence at the commencement of this Act, the local government shall make compensation for any damage caused by the removal thereof.

(3) A local government 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.

**20. Felling, lopping and trimming of trees.-** (1) Where, in the opinion of the local government the felling of any tree of mature growth standing in a private enclosure in its local area is necessary for any reason, the local government 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.

(2) A local government may—

- (a) cause to be lopped or trimmed any tree standing on land in its local area which belongs to the local government; or
- (b) by public notice require all owners, lessees or occupiers of land in its local area 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.

### **Burial Places/Graveyards and Cremation**

**21. Power to call for information regarding burial and burning grounds.-** (1) The local government may, by notice in writing, require the owner or person in charge of any burial or burning ground within its area to supply such information as may be specified in the notice.

(2) No place 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 local government.

(3) No new burial or burning place shall be established within the local area of a local government except under a licence granted by the local government and in conformity with the conditions of such licence.

(4) A burial or burning place which is not administered by a local government shall be registered with the local government and shall be subject to regulation, supervision and inspection by it in such manner as the bye-laws may provide.

(5) The Government may, by notification, declare that any graveyard or burial or burning place which is open to public for burial or burning shall vest in a local government and thereupon such burial or burning place shall vest in the local government and it shall take all measures necessary for the proper maintenance and administration thereof.

(6) A local government may provide suitable places for the graveyard or burial or burning of the dead, and shall take necessary measures for proper maintenance and administration of such burial and burning places.

(7) (a) Where a local government after making or causing to be made a local inquiry, is of opinion that any burial or burning ground in its local area has

become offensive, to, or dangerous to, the health of, persons living in the neighbourhood, it may, 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.

(b) Where such notice is issued, the local government may provide at its own expense or, if the community concerned is willing to provide a new burial or burning ground, shall provide a grant to be made towards the cost of the same.

(8) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this paragraph is for the time being in force.

### **Culture**

**22. Culture.-** A local government may—

- (a) establish and maintain information centres for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) provide and maintain public halls and community centres;
- (c) celebrate national occasions;
- (d) encourage national and regional languages;
- (e) promote physical culture and encourage public games and sports and organize rallies and tournaments;
- (f) provide, promote or subsidize facilities for the recreation of the public.

**23. Libraries.-** A local government may establish and maintain such libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

**24. Fairs and shows.-** A local government may make such arrangements on the occasion of any fairs, shows or public festivals within its local area as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs, shows and festivals.

**Dangerous and Offensive Articles and Trades**

**25. Dangerous and offensive articles and trades.-** (1) The articles and trades specified in First Schedule shall be deemed to be dangerous or offensive for purposes of this paragraph.

(2) Except under and in conformity with the conditions of a licence granted by the local government—

- (a) no person shall carry on any dangerous or offensive trade;
- (b) no premises shall be used or offered to be used for any dangerous or offensive trade; and
- (c) no person shall store or keep in any premises—
  - (i) any dangerous or offensive articles for domestic use; or
  - (ii) any dangerous or offensive articles in excess of such limit and quantity as may be fixed by the bye-laws.

(3) Notwithstanding the grant of a licence under sub-paragraph (2), the local government may, for reasons to be recorded, and after notice to the person affected, pass an order for the prohibition, closure or removal of any offensive and dangerous trade or article if such action is deemed expedient or necessary to implement the order.

**Drainage and Sewerage**

**26. Drainage.-** (1) A local government shall provide an adequate system of public drains in its local area and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.

(2) Every owner or occupier of any land or building within the local area of the local government may, with its previous permission, and subject to such terms and conditions, including the payment of fees, as it may impose, cause his drains to be emptied into public drains.

(3) All private drains shall be subject to control, regulation and inspection by the local government.

(4) Subject to the provisions of any other law for the time being in force, the local government may, by notice, direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the part of owner, tenant or occupier thereof to comply with such directions, shall be a municipal offence.

(5) A local government may, by notice, require the owner of any building, land or an industrial concern within its local area—

- (a) to construct such drains within the building or land or the street adjoining such building or land and to take such other measures for treatment and disposal of effluent as may be specified in the notice;
- (b) to remove, alter or improve any such drains; and
- (c) to take other steps for the effective drainage of the building or land as may be specified.

(6) In case of failure of owner to comply with the requirements of notice under sub-paragraph (5), the local government may itself cause such requirements to be carried out, and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land under this Act.

**27. Drainage and sewerage schemes for commercial and industrial area.-** (1) A local government may, by notice, require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within its local area to have at their own cost prepared a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the quality permitted under the rule or the bye-laws and submit it to the local government within the time specified in the notice:

Provided that the time limit may be extended by the local government for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as approved by the local government with modifications, if any, shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the local government.



(3) In case of the failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of subparagraphs (1) and (2), the local government may itself prepare the drainage, sewerage and disposal scheme and execute and implement it at its own expense, and the cost so incurred shall, under this Act, be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

### **Food and Markets**

**28. Public markets and slaughter-houses.-** (1) A local government may provide and maintain within its own local area, public markets and public slaughter-houses, in 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) A local government may, at any time by public notice, either close or relocate any public market or public slaughter-house or any part thereof.

**29. Use of public markets.-** (1) An officer or servant of the local government authorized by it in this behalf may summarily remove a person from a market if the person conducting business in the market without the general or special permission of the local government.

(2) Any person contravening the provisions of this paragraph and any animal or article exposed for sale by such person may be summarily removed from the market by or under orders of the local government by an officer or servant of the local government authorized by it in this behalf.

**30. Levy of stallages, rents and fees.-** A local government may, in respect of a public market and a public slaughter-house:

- (a) charge such stallages, rents and fees as it thinks fit 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 bring in goods on vehicles or animals, or for animals brought for sale or sold, or for the right to slaughter animals in any public slaughter-house; or

- (b) put up to public auctions or dispose of by private sale, the privilege of occupying or using any stall, shops, standing, shed or pen in a public market or public slaughter house for such term and on such conditions as it may approve.

**31. Stallages, rents, etc. to be published.-** A copy of the table of stallages, rents and fees, if any, leviable 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 Urdu and in such other language or languages as the local government may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

**32. Private markets and slaughter-houses.-** (1) No place in a local area other than a public market shall be used as a market, and no place in a local area 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 by the local government.

(2) Nothing in sub-paragraph (1) shall be deemed 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 local government with the previous sanction of the local government may, by public or special notice, impose in this behalf.

**33. Conditions of grant of licence for private market or slaughter house.-** (1) A local government may charge such fees as may be approved for the grant of a licence to any person to open a private market or private slaughter-house and may grant such licence subject to such conditions, consistent with this Act and any bye-laws, as it thinks fit to impose.

(2) A local government may refuse to grant any such licence for reasons to be recorded.

**34. Prohibition of keeping market or slaughter-house open without licence, etc.-** (1) No person shall keep open for public use any market or slaughter-house in respect of which the licence has either been suspended or cancelled.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the local government shall cause a notice of the grant, refusal, suspension or cancellation to be pasted in

Urdu and in such other language or languages as it thinks necessary, at some conspicuous place near by the entrance of the place to which the notice relates.

**35. Prohibition of using unlicensed market or slaughter-houses.-**

No person, 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, sell or expose for sale any article in such market, or slaughters any animal in such slaughter-house.

**36. Prohibition and restriction of use of slaughter-houses.- (1)**

Where, in the opinion of the local government 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 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.

(2) A copy of every notice issued under sub-paragraph (1) shall be conspicuously posted in the slaughter-house to which it relates.

**37. Power to inspect slaughter-house.- (1)** Any servant of a local government authorized by order in writing in this behalf by the local government 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 Act 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.

**38. Power to make bye-laws.-** A local government may 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 there to in a clean and sanitary condition, the removal of filth and refuse there from, 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;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;
- (f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;
- (g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption; and
- (h) any other matter which the local government may consider necessary including any specific exemptions from the application of the bye-laws.

**39. Bye-laws for articles of food and drink.-** A local government may, by bye-laws.-

- (a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by the local government;
- (b) prohibit the import into its local area for sale or hawking for sale, of any specifies article of food or drink by person not so licensed;
- (c) prohibit the hawkings of specified articles of food and drink in such parts of it local area as may be specified;
- (d) regulate the time and manner of transport within its local area of any specifies articles of food or drink;

- (e) regulate the grant and withdrawal of a licence under this paragraph and the levying of fees therefor; or
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

**40. Milk supply.-** (1) Except under a licence granted by the local government and in conformity with the conditions of such licence, no person shall, unless exempted by the local government, keep milch cattle for the sale of milk or sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk for sale or dairy product, nor shall any premises be used for such purpose.

(2) A local government may, in the manner prescribed, frame and enforce a milk supply scheme which may among other matters provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the local area or any part thereof and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

**41. Feeding animals on dirt, etc.-** No person shall feed or allow to be fed on filthy or deleterious substances any animal, which is kept for purposes of supplying milk to, or which is intended to be used for human consumption or allow it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the local government.

**42. Powers of entry and seizure.-** (1) An officer or servant of a local government authorized by it in writing in this behalf—

- (a) may at any time enter into any market, building, shop, stall or other place in the local area for the purpose of inspecting, and may inspect, any animal, 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 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.

(2) Any article seized under sub-paragraph (1) which is of a perishable nature may forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine.

(3) Every animal, article, utensil, vessel or other thing seized under sub-paragraph (1) shall, if it is not destroyed under sub-paragraph (2), be taken before a competent court which shall give orders as to its disposal.

*Explanation-I.-* If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-paragraph (1) for sale as *asli* (pure) ghee, contains any substance not exclusively derived from milk, it shall be deemed, for purposes of this paragraph, 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 that 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

### **Licencing: General Provisions**

**43. Power to vary licence.-** If a local government is satisfied that any place used under a licence granted by it under this Act is a nuisance or is likely to be dangerous to life, health or property, the local government 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 local government, render it no longer a nuisance or dangerous.

**44. Carrying on trade, etc., without licence or in contravention of paragraph.-** No person shall carry 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, or after receiving a notice under paragraph 65, use or allow to be used any building or place in contravention thereof.

**45. Gardens.-** (1) A local government may lay-out and maintain within its local area such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws, may provide.

(2) For every public garden there shall be framed and enforced, in the manner prescribed, a garden development plan, which shall provide for the development and improvement of the garden.

**46. Open spaces.-** A local government may provide and maintain within its local area such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the bye-laws may provide.

**Development planning**

**47. Community Development Projects.-** A local government may sponsor or promote community development projects for its local area or any part thereof and may, in this behalf, subject to the approval of Government, perform such functions as may be necessary.

**48. Approval of Development Plan.-** The Development Plan of a local government shall be sanctioned in its meeting.

**49. Development Plans to be included in the Budget.-** As far as may be, the schemes included in the Development Plan shall be included in the budget.

**Public Health and Sanitation**

**50. Insanitary buildings and lands.-** (1) A local government may, by notice, require the owners or occupier of any building or land which is in insanitary or unwholesome state —

- (a) to clean or otherwise put in it in a proper state;
- (b) to make arrangements to the satisfaction of the local government for its proper sanitation; and
- (c) to lime wash the building and to make such essential repairs as may be specified in the notice.

(2) If in the opinion of a local government any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in a ruinous state or for want of sufficient repairs, protection or enclosure is a nuisance or is dangerous to persons passing by or dwelling or working in the neighbourhood, the local government may, by notice in writing, 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 enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the local government imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

**51. Removal, collection and disposal of refuse.-** (1) A local government shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and lands vested in the local government and for the collection and proper disposal of such refuse.



(2) The occupiers of all other buildings and lands within the local area of a local government shall be responsible for the removal of refuse from such buildings and land subject to the general control and supervision of the local government where relevant.

(3) A local government shall cause public dustbins or other suitable receptacles to be provided at suitable places and where such dustbins or receptacles are provided, the local government may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dustbins or receptacles.

(4) All refuse removed and collected by the staff of a local government or under their control and supervision and all refuse deposited in the dustbins and other receptacles provided by the local government shall be property of the local government.

(5) A local government may, by notice, issue directions with regard to the manner in which and the conditions subject to which, any matter referred to in this paragraph may be carried out.

**52. Latrines and urinals.-** (1) A local government shall provide and maintain in sufficient number and in proper situations public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be regularly and properly cleaned.

(2) A local government may, by notice in writing—

(a) require any person having the control whether as owner, lessee or occupier of any land or building:

(i) to close any cesspool appertaining to the land or building which is, in the opinion of the local government a nuisance; or

(ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle or filth or sewage accumulating on the land or in the building; or

(iii) to prevent the water of any private latrine, urinal, sink or bathroom or any othe 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 other specified water-body or into any drain not intended for the purpose; or

(iv) to collect and deposit for removal by the conservancy establishment of the local government within such time and in such receptacle or place, situated at not more than thirty five meters 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, or on such building or land; or

(b) require any person to desist from making or altering any drain leading into public drain; or

(c) require any person having the control of a drain 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.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the local government may, by notice, require the owner or occupier of such premises —

(a) to provide such or such additional privy or urinal accommodation as may be specified in the notice;

(b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;

(c) to remove the privy or urinal; and

(d) to substitute connected privy or connected urinal accommodation for any service privy or service-urinal accommodation where there is any underground sewerage system.

(4) In case the owner or occupier of any building or land who has been served notice under sub-paragraph (3), fails to make arrangements to the satisfaction of the local authority for the matter referred to in this paragraph, the local government may make such arrangements and the cost so incurred shall be deemed to be a tax levied under this Act on the owner or occupier.

**53. Private latrines.**- A local government may, by notice in writing—

- (a) require the owner or other person having the control of any private latrine or urinal 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 local government 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 local government and approved by it 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 local government 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:
  - (i) to have any latrines provided for the same covered by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood; or
  - (ii) to keep such latrine or urinal in proper state to the satisfaction of the local government and shall employ such staff for the purpose as may be necessary or as may be specified by the local government; and
- (e) require any person being the owner and having the control of any drain to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

**54. Infectious diseases.-** (1) A local government shall adopt measures to prevent infectious diseases and to restrain infection within its local area.

(2) A local government shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

**55. Bathing and washing places.-** (1) A local government may from time to time—

- (a) set apart suitable places for use by the public for bathing;
- (b) specify the time at which and the sex of persons by whom such places may be used; and
- (c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a human or a bath for public use except under a licence granted by the local government and in conformity with the conditions and terms of such licence.

### **Public Safety**

**56. Floods.-** For fighting of floods, rescuing of people from the flood-affected areas and affording relief to flood-stricken people, the local government shall provide such boats, appliances and equipment as may be specified by Government.

### **Registration of Births, Deaths, Marriages and Divorces**

**57. Birth, deaths etc.-** A local government shall register all births, deaths, marriages and divorces within the limits of its local area and information of such births, deaths, marriages and divorces shall be given by such persons or authorities and shall be registered in such manner as the bye-laws may provide.

### **Social Welfare and Community Development**

**58. Social welfare.-** A local government may—

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;

- (b) provide for the burial or cremation of unidentified dead bodies within its local area at its own expense;
- (c) adopt such measures as may be specified by the Government for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
- (d) organize social service volunteers; and
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in the armed forces, women and children.

#### **Streets and Streets Lighting**

**59. Public streets.-** (1) A local government shall provide and maintain such public streets and other means of public communications as may be necessary.

(2) A local government shall, in the manner prescribed, prepare and execute a road maintenance and development programme.

**60. Streets.-** (1) No new street shall be laid out except with the previous sanction of the local government and in conformity with the terms and conditions of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.

(3) A local government may, by notice, require that any street may be paved, metalled, drained, channeled, approved or lighted in such manner as may be specified and in the event of default, the local government may have the necessary work done through its agency and the cost so incurred shall be deemed to be a tax levied on the person concerned under this Act.

(4) Government may prescribe the manner in which a street other than a public street may be converted into a public street.

(5) A local government shall not name or rename a road or a street or a chowk or an underpass or a flyover/interchange without the previous approval of the Government.

**61. Street lighting and electrification.-** (1) A local government shall take such measures as may be necessary for the proper lighting of the public streets and other public places vested in the local government by oil, gas, electricity or such other illuminant as the local government may determine.

(2) A local government shall also provide or cause to be provided electricity in coordination with the concerned department to its local area for public and private purposes.

(3) A local government may frame and enforce street lighting and electrification schemes.

**62. Street watering.-** A local government shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff and other apparatus as may be necessary.

### **Trades and Occupations**

**63. Provision of washing places.-** (1) A local government may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees as may be prescribed by the local government.

(2) Where the local government has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place within that part of the local area:

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.

**64. Licences required for carrying on of certain occupation.-**  
(1) No person of any of the following classes, namely:—

- (a) butchers and vendors of poultry, game or fish;
- (b) persons keeping milch cattle or milch goats for profit;

- (c) persons keeping for profit any animal other than milch cattle or milch goats;
- (d) dairymen, buttermen and makers and vendors of ghee;
- (e) vendors of fruit or vegetables;
- (f) manufacturers of ice or ice-cream and vendors of the same;
- (g) vendors of articles of food or drink for human consumption (other than milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable water or ice or ice-cream) which are of a perishable nature;
- (h) vendors of water to be used for drinking purposes;
- (i) washermen;
- (j) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;
- (k) vendors of wheat, rice and other grain or flour;
- (l) makers and vendors of sweetmeats;
- (m) barbers and keepers of shaving saloons; and
- (n) any other trades and occupations specified in the bye-laws, or through public notice by local government from time to time—

shall carry on his trade, calling or occupation in such part of a local area as may be designated by the local government unless he has applied for and obtained a licence in this behalf from the local government.

(2) A licence granted under sub-paragraph (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 local government 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-paragraph (1)—

- (a) no person who was, at the commencement of this Act carrying on his trade, calling or occupation in any part of a local area shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the local government not less than three months notice in writing of his obligation to do so, and if the local government refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal; and
- (b) no person shall be required to take a licence for the sale or storage of petroleum or for the sale or possession of poisons or white arsenic in any case in which he is required to take a licence or such sale, storage or possession under any Federal or any other existing law.

(4) A local government may charge fees for the grant of licences under this paragraph.

**65. Conditions which may be attached to licences.-** A licence granted to any person under paragraph 89 shall specify the part of the local area in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the local area of any specified articles intended for human consumption and may contain any other conditions which the local government thinks fit to impose in accordance with the bye-laws made under this Act.

#### **Public Vehicles and Parking**

**66.** A local government may provide for parking motors on such public places as may be determined by it.

**67. Public vehicle.-** (1) No person shall keep or let for hire or drive or propel, within the limits of the local area of the local government, any public vehicle, other than a motor vehicle, except under a licence granted by the local government and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for drawing a public vehicle within the local area of the local government except under the licence granted by the local government and in conformity with the conditions of such licence.



(3) A local government shall, in such manner as the bye-laws may provide and with the previous approval of Government, fix the rate of fares for the use of public vehicles and no person plying a public vehicle shall charge a rate in excess thereof.

(4) In this paragraph, a "public vehicle" means any vehicle which ordinarily plies for hire.

**68. Public ferries.-** (1) A local government may, by bye-laws, provide for the licensing of boats and other vessels plying for hire in a public watercourse and may specify the terms and conditions for the grant of licences and the fees to be charged therefore.

(2) Government may declare any part of the public watercourse to be a public ferry and may entrust the management thereof to the local government which shall manage and operate the public ferry in such manner and levy such toll as may be necessary.

### **Water Supply**

**69. Water supply.-** (1) A local government shall provide or cause to be provided to its local area a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided, the local government shall supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

**70. Private source of water supply.-** (1) All private sources of water supply within the local area of the local government shall be subject to control, regulation and inspection by the local government.

(2) No new well, water-pump or any other source of water for drinking purposes, shall be dug, constructed or provided except with the sanction of the local government.

(3) A local government may, by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes—

- (a) to keep the same in good order and to clean it from time to time of silt, refuse and decaying matter;

- (b) to protect the same from contamination in such manner as the local government directs; and
- (c) if the water therein is proved to the satisfaction of the local government to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

**71. Public watercourses.-** (1) A local government may, with the previous sanction of the Government, declare any source of water, river, spring, tank, pond or public stream, or any part thereof within its local area, which is not private property, to be a public watercourse.

(2) A local government may, in respect of any public watercourse, provide such amenities, make such arrangements for lifesaving, execute such works and, subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof in such manner as the bye-laws may provide.

**72. Tanks, ponds and low-lying areas.-** A local government may take such steps with regard to the excavation or re-excavation of tanks and ponds and the reclamation of low-lying areas as it thinks fit or the Government directs.

**<sup>1</sup>THE ISLAMABAD  
SUBORDINATE JUDICIARY  
SERVICE TRIBUNAL ACT, 2016**

[29th January, 2016]

ACT NO. V OF 2016

*An Act to provide for the establishment of the  
Islamabad Subordinate Judiciary Service Tribunal*

WHEREAS it is expedient to provide for the establishment of the Islamabad Subordinate Judiciary Service Tribunal and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

**1. Short title and commencement.**- (1) This Act may be called the Islamabad Subordinate Judiciary Service Tribunal Act, 2016.

(2) It shall come into force at once.

**2. Definitions.**- In this Act, unless the context otherwise requires—

- (a) “Chairman” means the Chairman of the Tribunal;
- (b) “Government” means the Federal Government;
- (c) “Member” means a Member of the Tribunal and includes the Chairman;

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<sup>1</sup> The Act received the assent of the President on 29th January, 2016 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 2nd February, 2016, at pages 55-58.

- (d) "Member of subordinate judiciary" means and includes all Judicial Officers who are or have been under the administrative control of the Islamabad High Court; and
- (e) "Tribunal" means the Tribunal established under this Act and includes a Bench thereof.

**3. Tribunal.-** (1) The President may, subject to sub-section (3), by notification in the official Gazette, establish a Service Tribunal for the members of the subordinate judiciary of the Islamabad Capital Territory.

(2) The Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of the members of subordinate judiciary including disciplinary matters.

(3) The Tribunal shall consist of three judges of the Islamabad High Court nominated by the Chief Justice, the most senior of whom shall be the Chairman:

Provided that a Judge against whose orders an appeal is preferred shall not be member of the Tribunal.

**4. Constitution of benches.-** (1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of two members with or without the Chairman and when so constituted, the Bench shall be deemed to be a Tribunal.

(2) If a Bench is unable to arrive at a unanimous decision, in an appeal, the matter shall be placed before the full Tribunal and the decision of the Tribunal shall be expressed in terms of the opinion of the majority.

(3) The Chairman may, at any stage of hearing of an appeal withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.

**5. Appeal to Tribunal.-** Any member of subordinate judiciary aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions including disciplinary matters of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the Tribunal, whichever is later, prefer an appeal to the Tribunal:

Provided that—

- (a) where an appeal, review or representation to a departmental authority is provided under the Civil Servants Act, 1973 (LXXI of 1973), or any rules against any such orders, no appeal shall lie to the Tribunal unless the aggrieved person has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application, or representation was so preferred; and
- (b) no appeal shall lie to the Tribunal against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to, or hold a particular post or to be promoted to a higher post.

*Explanation.*- In this section 'departmental authority' means the authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of service of members of subordinate judiciary.

**6. Powers of Tribunal.**- (1) The Tribunal may, on appeal, confirm, set aside vary or modify the order appealed against.

(2) The Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (V of 1908), including the powers of—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

(3) No court fee shall be payable for preferring an appeal to, or filling, exhibiting or recording any document in, or obtaining any document from a Tribunal.

**7. Review.**- (1) The Tribunal shall have the power to review its final order on a review petition filed by an aggrieved party within thirty days of the order on the following grounds, namely:—

- (i) discovery of new and important matter or evidence which, after exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him at the time when the order was passed.
  - (ii) on account of some mistake or error apparent on the face of record; or
  - (iii) for any other sufficient cause.
- (2) The Tribunal shall decide the review petition within thirty days.
- (3) The Tribunal may confirm, set aside, vary or modify the judgment or order under review.

**8. Limitation.-** The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

**9. Transfer of appeals.-** All appeals pending before the Tribunal established under the Service Tribunals Act, 1973 (LXXI of 1973), relating to members of subordinate judiciary shall stand transferred to the Tribunal established under this Act.

**10. Power to make rules.-** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**<sup>1</sup>THE MINIMUM WAGES FOR  
UNSKILLED WORKERS  
(AMENDMENT) ACT, 2016**

[16th February, 2016]

ACT NO. VII OF 2016

*An Act further to amend the Minimum  
Wages for Unskilled Workers Ordinance,  
1969 in its application to the Islamabad  
Capital Territory*

WHEREAS it is expedient further to amend the Minimum Wages for Unskilled Workers Ordinance, 1969 (W.P. Ordinance XX 1969) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title and commencement.-** (1) This Act may be called the Minimum Wages for Unskilled Workers (Amendment) Act, 2016.

(2) It shall come into force at once and shall be deemed to have taken effect from the dates specified in the Schedule to the Minimum Wages for Unskilled Workers Ordinance, 1969 (W.P. Ordinance XX 1969).

**2. Amendment of Schedule to the Ordinance XX of 1969.-** In the Minimum Wages for Unskilled Workers Ordinance, 1969 (W.P. Ordinance XX of

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<sup>1</sup> The Act received the assent of the President on 15th February, 2016 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 17th February, 2016, at pages 69-70.

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1969), in the Schedule, for the entries in column (2), the following corresponding entries shall be substituted, namely:—

“8000 pm (*w.e.f.* 1st July, 2012 till 30th June, 2013)

10000 pm (*w.e.f.* 1st July, 2013 till 30th June, 2014)

12000 pm (*w.e.f.* 1st July, 2014 till 30th June, 2015)

13000 pm (*w.e.f.* 1st July, 2015)”.



# **THE PAKISTAN HALAL AUTHORITY ACT, 2016**

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# <sup>1</sup>THE PAKISTAN HALAL AUTHORITY ACT, 2016

[1st March, 2016]

ACT NO. VIII OF 2016

*An Act to establish the Pakistan Halal Authority to  
promote trade and commerce in Halal articles and processes*

WHEREAS it is expedient to establish the Pakistan Halal Authority to promote imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce in Halal articles and processes.

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**- (1) This Act may be called the Pakistan Halal Authority Act, 2016.

(2) It extends to—

- (a) the whole of Pakistan, for purposes of imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce in all such articles and processes which are described or represented as being Halal; and
- (b) Islamabad Capital Territory, for all other purposes envisaged under this Act.

(3) It shall come into force at once except sections 17, 18, 19 and 20 which shall come into force in whole or in part, on such date or dates as the Federal Government may, by notification in the official Gazette, direct.

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<sup>1</sup> The Act received the assent of the President on 27th February, 2016 and published in the Gazette of Pakistan, Extraordinary, Part I, Islamabad, dated 1<sup>st</sup> March, 2016, at pages 71-107.

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

- (a) **“Accredited Halal Certification Body”** means a firm or company which has been certified by the National Accreditation Body as being competent and authorized to carry out Halal Certification;
- (b) **“article”** means any substance, artificial or natural, or partly artificial or partly natural, whether partly or wholly processed or manufactured product, and any service or financial product offered to the public;
- (c) **“Authority”** means the Pakistan Halal Authority established under section 3;
- (d) **“Board”** means the Board of Governors constituted under section 5;
- (e) **“chairperson”** means the chairperson of the Board of Governors;
- (f) **“Director General”** means the Director General of the Authority;
- (g) **“Government”** means the Federal Government;
- (h) **“Halal”** means anything permitted by the laws of Islam;
- (i) **“Halal Certificate”** means the certificate issued by an Accredited Halal Certification Body to the effect that an article or process is in conformity with the Halal Standard pertaining thereto, and authorizing use of the Halal logo in respect thereof;
- (j) **“Halal Certification”** means the entire process of conformity assessment including audit, inspection, testing, and evaluation to establish that an article or process is in conformity with the Halal Standard, resulting in issue of a Halal Certificate;

- (k) **“Halal logo”** means the logo approved by the Authority for a Halal article or process signifying that the same is in conformity with the Halal Standard pertaining thereto;
- (l) **“Halal Standard”** means the Pakistan Halal Standard for an article or process notified by the National Standards Body;
- (m) **“member”** means a member of the Board of Governors;
- (n) **“National Accreditation Body”** means the Pakistan National Accreditation Council or such other body as may be notified for the purpose by the Government;
- (o) **“National Standards Body”** means the Pakistan Standards and Quality Control Authority or such other body as may be notified for the purpose by the Government;
- (p) **“OIC Guidelines”** means the guidelines, specified in Schedule - I, issued by the Organization of the Islamic Cooperation from time to time relating to Halal food and other articles or processes;
- (q) **“prescribed”** means prescribed by rules or regulations;
- (r) **“process”** means a series of steps for the production, manufacture or development of any article or system;
- (s) **“regulations”** means regulations made under this Act; and
- (t) **“rules”** means rules made under this Act.

**3. Establishment of the Authority.-** (1) The Government may, by notification in the official Gazette, establish the Pakistan Halal Authority for carrying out the purposes of this Act.

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

(3) The headquarters of the Authority shall be at Islamabad and it may, with the prior approval of the Government, set up offices at other places as, when and where required.

**4. Management.-** (1) The general direction and administration of the Authority and its affairs shall vest in the Board, which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board shall, in the discharge of its functions, be guided on questions of policy by such directions as the Government may give from time to time.

(3) If any question arises as to whether any matter is a matter of policy or not, the decision of the Government in respect thereof shall be final.

**5. Composition of the Board of Governors.-**The Board of Governors shall consist of the following members, namely:—

(a)	Minister for Science and Technology	<i>Chairperson</i>
(b)	Two Members of the Parliament. One each from National Assembly and Senate	<i>Members</i>
(c)	Secretary, Ministry of Commerce	<i>Member</i>
(d)	Secretary, Ministry of Finance	<i>Member</i>
(e)	Secretary, Ministry of Industries and Production	<i>Member</i>
(f)	Secretary, Ministry of Interior	<i>Member</i>
(g)	Secretary, Ministry of National Food Security and Research	<i>Member</i>
(h)	Secretary, Ministry of Religious Affairs	<i>Member</i>
(i)	Secretary, Ministry of Science and Technology	<i>Member</i>
(j)	Chief Secretaries of the Provincial Governments, Azad Jammu & Kashmir	<i>Member</i>

and Gilgit-Baltistan

- |     |   |                              |
|-----|---|------------------------------|
| (k) | Director General, Pakistan Standards and Quality Control Authority  | <i>Member</i>                |
| (l) | Director General, Pakistan National Accreditation Council   | <i>Member</i>                |
| (m) | President, Federation of Pakistan Chambers of Commerce and Industry   | <i>Member</i>                |
| (n) | Chairman, Islamic Chamber of Commerce and Industry (Pakistan Representative)  | <i>Member</i>                |
| (o) | Three well-reputed Shariah Scholars to be nominated by Ministry of Religious Affairs, including one from the Council of Islamic Ideology. | <i>Member</i>                |
| (p) | One representative to be nominated by the Rector, International Islamic University, Islamabad   | <i>Member</i>                |
| (q) | Food Technologist nominated by Pakistan Agriculture Research Council  | <i>Member</i>                |
| (r) | Director-General, Pakistan Halal Authority  | <i>Member/<br/>Secretary</i> |

(2) In case of non-availability of the Minister for Science and Technology for any reason, the Government may designate any other Minister as Chairperson.

(3) The Authority may, with the prior approval of the Government, co-opt any other person as a member.

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

**6. Terms of office of members.-** (1) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of entering upon the office, but may be re-nominated for a second, and final, term of three years.

(2) A person who is or is nominated to be, a member by virtue of his holding an office shall cease to be a member when he ceases to hold that office.

(3) A member other than an *ex-officio* member, may at any time resign his office by writing under his hand addressed to the Chairman.

**7. Removal of members.-** (1) The Government may remove from office a member, other than an *ex-officio* member, if he—

- (a) has been adjudged an un-discharged insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as a member; or
- (d) has abused his position and rendered his continuance in the office prejudicial to public interest.

(2) A member shall not be removed from office unless he has been afforded a reasonable opportunity of being heard.

**8. Constitution of the Executive Committee.-** (1) The Government may constitute an Executive Committee for carrying out day-to-day matters of the Authority and for exercising such powers and doing such acts and things as may be delegated to it by the Board.

(2) The executive committee under sub-section (1) shall consist of the following members, namely:—

- (a) Secretary, Ministry of Science and Technology; *Convener*
- (b) Director General of the Authority; *Member*
- (c) A representative of Ministry of Interior; and *Member*



- (d) Four members nominated by the Board, one of whom shall be a Shariah Scholar and one a Food Technologist.

*Members*

**9. Director General.-** (1) There shall be a Director General of the Authority who shall be the chief executive of the Authority and shall be appointed by the Government.

(2) The Director General shall discharge such duties and perform such functions as are assigned to him by the Board, or by the Government.

(3) Until the Board is duly constituted, the Director General shall, subject to such directions as the Government may give from time to time, exercise the powers, and perform the functions of the Board.

(4) The officers of the Authority shall have such powers and shall perform such functions as may be assigned to them by the Director General.

**10. Powers and functions of the Authority.-** (1) Powers and functions of the Authority shall be to—

- (a) develop and implement strategies, plans and programmes for promotion of imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce in Halal articles and processes;
- (b) recommend the Halal Standards developed for articles and processes, to be notified in the official Gazette by the Federal Government for adoption and notification by the National Standards Body:

In this context, the Authority may consider the OIC Guidelines in schedule-I, relating to Halal food and other articles or processes, as modified by the Organization of the Islamic Cooperation from time to time, as a reference point;

- (c) recommend mechanism for the Accreditation of Halal Certification Bodies and adoption of Halal Certification systems;

- (d) develop policies, plans and programmes for ensuring compliance of Halal articles and processes with the Halal Standards;
- (e) develop and authorize use of Halal logo for Halal articles and processes;
- (f) may operate as a certification body after obtaining due accreditation from the National Accreditation Body;
- (g) levy fees for issue or renewal of the Halal certificate and / or authorizing the use of Halal Logo;
- (h) maintain a register of all persons, firms and companies authorized to use the Halal logo;
- (i) inspect and test Halal products and processes for their quality, specification and characteristics with relation to the Halal Standards, for purposes of imports and exports, trade and commerce with foreign countries and inter-provincial trade and commerce;
- (j) prohibit production, storage and sale in the Islamabad Capital Territory of such Halal products as do not conform to the Halal Standards;
- (k) arrange and conduct public awareness campaigns in relation to the Halal sector in general and to Halal products and processes in particular;
- (l) secure international recognition of the Halal logo to build confidence in the Halal Certification system and Pakistani Halal products abroad;
- (m) co-ordinate with national and international organizations for strengthening the Halal sector;
- (n) promote and encourage establishment of libraries and laboratories for the purpose of developing the Halal sector;
- (o) collect and circulate statistical and other information relating to the Halal sector; and

- (p) any other function assigned by the Government for development of the Halal sector and promotion of Halal products and processes for purposes of the Act.

(2) In exercising its powers and performing its functions, the Authority shall follow such procedure as may be prescribed.

**11. Meetings.-** Meetings of the Board and the Executive Committee shall be in accordance with such procedure as may be prescribed.

**12. Authentication of orders and other instruments of the Authority.-** All orders, decisions and other instruments issued by the Authority shall be authenticated only by the signatures of such officer or officers as are authorized by the Authority in this behalf.

**13. Disclosure of ingredients, etc.-** The Halal Standard for a food or non-food article or product shall require that the ingredients, dates of manufacture and expiry and complete name and address of its manufacturer, exporter or supplier be clearly mentioned on the box, wrapper or other packaging in which it is contained, or on the label, tag or sticker affixed to it.

**14. Prohibition of improper use of Halal logo.-** No person shall use, in relation to any article, product or process or in the title of any patent or in any trademark or design, the Halal logo except under the terms of a Halal Certificate, issued under this Act.

**15. Prohibition of use of certain name, mark or logo.-** No person shall without the previous permission of the Authority and subject to such conditions as it may impose, use in any manner whatsoever, any name, mark or logo which may resemble the name, mark or logo of the Authority or contain the Authority's recognized expressions relating to Halal standards or any abbreviation of such expressions.

**16. Prohibition of registration in certain cases.-** (1) Notwithstanding anything contained in any law for the time being in force, no registering body shall register any company, firm or any body of persons or a trademark or design or grant a patent in respect of an article which bears a title containing any name or mark or logo in contravention of the provisions of sections 14 or 15.

(2) Where any question arises before a registering authority whether the use of any name or mark or logo is in contravention of the provisions of

sections 14 or 15 the registering authority may refer the question to the Government, whose decision thereon shall be final.

**17. Export of Halal articles and processes.-** No article or process shall be exported from Pakistan with the description or representation of being a Halal article or process unless it bears the Halal logo of the Authority, having been affixed after the requisite certification by a duly accredited Halal certification body.

**18. Import of Halal articles and processes.-** No article or process shall be imported into Pakistan with the description of being a Halal article or process unless it has been certified as such by an Accredited Halal Certification Body in Pakistan or the exporting country, recognized by the National Accreditation Body.

**19. Marketing of Halal products.-** No food or non-food product shall be marketed or offered for sale with the description or representation of being a Halal article or product within the Islamabad Capital Territory unless it bears the Halal logo of the Authority or is certified to be Halal by a duly accredited Halal certification body.

**20. Penalty for improper use of Authority name, mark or logo.-** (1) Any person who contravenes the provisions of sections 14, 15, 16, 17, 18 or 19 shall be punishable with imprisonment of either description for a term which may extend to three years, or with a fine upto one million rupees but not less than one hundred thousand rupees, or with both.

(2) A Court convicting a person under this section may direct that any articles in respect of which the contravention was made shall be forfeited to the Government.

**21. Inspectors.-** (1) The Authority may appoint Inspectors, in accordance with such procedure as may be prescribed, for the purpose of enforcement of this Act or rules or regulations made there under in the Islamabad Capital Territory.

(2) Subject to any rules made under this Act, an Inspector appointed under sub-section (1) shall be empowered to—

- (a) inspect any operation carried on in connection with any article or product or action or process in relation to Halal Certification;

- (b) take samples of any article, or of any material or substances used in any article or process, in relation to which Halal logo has been used;
- (c) seize and detain for such time as may be necessary any article in respect of which he believes any provision of this Act has been contravened; and
- (d) stop, search or seize any transport vehicle in which he believes on reasonable ground that any article subject to the provisions of this Act, is being transported thereon does not conform to Halal standards and certification.

(3) Every Inspector shall be issued by the Authority a certificate of appointment which shall be produced by the Inspector on demand.

(4) Any person who obstructs or impedes performance of duties of an Inspector or any other authorized officer shall be guilty of an offence punishable under section 22.

(5) Any article seized under this Act may, at the option of the Inspector, be kept or stored in the premises where it was seized or may at the direction of the Inspector be removed to any other place or appropriately disposed of, in case it is a perishable item.

(6) The Inspector shall release any article seized by him under this Act when he is satisfied that all the requirements of the Act with the respect thereto have been complied with.

(7) son<sup>1</sup> who, without the authority of an Inspector, removes, alters, or interferes in any way with any article seized under this Act, shall be guilty of an offence punishable under section 22.

(8) Any person who knowingly makes any false or misleading statements either verbally or in writing to any inspector engaged in carrying out his duties under this Act shall be guilty of an offence punishable under section 22.

(9) Any person aggrieved by the actions of an Inspector/officer may file a representation to the DG of Authority, who shall decide the same after giving such person an opportunity of being heard.

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<sup>1</sup> Some text seems missing.

**22. Penalty for other contraventions.-** Whoever contravenes any of the provisions of this Act other than sections 14, 15, 16, 17, 18 or 19, or any rule made or notification issued thereunder shall, be punishable with imprisonment of either description for a term which may extend to six months, or with a fine upto five hundred thousand rupees but not less than fifty thousand rupees, or with both.

**23. Cognizance of offences by courts.-** (1) No court inferior to that of a Judicial Magistrate, first class shall try any offence punishable under this Act.

(2) All offences under this Act shall be bailable and compoundable.

**24. Appeals.-** (1) Any person aggrieved by an order passed by the Authority including a decision of the Director General under sub-section (9) of section 21 may prefer an appeal to the Court of Session within thirty days of the date of the order.

(2) The appeal shall be presented in such form and manner and within such time as may be prescribed.

(3) The Court of Session shall, in dealing with appeals under this section, follow such procedure as is specified in the Code of Criminal Procedure, 1898 (Act V of 1898).

**25. Appointment of officers, staff, etc., by the Authority.-** (1) The Authority may create posts and appoint such officers, staff, experts or consultants, in accordance with Government policy, on such terms and conditions as may be prescribed:

Provided that appointment to the posts in Basic Pay Scale 20 or above shall not be made except with the previous approval in writing of the Government.

(2) Subject to sub-section (1), the Director General may, in cases of urgency, appoint such officers, staff, experts or consultants and on such terms and conditions as may be recommended by a selection committee, constituted under the rules:

Provided that every appointment made under this sub-section shall be reported to the Board, without unreasonable delay, for approval.

**26. Members and officers etc. to be public servants.-** The Director General, members, officers, staff, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act,

be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

**27. Delegation of powers to the Director General etc.-** (1) The Authority may, by general or special order and subject to such conditions as it may think fit to impose, delegate to the Director General or a member, or an officer of the Authority, all or any of its powers or functions under this Act.

(2) The Government may, by notification in the official Gazette, delegate all or any of the Authority's powers under this Act and the rules and regulations made thereunder to any other agency or department of the Government or to a provincial government with the consent of such government.

**28. Pakistan Halal Authority Fund.-** (1) There shall be created a fund to be known as the Pakistan Halal Authority Fund which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with its functions under this Act including the payment of salaries and other remuneration to the Director General, members, officers, staff, experts and consultants of the Authority.

(2) The Pakistan Halal Authority Fund shall be financed from the following sources:—

- (a) grants made or loans advanced by the Government or Provincial Governments;
- (b) loans, aid and donations received from foreign governments, national or international agencies and non-governmental organizations; and
- (c) contributions from private organizations and other persons.

(3) All sums payable to the Authority may be recovered as arrears of land revenue.

**29. Budget.-** The Authority shall, in respect of each financial year, submit for approval of the Government, on such date as may be prescribed, a statement of the estimated receipts and expenditure, including requirements of foreign exchange for the next financial year.

**30. Audit and accounts.-** (1) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan in such manner as may be prescribed.

(2) Copies of the audit reports shall be sent to the Government along with the comments of the Authority.

(3) The audit report shall be available for public inspection.

(4) The Government may issue directions to the Authority for rectification of any item objected to by the Auditor General of Pakistan and the Authority shall comply with such directions.

**31. Protection of actions taken in good faith under this Act.-** No suit, prosecution or other legal proceeding shall lie against the Government or the Authority or any person acting under the authority of the Government or the Authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder.

**32. Submission of yearly reports and returns.-** (1) As soon as possible after the end of every financial year but before the last day of the month of December of that year, the Authority shall submit to the Government a report on the conduct of its affairs for that year.

(2) The Government may, after giving sufficient notice to the Authority, require it to furnish:—

- (a) any return, statement, estimate, statistics, or other information regarding any matter under the control of the Authority;
- (b) a report on any subject with which the Authority is concerned; and
- (c) a copy of any document in the charge of the Authority.

**33. Power to make rules.-** The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

**34. Power to make regulations.-** The Authority may, with the previous approval of the Government, by notification in the official Gazette, make regulations not inconsistent with this Act or the rules to carry out the purposes of this Act.

**35. Power to exempt.-** The Government may, by notification in the official Gazette, exempt any article or process or class of articles or processes from the operation of all or any of the provisions of this Act.



**36. Power to obtain information.-** Every holder of a Halal Certificate shall supply to the Authority such information and such samples of any article or material or substance used in relation to any article or process as the Authority may require.

**37. Act to override other laws.-** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force.

**38. Amendment of Schedule.-** The Government may, by notification in the official Gazette, add to, delete or otherwise amend Schedule-I in accordance with decisions of the OIC.

## **SCHEDULE - I**

[see sections 2(p) and 10(l)(b)]

OIC Guidelines for Halal Food

## **FOREWORD**

This standard was developed by the Standardization Expert Group (SEG) of the Organisation of the Islamic Conference (OIC).

In this standard, Islamic Rules refer to those commonly accepted rules and beliefs of the Islam, regardless of variations in different countries.

Given the fact that non safe foods would not be considered halal, therefore the quality standards including food safety and traceability (to guarantee the claims), should be made prerequisite of this standard (See Normative References).

## **GENERAL GUIDELINES ON HALAL FOOD**

### **1. SCOPE**

This standard defines the basic requirements that shall be followed at any stage of food chain including, receiving, preparation, processing, sorting, determination, packaging, labelling, marking, controlling, handling, transportation, distribution, storage and service of halal food and its products based on Islamic rules.

All requirements of this standard are generic and are intended to be applicable to all organizations in the food chain regardless of size and complexity.

This includes organizations directly involved in one or more steps of the food chain.

Guidelines on the application of this standard in all organizations are contained in the standard for halal Food certification rules.

## **2. NORMATIVE REFERENCES**

The following referenced documents are indispensable for the application of this standard. The latest edition of the referenced document (including any amendments) applies.

- CODEX STAN 1, General standard for the labeling of prepacked foods,
- CAC/RCP 1, Recommended international code of practice general principles for food hygiene,
- CAC/RCP 58, Code of hygienic practice for meat,
- ISO 22000, Food safety management systems - Requirements for any organization in the food chain,
- ISO 22005, Traceability in the feed and food chain - General principles and basic requirements for system design and implementation.

## **3. TERMS AND DEFINITIONS**

For the purposes of this standard, the following terms and definitions apply. For terms and definitions not used herein, those found in the normative references (See Clause 2) shall apply.

### **3.1. Islamic rules**

It means what ALLAH legislates for Muslims which derive its rules from the Holy Quran, and the honourable Prophet Mohammed (peace be upon him), practices (Sunnah).

### **3.2. Halal food**

Halal food is the food including drinks, which is allowed to be consumed according to Islamic rules and that comply with the requirements mentioned in this standard.

### **3.3. Prerequisite programmes (PRPs)**

Basic conditions and activities that are necessary to maintain a hygienic environment throughout the food chain suitable for production, handling and provision of safe final products and safe food for human consumption.

#### **3.3.1. Good manufacturing practice (GMP)**

Actions regarding personnel and building hygiene in order to ensure safe and healthy production, storage and distribution of food.

#### **3.3.2. Good hygiene practice (GHP)**

Measures taken in stages of food chain to ensure the provision of safe food for consumption.

### **3.4. Food safety**

Concept that food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use.

### **3.5. Food chain**

All stages involved in the production of food including processing, production, packaging, storage, transportation, distribution and supply to the market, from raw material and its origin to consumption.

### **3.6. Food additives**

Substances added to food to preserve or improve taste, smell, appearance or use as solvent during the preparation, sorting, processing, production, packaging, transport, storage for use as raw material or supplementary material; which may or may not have nutritional value; residue and derivatives of which may be found in the final product depending on the chosen technology.

**3.7. Cold chain**

A series of chilled and freezing storage, distribution and similar activities that are obligatory in order for food products that require cold chain to preserve its original qualities through food chain.

**3.8. Genetically modified food (GMF)**

Food and drinks containing products (and/or by-products) of genetically modified organisms (GMO).

The transfer of gene of other living species to a plant, animal and microbiological source by genetic modification technologies and the modifications which are made in DNA of the food.

**3.9. Aquatic animals**

Aquatic animals are those which live in water and cannot survive outside.

**3.10. Amphibious animals**

Animals that live both on land and in water.

**4. PRODUCTS/SERVICES**

The following products and services are covered by this standard.

**4.1. Meat and meat products****4.2. Milk and dairy products****4.3. Egg and egg products****4.4. Cereal and cereal products****4.5. Vegetable and animal oils and fats****4.6. Fruit and vegetables and their products****4.7. Sugar and confectionery products****4.8. Beverages (soft drinks)****4.9. Honey and its by products**

- 
- 4.10. Dietary supplements
  - 4.11. Genetically modified food (GMF)
  - 4.12. Food additives
  - 4.13. Enzymes
  - 4.14. Micro organisms
  - 4.15. Packaging materials
  - 4.16. Food service and premises
  - 4.17. Fish and fish products
  - 4.18. Water
  - 4.19. Others

## **5. REQUIREMENTS**

### **5.1. Sources of food**

#### **5.1.1. Food of animal origin**

##### **5.1.1.1. Halal animals**

The followings are considered as halal animals:

- (a) Domesticated animals such as cattle, buffalos, sheep, goats, camels, chickens, geese, ducks, and turkeys.
- (b) Non-predatory wild animals such as deer, antelope, chamois, wild cattle.
- (c) Non-predatory birds such as pigeons, sparrows, quails, starlings, and ostriches.

##### **5.1.1.2. Non-halal animals**

The followings are considered as non-halal animals:

- (a) Pigs, dogs and their descendants.

- (b) Animals not slaughtered in the name of Allah.
- (c) Animals not slaughtered according to Islamic rules.
- (d) Animals that died by themselves.
- (e) Animals with long pointed teeth or tusks which are used to kill prey or defend themselves such as bears, elephants, monkeys, wolves, lions, tigers, panthers, cats, jackals, foxes, squirrels, martens, weasels, and moles, crocodiles and alligators etc.
- (f) Predatory birds with sharp claws such as hawks, falcons, eagles, vultures, ravens, crows, kites, owls.
- (g) Pests and venomous animals such as rats, centipedes, scorpions, snake, wasps, mouse and other similar animals.
- (h) Animals which are considered repulsive like lizards, snails, insects and their larva stages and other similar animals.
- (i) Animals that are forbidden to be killed in Islam such as honeybees and hoopoe.
- (j) Donkeys and mules.
- (k) Any ingredient derived from the non-halal animals is not halal.
- (l) Farmed halal animals which are intentionally and continually fed with non-halal food.

#### **5.1.2. Aquatic animals**

- (a) All kinds of fish with scales, shrimp and fish egg of fish with scales including their by products are halal. All other aquatic animals including their by products are halal (See Clause 12.1.2.1 m).
- (b) All poisonous water animals that are harmful to health are non-halal.

### **5.1.3. Amphibious animals**

All amphibious animals are non-halal.

### **5.1.4. Food of plant origin**

Plants and their products are halal except poisonous and harmful plants, unless the poisonous and harmful materials are removed.

### **5.1.5. Blood and other materials of human or animal origin**

All types of blood and its by products are non-halal.

Any liquid and objects discharged from the orifices of human beings or animals such as urine, placenta, excrement, vomit, pus, sperm and ova are not halal. Any parts of human are non-halal to be consumed.

## **5.2. Rules of slaughtering**

### **5.2.1. Requirements of the animals to be slaughtered:**

- (a) The animal to be slaughtered has to be an animal that is halal.
- (b) A certificate must be issued by a veterinary authority which attests that animals to be slaughtered are healthy.
- (c) The animal to be slaughtered shall be alive at the time of slaughter. The slaughtering procedure should not cause torture to animals.
- (d) Only animals fed on halal feed are permitted for slaughtering following the standard veterinary procedure.
- (e) If animals have arrived from long distance, they should first be allowed to rest before slaughtering.

### **5.2.2. Slaughterer**

- (a) The slaughterer shall be an adult Muslim who is mentally sound and fully understands the fundamental rules and conditions related to the slaughter of animals.

- (b) The slaughterer shall have a certificate of halal slaughtering issued by a competent authority supervising matters relating to health, hygiene, sanitation and rules of halal slaughtering.

### **5.2.3. Slaughtering tools and utensils**

- (a) Slaughtering lines, food grade tools and utensils shall be clean and used for the purpose of halal slaughter only.
- (b) Slaughtering tools used for beheading shall be sharp and made of steel (stainless steel).
- (c) Slaughtering tools shall cut by their edge, not by weight.
- (d) Bones, nails and teeth shall not be used as slaughtering tools.

### **5.2.4. Slaughtering places**

Slaughter places shall be dedicated to halal animals and halal slaughter only and shall satisfy the requirements of prerequisite programmes as defined in Codex CAC/RCP 1 or ISO 22000. Physical conditions of slaughtering places shall fulfill the national legal requirements. The following shall be provided:

- (a) Landing area which allows convenient space for health checks.
- (b) At the entrance a special slaughtering area, electrically operated automatic or manually operated roller chain system that is used to raise the animal.
- (c) Automatic, movable or manually operated rail system equipped with roller chain, which sequences flow of work.
- (d) Fixed or movable loading platform and landing area specially designed for cattle and sheep - goats, which help workers, handle skinning and carcass preparation with ease and efficiency.
- (e) Weighing facilities.
- (f) Carcass washing facilities (pressure water, preferably automatic)



- (g) Vessel which contains hot water at all times for the purpose of washing, disinfecting or sterilizing dirty tools (knives, hanger etc.), cuvettes holding antiseptic liquid and for hands sink fitted with a tap operated by foot or knee or by photocell.
- (h) Clean and pressure water supply should be made available at all times.
- (i) All disinfectant and antiseptic liquids shall be suitable for the use in halal food sector.

**5.2.5. Stunning**

- (a) All forms of stunning and concussion (loss of consciousness) shall be prohibited. However when the use of the electric shock becomes necessary and expedient (such as calming down or resisting violence by the animal), the allowed period and the electric current value for stunning shall be in accordance with Annex A of this standard.
- (b) Stunning (loss of consciousness) of poultry is prohibited, however if it is necessary and expedient the following conditions shall be met:
  - i. Poultry shall be alive and in stable condition during and after stunning (loss of consciousness) and upon slaughtering,
  - ii. The current and duration of the electric shock, if it is used, shall be as specified in Annex A,
  - iii. Any poultry that die before the act of slaughtering shall be considered as dead and unlawful,
  - iv. Shall be proven to be humane,
  - v. Shall not reduce the amount of blood after slaughtering.

**5.2.6. Slaughtering procedure****5.2.6.1. Slaughtering procedure of animals**

In addition to Clause 5.2.1, the following requirements are applied.

**5.2.6.1.1. Health checks of animals before slaughtering**

In addition to ante mortem control, the following requirements are also applied.

- (a) Animals to be slaughtered should be checked by a qualified veterinarian following the standard inspection methodologies.
- (b) Animals which have completed 1/3 of their pregnancy shall not be slaughtered.

**5.2.6.1.2. Cleaning and washing of animals**

Animals sent for slaughter should be free of faeces, urine and mud. Dirty animals should be cleaned in paddocks where available or in areas set aside for washing purposes. It is important to refrain from slaughtering animals when they are still wet.

**5.2.6.1.3. Prevention of mixing of different animals**

Special care should be taken to avoid mixing of different group of animals during their transfer to paddocks, cleaning and transfer to slaughter area.

**5.2.6.1.4. Leading animals to slaughtering area**

Animals to be slaughtered shall be led into the slaughter area by qualified personnel through a corridor using humane methods.

At the end of the corridor that animals are led through for slaughtering, it should be ensured that animals waiting in the line are prevented from seeing those being slaughtered, with the help of a movable curtain or a partition system.

**5.2.6.1.5. Procedure**

- (a) The animal shall be slaughtered, after having been raised or laid on its left side facing Kiblah (the direction of Mecca). Care shall be given to reduce suffering of the animal while it is being raised or laid and not to be kept waiting much in that position.
- (b) At the time of slaughtering the animals, the slaughterer shall utter tasmiyah "BISMILLAH" which means "In the Name of Allah" and he shall not mention any name other than Allah otherwise this make it non-halal. Mentioning the name of Allah shall be on each and every carcass "Zabiha" (slaughtered animal).
- (c) Slaughtering shall be done only once to each animal. The "sawing action" of the slaughtering is permitted as long as the slaughtering knife shall not be lifted off the animal during the slaughter.
- (d) The act of halal slaughter shall begin with an incision on the neck at some point just below the glottis (Adams apple) and after the glottis for long necked animals.
- (e) The slaughter act shall sever the trachea (halqum), oesophagus (mari) and both the carotid arteries and jugular veins (wadajain) to enhance the bleeding and death of the animals. The bleeding shall be spontaneous and complete. The bleeding time shall be sufficient to ensure full bleeding and complete death of animal.

**5.2.6.1.6. Post mortem inspection of carcass and giblets**

Post mortem inspection shall be carried out by a qualified veterinarian. Judgement on the carcass or parts of carcass shall be made as stated in the CAC/RCP 58 to meet safety and hygiene requirements.

**5.2.6.1.7. Washing and stamping the carcass**

Washing, drying, chilling and freezing shall be done with suitable tools or equipment. Stamping shall be done using food grade ink containing halal ingredients. Chilling room temperature shall be maximum 4°C.

**5.2.6.2. Slaughtering procedure of poultry**

In addition to Clause 5.2.1, the following requirements are also applied.

**5.2.6.2.1. Reception of the poultry at the slaughterhouse and transfer for slaughter**

Poultry received at the slaughterhouse shall be transferred for slaughtering in the shortest time possible.

**5.2.6.2.2. Health checks of poultry before slaughtering**

In addition to ante mortem control, the following requirements are also applied.

- (a) Poultry to be slaughtered should be checked by a qualified veterinarian following the standard inspection methodologies. Those poultries which are found sick or suspected to be sick or dead shall immediately be removed or segregated in an isolation area and legal formalities should be fulfilled.
- (b) Received poultry shall be inspected to ensure already dead or dying poultries are not entering the line.

**5.2.6.2.3. Procedure**

- (a) Slaughterer should grab the head by one hand, stretching it down tightly and shall cut the throat by a sharp slaughtering knife held in the other hand according to Islamic rules.
- (b) Additionally, religious rules set out in Clause 5.2.6.1.5 shall be complied with.

**5.2.6.2.3.1. Mechanical slaughter**

Mechanical slaughtering could be used with existence of a validation system. Proper labelling shall be applied on the product showing that it is mechanical slaughtered.

- (a) The operator of the mechanical knife shall be an adult Muslim,

- (b) The slaughterer shall recite tasmiyah "BISMILLAH" prior to switching on the mechanical knife and shall not leave the slaughter area,
- (c) Should the slaughterer leave the slaughter area, he shall stop the machine line and switch off the mechanical knife. To restart the operation he or another Muslim slaughterer shall recite tasmiyah "BISMILLAH" before switching on the line and mechanical knife,
- (d) The slaughterer shall repeat the tasmiyah "BISMILLAH" during each slaughtering operation as long as it is possible and not only at the time of operating the machine. It is not also allowed to use a recording device.
- (e) The knife used shall be of single blade type and shall be sharp, and be made of steel (stainless steel),
- (f) The slaughter act shall sever the trachea (halqum), oesophagus (mari) and both of the carotid arteries and jugular veins (wadajain) to hasten the bleeding and death of the animals,
- (g) The slaughterer is required to check that each poultry is properly slaughtered and any poultry that missed the mechanical knife shall be slaughtered manually,
- (h) If the heads are removed completely by the mechanical blade, the poultry and their heads shall be considered non-halal,
- (i) Bleeding period shall be minimum 180 seconds.

**5.2.6.2.3.2. Hand slaughtering on automated poultry processing plants**

Hand slaughtering could be used with existence of a validation system. Proper labelling shall be applied on the product showing that it is hand slaughtered.

- (a) The slaughterer shall be an adult Muslim.

- (b) The slaughterer shall recite tasmiyah "BISMILLAH" for each bird.
- (c) The knife used shall be of single blade type and shall be sharp and be made of steel (stainless steel). The knife shall be moved horizontally and shall cut by their edge not by weight.
- (d) The slaughter act shall sever the trachea (halqum), oesophagus (mari) and both the carotid arteries and jugular veins (wadajain) to enhance the bleeding and death of the poultry.
- (e) The slaughterer is required to check that each poultry is properly slaughtered.
- (f) Bleeding period shall be minimum 180 seconds.

#### **5.2.6.2.4. Plucking**

The carcass shall be scalded to ease the plucking (defeathering) process. Use of hot water and hot air are acceptable as scalding methods.

#### **5.2.6.2.5. Health inspection of carcass**

In addition to post mortem control, the following actions are required:

- (a) Each carcass, after having been washed, shall be inspected. The inspection shall be done according the meat inspection regulations or standards of veterinary services of the member states.
- (b) In cases where physical examination does not suffice to reach a diagnosis, suspected substance or sample shall be sent to the laboratory while the carcass is kept in an area at an appropriate temperature. A decision should be made in accordance with laboratory testing results.

#### **5.2.6.3. Slaughtering of other than poultry**

**5.2.6.3.1.** Fish do not need to be slaughtered. They should be taken from water while still are alive and death should happen outside the water.

**5.2.6.3.2.** Halal animals that are hunted and killed properly after reciting tasmiyah “BISMILLAH” are regarded as being slaughtered. Those animals captured alive shall be slaughtered according to the Islamic rules. Those animals captured dead by hunting animals or birds during hunting are considered halal unless parts of the dead animal has been eaten by the hunting animals or birds then it should be considered as non-halal.

**5.3. Meat and meat products**

- (a) Meat derived from carcasses of halal animals defined in Clause 5.1.1.1 in conformance to Clause 5.2.6.1 and 5.2.6.2 shall satisfy the legal requirements laid down in Clause 13.
- (b) Food Additives such as preservatives used in meat and meat products shall not contain any non-halal ingredients or using any processing including processing aids which is not according to Islamic Rules.

**5.4. Milk and dairy products**

- (a) Milk and dairy products derived from animals defined in Clause 5.1.1.1 are halal.
- (b) Food Additives such as rennet and gelatine shall not be produced from non-halal products.

**5.5. Eggs and egg products**

- (a) Eggs and egg products obtained from halal animals as defined in Clause 5.1.1.1 and 5.1.2 are halal.
- (b) Egg products shall not contain non-halal ingredients.
- (c) Eggs derived from animals like fish which do not need to be slaughtered are halal as long as they are safe to be consumed.

**5.6. Cereal and cereal products, vegetable and animal oils and fats, fruit and vegetables and their products, sugar and confectionery products**

All food shall be produced from halal origin using halal processes.

**5.7. Beverages**

- (a) All kinds of water and non-alcoholic beverages are halal except those that are poisonous, intoxicating or hazardous to health.
- (b) All products or beverages containing alcohol are prohibited according to the Islamic rules even for cooking purposes or in filling in candies.
- (c) Food additives such as colorants, preservatives, etc used in beverages shall not have been produced from non food grade and non-halal ingredients.

**5.8. Honey and its by products**

- (a) Bee keeping products (honey, bee pollen, royal jelly) derived from excrements collected by honey bees from plants that are not harmful to health are halal.
- (b) The honeybees falling parts in the honey and the non avoidable parts are considered to be halal.

**5.9. Dietary supplements**

Dietary supplements shall be produced or originated from halal sources such as plant or animals and shall not contain any non-halal ingredients.

**5.10. Genetically modified food (GMF)**

5.10.1. Genetically modified organisms (GMO) or ingredients or products containing GMOs shall not be made by the use of genetic material which is non-halal.

5.10.2 GMFs which are produced by the transfer of gene of other living species to a plant, animal and microbiological source by genetic modification technologies and the modifications which are made in DNA of the food are used for the production of halal food.

**5.11 Food additives**

Food additives are regarded as food. Food additives which are derived from non-halal ingredients are not halal.



**5.12. Enzymes**

Enzymes used as raw material, processing aid or final product shall be originated from halal sources and shall be listed on the label.

**5.13. Microorganisms**

Microorganisms such as bacteria, fungi, yeast are halal except those that are poisonous and/or hazardous to health (pathogenic and toxicogenic to human). Microorganisms used in food or food production shall be produced using halal culture medium. The yeast extract or other derived products from them shall not be made from brewer's yeast.

**5.14. Packaging materials**

- (a) The packaging materials shall not be made from any materials that are non-halal.
- (b) The packaging materials shall not be prepared, processed or manufactured using equipment that is contaminated with non-halal materials.
- (c) During its preparation; processing, storage or transportation; it shall be physically separated from any other food that does not meet the requirements stated in item (a) or (b) or any other non-halal materials.
- (d) The packaging materials shall not contain any materials that are considered hazardous to human health.

**5.15. Other products**

Products which are not included in the above sub-articles (Clause 5.3 to 5.14) shall not have been produced from non-halal ingredients and shall not be processed with alcohol and alcohol products.

**5.16. Food service and facilities**

All food services and facilities are halal if they meet the following requirements:

- (a) If they deal with only those products and product groups and materials which satisfy the provisions of Clause 5.

- (b) If the tools and utensils used during the service and sale of products are in total isolation and only be in use for halal food.
- (c) If a plant normally produces non-halal, but intends to switch to halal production, it should go through cleaning process according to Islamic rules (Annex B) before commencing halal production. Repetition in converting the production to non-halal and back to halal production shall not be permitted.
- (d) They are not allowed to serve alcoholic beverages at all.

## **6. FOOD PROCESSING**

All processed food is halal if it meets the following requirements:

- (a) the products or ingredients do not contain any sources that are non-halal by Islamic rules.
- (b) the products do not contain anything in any quantity that is decreed as non-halal by Islamic rules.
- (c) the product or its ingredients shall be safe.
- (d) the product is prepared, processed or manufactured using equipment and facilities that are free from contamination with non-halal materials.
- (e) during its preparation, processing, packaging, storage or transportation it shall be physically separated from any other food that does not meet the requirements specified in items (a), (b), (c) and (d) or any other materials that are described as non-halal by Islamic rules.

## **7. MACHINERY, UTENSILS, PRODUCTION LINES**

- (a) Machinery, utensils, production lines used for processing halal food shall not be made of or contain any materials that are decreed as non-halal by Islamic rules and shall be used only for halal food.
- (b) In case of converting any processing line contaminated by any non-halal product into halal production line, it should be washed and cleaned according to hygiene and sanitary

rules. Upon conversion, the line shall be operated for halal food only. Repetition in converting the line to non-halal and back to halal line shall not be permitted.

- (c) Oils used in the maintenance of machines and devices that come into contact with the food shall be food grade oil and shall not contain any ingredients that are non-halal.
- (d) Measuring and testing devices used in the process that affect the product quality or health should be calibrated.

## **8. STORAGE, DISPLAY, SERVICE AND TRANSPORT**

- (a) All halal food that are stored, displayed, sold or served and during transport shall be categorized and labelled as halal and segregated at every stage so as to prevent them from being mixed or contaminated with materials that are not halal.
- (b) Transport should be compatible with the nature of the product. Transport vehicles should satisfy hygiene and sanitation rules.

## **9. HYGIENE, SANITATION AND FOOD SAFETY**

- (a) Hygiene, sanitation and food safety are prerequisites in the preparation of halal food.
- (b) Halal food shall be prepared, processed, packaged, transported and stored in such a manner that they are in compliance with hygiene and sanitary requirements of Codex CAC/RCP 1 and other relevant Codex and other international standards.
- (c) Chemicals and materials used in hygiene and sanitation shall be suitable for use in halal food sector.
- (d) All food safety measures shall be suitable for use in halal food sector.

## **10. VALIDATION AND VERIFICATION**

### **10.1. Validation and verification of methods**

Inspections and testing conducted for the purposes of assessing non-halal sources and content shall be carried out in accordance with inspection and testing

methods that are based on validated and verified methods recognised at national or international level.

## **10.2. Validation of processes and verification of product**

- (a) Halal food production processes shall be validated as specified in relevant international standards and halal food products shall be verified by methods defined in Clause 10.1
- (b) Packaging shall be in conformity with labelling conditions identified in Clause 12.1.2

## **11. IDENTIFICATION AND TRACEABILITY**

- (a) Where appropriate, the halal food shall be identified by suitable means throughout the entire production process. The halal food status shall be identified with respect to monitoring and measurement requirements.
- (b) Where traceability is a requirement, the product shall be controlled and the unique identification of the product shall be recorded.
- (c) ISO 22000, ISO 22005 or Codex CAC/RCP 1 gives the principles and specifies basic requirements for the design and implementation of a food traceability system for halal food. It can be applied by an organization operating at any step in the food chain.

## **12. PRESENTATION FOR THE MARKET**

- (a) All halal food that are stored, displayed, sold or served shall be categorized and labelled halal.
- (b) Halal food shall be segregated at every stage so as to prevent them from being mixed or contaminated with non-halal materials.

### **12.1. Packaging and labeling**

#### **12.1.1. Packaging**

- (a) Halal food shall be suitably packed using packaging materials that fulfil the Clause 5.14.

- (b) Packaging process shall be carried out in a clean and hygienic manner and in sound sanitary conditions and temperature satisfies safety and quality of the product.
- (c) Carcass shall be appropriately packed in clean, new, sound, odourless packages that shall in no way adversely affect the quality and safety of meat.

### **12.1.2. Labeling**

**12.1.2.1.** In addition to requirements specified in ISO 22000 or Codex CAC/RCP 1 and CODEX STAN 1 each package shall be marked legibly and indelibly or a label shall be attached to the package with the following information:

- (a) name of product,
- (b) list of ingredients,
- (c) date of expiry,
- (d) net content expressed in metric system (SI units),
- (e) name and address of the manufacturer, importer and/or distributor and trademark,
- (f) code number identifying date and/or batch number of manufacture for traceability,
- (g) country of origin,
- (h) instruction of use, where applicable,
- (i) If any food product contains fats, meat derivatives or extracts such as gelatine and rennet, these animal originated content should be declared on the product label,
- (j) If a food product contains GMO, this fact shall be explicitly stated,

- (k) when halal mark is used, the authority and certificate number should be placed on the product,
- (l) the nature of product (dried, fresh, frozen, smoked etc.),
- (m) All kinds of fish with scales, shrimp and fish egg of fish with scales including their by products shall be properly labeled as "scaled fish". All other aquatic animals including their by products shall be properly labeled as "non scaled fish and others".

**12.1.2.2.** For primary meat products, in addition to requirements specified in ISO 22000 or Codex CAC/RCP 1 the label or mark shall also include the following information:

- (a) date of slaughter,
- (b) date of processing,
- (c) number of veterinary health report/certificate carrying the corresponding information on carcass,
- (c) the stamp shall be tamper proof and the branding ink shall be stable and of food grade,
- (e) each carcass (chilled or frozen) final packages of special meat cuts shall be branded by authorized organizations' official stamp, and by the authorized person to indicate that slaughter has been carried out under the supervision of that competent authority,
- (f) when halal mark is used, the authorization and certificate number should be placed on the product.

### **13. LEGAL REQUIREMENTS**

The product shall in other aspects comply with the legislation including any relevant requirements currently in force in the country other than the requirements of this standard.

## ANNEX A

## (Normative)

**Table 1 - Guideline parameters for electrical stunning**

Type of animal	Current (Ampere)	Duration (second)
Chicken	0.25-0.50	3.00-5.00
Lamb	0.50-0.90	2.00-3.00
Goat	0.70-1.00	2.00-3.00
Sheep	0.70-1.20	2.00-3.00
Calf	0.50-1.50	3.00
Steer	1.50-2.50	2.00-3.00
Cow	2.00-3.00	2.50-3.50
Bull	2.50-3.50	3.00-4.00
Buffalo	2.50-3.50	3.00-4.00
Ostrich	0.75	10.00

*Note:* Electrical current and duration shall be validated and determined by the organization, taking into account the type and weight of the animal and other varying factors.

**ANNEX B****(Normative)****Method of cleaning according to Islamic Rules****B1. General requirements**

The *najs*, whether visible (, *ainiah*) or invisible (disappeared or dried up etc.) is named *hukmiah*. To cleanse *najs*:

- (a) it is required to wash seven times, one of which shall be water mixed with soil;
- (b) the first wash shall be to clear the existence of *najs*, even if a few washes are needed. The water from first cleaning shall not remain behind and the next wash shall be counted as the second wash;
- (c) the amount of soil used is just enough to make a suspension; and
- (d) the usage of product containing soil is permitted.

**B2. Conditions of the soil**

The conditions of the soil are:

- (a) free from *najs*;
- (b) not *musta 'mal* soil [which had been used for dry ablution (*tayammum*)] except after subject to heavy rain.

**B3. Conditions of the water**

The conditions of the water are:

- (a) shall be natural (*mutlaq*);
- (b) not *musta 'mal*<sup>1</sup>; and

<sup>1</sup> *Musta 'mal* water is the water that is less than two *qullah* (approximately 192 L) that had been used for cleansing.



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(c) free from *najs*.

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**I-**

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Islamic Republic of Afghanistan	Malaysia
Republic of Albania	Arab Republic of Egypt
Republic Azerbaijan	Federal Republic of Nigeria
Peoples Republic of Bangladesh	Kingdom of Oman
United Arab Emirates	Republic of Uzbekistan
The Government of Brunei Darussalam	Islamic Republic of Pakistan
People's Democratic Republic of Algeria	Republic of Senegal
Republic of Indonesia	Democratic Republic of Somalia
Kingdom of Morocco	Republic of Sudan
Palestinian Government	Syrian Arab Republic
Republic of Gabon	Kingdom of Saudi Arabia
Republic of Iraq	Republic of Tajikistan
Islamic Republic of Iran	Tunisian Republic
Republic of Cameroon	Republic of Turkey
Qatar Government	Turkmenistan

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Republic of Kyrgyzstan	Republic of Uganda Hashemite
Government of Kuwait	Kingdom of Jordan
Great Socialist People's Libyan Arab Jamahiriya Lebanese Republic	Republic of Yemen
Republic of Maldives	Bosnia and Herzegovina

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**II-**

The Organization of the Islamic  
Conference (OIC)

Islamic Chamber of Commerce and  
Industry (ICCI)

Islamic Centre for Development of  
Trade (ICDT)

**COMCEC** Coordination Office

Statistical, Economic and Social  
Research and Training Centre for  
Islamic Countries (SESRIC)

The **SEG** Secretariat





**APPENDIX**



**CDA PROPERTY MANUAL**

**LIST OF CHAPTERS**

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**LIST OF ABBREVIATIONS**

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CDA	Capital Development Authority, Islamabad
EM-1 or II	Directorate of Estate Management-1 or II, CDA
NDC	No Demand Certificate
PIC	Provisional Plot Information Certificate
OWO	One Window Operations Directorate, CDA
SPA	Special Power of Attorney
GPA	General Power of Attorney
D.D	Deputy Director, CDA
A.D -	Assistant Director, CDA
NIC	National Identity Card
AGR	Annual Ground Rent
TAF	Transfer Application Form
BUP	Built-up Property
BCS	Building Control Section
CTC	Certified True Copy .
NOC	No Objection Certificate
SECP	Security Exchange Commission of Pakistan
FAR	- Floor Area Ratio
EMO	Estate Management Officer



**CHAPTER 1**

**INTRODUCTION**

Procedure for submitting applications/requests:

1. All applications must be given at respective counter of One Window Operation (OWO) Directorate and receipt should be obtained.
2. The photocopies, where acceptable, have to be attested (with legible stamp indicating the Name and Designation of the Attesting Officer). The following persons are authorized to attest photocopies of documents to be submitted in CDA:
  - Grade 17 & above officers of Federal, Provincial, autonomous / semi-autonomous organizations of the Government.
  - Branch Manager of a Scheduled Bank.
  - First class magistrate shall attest the specified affidavits.
3. For follow-up, contact OWO Directorate by visiting its office or calling at Phone No: 051-9230588 or Fax. No: 051-9252945 or by letter to Director Estate Management-I or II.
4. Any complaint, suggestion or feedback may be given to Director OWO or dropped in the box in OWO Office.

Format of Applications/Affidavits/Agreement:

5. The samples of all applications, affidavits and Agreements are available in this manual at Annex-I. Except for the Forms, which are required to be submitted in original, all other formats may be typed on plain papers or Stamp Papers of appropriate value.
6. These forms may also be downloaded from CDA website ([www.cda.gov.pk](http://www.cda.gov.pk)).

Procedure for delivery of Documents:

7. The documents entrusting title (Allotment Letter, Transfer Letter, Sub-division Letter, CTC) are dispatched to the Allottee/ Transferee through registered post or delivered personally at E/M Directorate after identification. The Allottee may authorize his agent to collect such documents through an application attaching copies of NIC.
8. All other correspondence with the Applicants/ Allottees is done through mail.
9. The applicant may request for dispatch of documents through, courier (subject to payment of courier charges).

Implementation/Exercise and Interpretation.

10. Implementation and Interpretation of policies in this manual shall be responsibility of Director EM-I & II. A matter not included in this manual shall be decided by the Member (A).

11. CDA reserves the right to amend, withdraw or introduce any provision, policies, procedure, dues, charges etc through notification without prior notice or information.

12. Member (Admn) shall be competent to make a decision for removal of any ambiguity or irregularity.

Procedure to find outstanding dues:

13. An allottee or his authorized person can apply at OWO counter or through mail to find the outstanding dues against his property.

14. EM-I or II Directorate shall provide the relevant information within a period of 4 days.

How to Contact CDA:

15. For all the routine matters, OWO Directorate should be contacted. In case of any problem or complaint, other officers may be approached through appointment.

Chairman CDA	051-9253001
Member Administration, CDA	051-9252638
Director Estate Management-I	051-9252428
Director Estate Management-II	051-9252481
Director OWO Directorate	051-9230588
Director Land & Rehabilitation	051-9252997
Deputy Director-I, EM-I Directorate	051-9252610
Deputy Director-II, EM-I Directorate	051-9252625
Adl: Director (Estate Affectees)	051-9252984
Deputy Director-I, EM-II	051-92522966
Deputy Director-II, EM-II	051-9252482
Fax No. OWO Directorate	051-9252945

16. All information and notifications about CDA may be obtained from its website [www.cda.gov.pk](http://www.cda.gov.pk).

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CHAPTER 2

ALLOTMENT OF PLOTS

Allotment of plots in new sectors:

1. At the time of opening of new Sectors, the plots are allotted according to the provisions of Land Disposal Regulations, 2005. CDA may decide to allot plots to the General Public through open auction, balloting at reserved price or balloting at market price after calling applications.

2. Before Auction/balloting of plots, wide publicity shall be given by CDA through advertisement in Newspapers, on its official website [www.cda.gov.pk](http://www.cda.gov.pk) and through other means.

3. Before each auction, detailed instructions shall be published in form of brochures, which are available from OWO counter generally two weeks before each auction/balloting. These instructions are also available at CDA's official web site.

4. A small percentage of residential plots in new Sectors may be reserved for Federal Government Employees (including autonomous/ semiautonomous Government bodies), Defence personnel and deprived groups (i.e., widows, orphans & destitutes).

5. Plots reserved for Federal Government Employees shall be allotted as per criteria fixed by CDA/Government at such price as may be decided by CDA.

6. Plots for Defence personnel are allotted as per CDA Policy on recommendations of concerned authorities:

7. Applications for allotment of plots for deprived group shall be invited through advertisement in press at time of opening of new sectors. These applications shall be scrutinized and disposed off by CDA Board.

8. CDA shall not entertain any application for allotment of plots from any reserved group except when such applications are invited.

9. Residential plots are allotted on proprietary rights basis. Non-residential plots are allotted for a certain lease period, which may be extendable subject to the policy of CDA.

10. Commercial plots are auctioned and allotted on lease basis.

General:

10. Beside above categories, there are absolutely no discretionary quotas for allotment of plots in CDA.

11. The terms and conditions for allotment, price and mode of payment are prescribed in the allotment letters issued by CDA.

Allotment to Estate Affectees

12. Allotment of plots to estate affectees whose land or Built Up Property (BUP) is acquired by CDA shall be done as per CDA Policy in vogue. Further information about this policy may be obtained from Directorate of Land & Rehabilitation, CDA.

Allotment/Transfer of plots to Companies, Foreign Nationals or Missions

13. Foreign Nationals and companies can participate in the open auction with the prior permission of the Ministry of Interior, Government of Pakistan. Similarly for purchase of property from any allottee, the same permission is required.

14. In case of Private Limited Companies, following documents are required:

- a. Registration Certificate duly attested by S.E.C.P.
- b. Memorandum of Article and Association duly attested by S.E.C.P.
- c. Form 29 duly attested by S.E.C.P.
- d. Resolution passed by company Directors.
- e. Authorization of the concerned person by the Company.

*(In case of sale of company or change of Administration, the revised Form 29 shall be required).*

PLOTS FOR AGRO FARMING.

15. All the allotments are made through auction as per CDA Board decision.

16. CDA may decide to allot agro farming plots to the affectees of Islamabad who lost their 100 kanals and above land as per Land Rehab: Policy 1996.

17. All allotments shall be subject to the terms and conditions in the allotment letter or as the case may be, in the lease agreement executed by the authority in respect of these plots.

ALLOTMENT TO GOVERNMENT INSTITUTIONS

18. Institutional Plots are allotted to Govt. Institutions with the approval of the Government at the price to be fixed by CDA.

**CHAPTER 3:**

**NO DEMAND CERTIFICATE (NDC)**

General:

1. NDC is required to be issued before transfer of plot / property.
2. Application for issuance of NDC should be given at OWO Directorate on prescribed Format (EF-1), which may be obtained from OWO counter or typed as per Specimen.
3. Attested copies of following Documents are required to be attached with the Application:
  - i) Allotment/Transfer letter,
  - ii) NIC(NADRA).
  - iii) Letter of acceptance of attorney (applicable for GPA).
4. The application is to be signed by the allottee or his Attorney accepted by CDA.
5. NDC shall be provided to OWO Counter within 7 days of application if there is no restriction on transfer of property.

Process.

6. After receipt of Application (EF-1), OWO Directorate shall send it to R & I Section of EM-I or EM-II Directorate. These applications shall be sent to the concerned Section, who shall check following aspects.
  - i) Title of Property.
  - ii) Clearance of all outstanding dues.
  - iii) Litigation / legal restraint (Stay order).
  - iv) Conforming Use (Use of building for allowed purpose).
  - v) Valid construction period.
  - vi) Any restriction by some Authorized agency
  - vii) Loan, Mortgage or court surety by Allottee/Attorney
  - viii) Valid lease period (in case of commercial properties).
  - ix) Genuine status of allotment.
7. The concerned Deputy Director shall approve the proposal for issuance of NDC.

8. NDC shall be issued on Form EF-2 and it will be delivered to OWO Counter within 5 days of its receipt in the Section. If there is any restriction against issuance of NDC, it shall be conveyed to OWO within 3 days for intimation to the applicant.

9. NDC shall not be issued to any person. It only authorizes OWO Dte to issue TAF to the Allottee/Attorney on its basis.

10. NDC shall remain valid for one month from the date of issue.

11. No fee is charged for issuance of NDC for the first time. However, a fee of Rs 500 shall be charged for issuance of a subsequent NDC by the same allottee.

#### CHAPTER 4

#### PROPERTY INFORMATION REPORT (PIR)

##### General:

1. This Report is helpful for the satisfaction of prospective buyers about the status of a property. These may also be helpful to the Loan-giving agencies (e.g., Banks) to ascertain the legal status of property.

2. Any Allottee, Attorney or his authorized agent may apply for issuance of PIR at OWO Counter on Form EF-3.

3. Following documents are required with the Application for PIR:

- i. Pay Order for Rs: 500/- in the name of CDA.
- ii. Attested photocopy of NIC.
- iii. Attested photocopy of Allotment/Transfer Letter.

##### Issuance of Property Information Report

4. The concerned EMO/Assistant shall process the case for issuance of PIR on separate file. The Deputy Director concerned shall give the approval for its issuance.

5. The record of application for PIR & its copy shall not be part of the main property file.

6. The validity of PIR is one month from the date of issue.

7. There is no responsibility of CDA for any hindrance, problem, legal issue related to transfer of plot in respect of which PIR is issued. It is only an indication that the property fulfils the requirements for issuance of NDC.

8. PIR shall be issued on Form EF-4 within 3 days directly to the applicant through OWO Counter or it may be dispatched through post or courier (subject to payment).

**CHAPTER 5**

**ACCEPTANCE OF GENERAL POWER OF ATTORNEY (GPA)**

General

1. The allottee or attorney shall apply for acceptance of General Power of Attorney (GPA) on Form EF-5 in OWO Directorate, CDA.
2. OWO shall pass on the application to the concerned Deputy Director.
3. An application for acceptance of GPA without power to sell, gift, mortgage or transfer of property shall be accepted by CDA within 3 days of application. The concerned Deputy Director shall approve its acceptance. Intimation of acceptance of Power of Attorney shall be given on form EF-6.
4. If a GPA with power to sell etc has been executed, the right of allottee to transfer the property is extinguished till the date of its cancellation (Regardless of the fact that GPA is submitted in CDA or not).

Documents to be submitted with application

5. The following documents are to be submitted with application for acceptance of GPA:
- a) Original GPA and one copy duly attested by Notary Public.
  - b) Attested Copy of Allotment Letter.
  - c) Attested copy of NIC of allottee.
  - d) Attested copy of NIC of Attorney.
  - e) Indemnity Bond from the allottee as per Specimen EF-7 on stamp paper of Rs: 10/-.
  - f) One attested photograph each of attorney & allottee.

Confirmation of GPA from registration authority

6. Within 3 days of submission of GPA in CDA, the concerned Deputy Director shall write a letter to the Registrar/Joint Registrar/Foreign Mission for confirmation that the GPA is valid and yet not cancelled.
7. A GPA, which is registered by Pakistan's foreign mission in another country, shall be attested by Foreign Office, Government of Pakistan Islamabad and then registered with Registrar/Joint Registrar before its submission in CDA.

Confirmation of GPA from Allottee

8. Confirmation from allottee is only required in cases where GPA has power to sell / transfer etc.

9. Subject to paras 10,11 & 15, GPA with Power to sell etc shall be acceptable in CDA through confirmation by the personal appearance of the Allottee before concerned Deputy Director.

10. If the allottee cannot visit CDA due to serious illness or any other disability, the concerned Deputy Director or an Assistant Director on his behalf shall visit the Allottee at his expense with the permission of Member (Administration) if the allottee lives in Islamabad. The Allottee/Attorney shall have to prove disability of Allottee with documentary proof.

11. If the allottee is living outside Islamabad, the statement of confirmation of GPA shall be recorded before DCO of the concerned district.

12. For the GPA to be confirmed through visit outside CDA office, a fee for the visiting officer, as determined by the Director on case to case basis, shall be charged in addition to actual Travel expenses.

13. If the Allottee is incapacitated being unconsciousness or mentally retarded, the GPA shall not be acceptable without orders of the competent court.

14. All GPA with Power to sell after its confirmation shall remain valid in CDA till its revocation, death or incapacitation of Allottee.

15. The GPAs already submitted in CDA before implementation of this policy shall be treated according to the previous procedure under which GPA remained valid only for 3 months after its acceptance. Member (Admn) may grant permission for observing the previous procedure on the fresh applications.

16. If the Allottee is living abroad, the allottee shall have to confirm GPA by verification through the Pakistan Mission.

17. If the allottee fails or refuses to confirm in 15 days after issuance of confirmation letter, he will be given show cause notice through advertisement in 2 leading newspapers (at expense of attorney) and at his last available address. In light of his reply (or if no reply is received in 15 days) the matter shall be placed before Member (Admn) through Law Directorate for decision on case-to-case basis.

GPA in case of more than one allottees / attorneys

18. The allottee can appoint only one person as his attorney.

19. If there are more than one allottees, they can jointly or separately appoint attorneys. However, in case of transfer of property, the rules applicable to transfer by co-allottees shall be applicable.



Cancellation of GPA and intimation to CDA

20. In case of cancellation of GPA, it shall be the responsibility of allottee to immediately provide to CDA the certified copy of Cancellation Deed. CDA stands indemnified if Cancellation Deed is not provided to CDA after its execution and the property is transferred.

21. After receipt of Cancellation Deed CDA shall immediately inform the Attorney through registered mail. The Cancellation shall take effect after at least 10 days from the dispatch of letter to the previous Attorney. If the previous Attorney gives consent in person before the Deputy Director, the Cancellation shall be accepted with immediate effect.

Death of Allottee

22. It will be the responsibility of legal heirs as well as the attorney and the persons nominated by the Allottee in affidavit to inform CDA in case of death of allottee. CDA stands indemnified if the legal heirs do not inform CDA about death of the allottee in time and the property is transferred.

23. At the time of transfer of property, the attorney shall give an affidavit on Rs.10/- stamp paper as per specimen EF-8 to the effect that allottee is alive and he has not cancelled the GPA.

**CHAPTER 6**

**TRANSFER OF ALLOTMENT OF PROPERTY**

General

1. The first step for transfer of property is to apply for an NDC in CDA as per procedure given in Chapter 3.

2. A prospective buyer may satisfy himself about the status of the property by asking the Seller to provide PIR from CDA.

3. A Transfer Application Form (TAF) as per specimen EF-9 shall be issued to an allottee/attorney by OWO Dte on payment of Rs.100/- after the EM-I or EM-II Dte has sent NDC to OWO.

4. TAF contains the detailed instructions for filling it. These instructions have to be read and followed carefully as a new TAF can only be issued after cancellation of the previously issued TAF with the consent of proposed transferee.

5. A TAF is valid for a period of three months from the date of issue after which new TAF can be issued after consent of previous proposed transferee.

6. Those properties are transferable in CDA regarding which Conveyance Deed has not been executed. Where Conveyance Deed is executed, such properties shall be transferred through Sale Deed to be registered in the office of Registrar/Joint Registrar. The transferee shall apply for change of title/mutation of record in CDA.

Restrictions on Transfer

7. The transfer of any property shall be restricted in following cases:
- i) Outstanding dues (till their clearance)
  - ii) Title of property is disputed in CDA
  - iii) The cases referred to Fraudulent Allotment Scrutiny Committee
  - iv) Valid Stay Order issued by any competent court of Law.
  - v) Non-conforming use (other than allowed use).
  - vi) Restriction imposed by any agency empowered under the law to impose such restriction.
  - vii) Construction period of plot expired (till extension is granted)
  - viii) A general or specific restriction imposed by CDA
  - ix) Property mortgaged for Loan, Guarantee, Court Security etc
  - x) The Allottee is restricted from transfer of plot/house if he has given a power of Attorney with power to sell etc.
  - xi) Allotment of plot/property is not genuine.

8 An allottee may file an appeal against any restriction on transfer of plots to the Member (Administration) CDA.

Transfer in case of joint ownership.

9 A jointly owned property can be transferred by one of the co-allottees to the extent of his share without consent of other co-allottees

10. If a jointly owned property is to be transferred in whole, all the original copies of Allotment letter/ Transfer letters shall have to be surrendered. The copy of Transfer letter shall be endorsed to all the co-allottees.

Documents Required for Transfer

11. Following documents are required to be submitted along with TAF for transfer of vacant plot:
- i. Original Allotment Letter/ Transfer Letter/ Sub-division Letter
  - ii. Bank Draft / Pay Order of transfer fee & outstanding dues (if any)

- iii. Indemnity Bond by the Allottee / Attorney as per specimen EF-10
- iv. Indemnity Bond by the Transferee as per specimen EF-11
- v. Attested copy of NIC of allottee / attorney
- vi. Attested copy of NIC of Transferee
- vii. Two Attested photographs of Allottee / attorney
- viii. Two Attested photographs of transferee
- ix. Photocopy of NIC of attesting officer
- x. If signatures have been changed, Affidavit as per specimen EF-12 attested by Magistrate First Class
- xi. Original Power of Attorney & Acceptance Letter (in cases of GPA only)
- xii. Affidavit by attorney that allottee is alive & GPA is not cancelled as per specimen EF-8 (only in case of GPA)

12. In case of transfer of constructed buildings, following documents shall also be attached with TAF in addition to the above documents:

- i. Property Tax Clearance Certificate from Revenue Dte, CDA.
- ii. Certificate of conforming use from BCS (Building Control Section), CDA.

Transfer Fee and mode of Payment

13. Transfer fee is charged as per schedule given in annex-II.

14. In case of family transfer, of plots/houses a token fee of Rs.3000/- is charged. (Rs. 5000/- in cases where Conveyance Deed has been executed)

15. The fee may be deposited in form of Pay Order / Bank Draft issued by any scheduled bank in the name of CDA. If the request for transfer of property is not accepted by CDA, the fee shall be refunded to the proposed transferee.

Procedure of Admitting in OWO Directorate

16. The Allottee/ Attorney shall get "Due Date" from the Admitting Officer in OWO Dte on presenting completed TAF along with required documents.

17. After giving "Due Date", the Admitting Officer shall send a Data Form to the concerned DD in EM-I or EM-II Dte at least 2 days before the Due Date. The concerned DD shall

check the file and ensure that the relevant file and record is sent to Admitting Officer before 9 A.M. on the Due Date.

18. The allottee/ attorney and the transferee have to appear in person on Due Date with their original NIC in OWO Dte before A.D (Admitting) along with TAF and the requisite documents.

19. The parties are photographed and their signatures and thumb impressions are taken in presence of Admitting Officer after they confirm before him that the transaction has taken place as per satisfaction of both the parties.

20. After completing the formalities of Admitting, the Admitting Officer shall send the file and the TAF along with the documents to the Accounts Section for removal of Bank Draft on the same day.

#### Issuance of Transfer Letter

21. The Dealing Assistant will prepare Transfer Proposal as well as Transfer Letters and submit the case to DD. He shall compare all entries of Transfer Letter with record and sign & Stamp the office copy.

22. The DD shall check the Transfer Proposal and the Transfer Letter and if these are in order, shall send the case for approval to the Director EM-I or II.

23. After approval by Director, the DD shall sign the Transfer Letter and pass on the file to the Dealing Assistant who shall get the Transfer Letter embossed and hand it over to R & I for dispatch to respective addressees.

24. The date and time of Admitting is deemed to be the actual transfer of property.

#### Same Day Issuance of Transfer Letter

25. The parties can apply for Urgent Transfer subject to payment Rs. 5000/- as fee in addition to the other charges.

26. In such cases the allottee/attorney shall present the TAF along with the required documents to A.D (Admitting) before 10 A.M.

27. If the documents are in order, the admitting of transfer case shall be done on same day before 1200 hours. After that, A.D (Admitting) shall send the file through special messenger to the concerned Section of EM-I or EM-II Dte.

28. The Section shall prepare Transfer proposal and Transfer letter immediately and submit to the Dy: Director who shall be competent to approve the transfer proposal.

29. The transfer letter shall be delivered by R&I branch of EM-I or EM-II Dte at OWO Counter from 2.00 P.M. to 3.00 P.M. If the parties don't receive the letters, these shall be dispatched after one day.

Issuance of Separate Transfer Letters to more than one transferee

30. If there are more than one transferee, they can apply for their separate copies of Transfer Letter.

31. If one of the Co-allottees wants to transfer his share, all the other co-allottees shall also have to surrender their original Transfer Letters so that revised letters are issued to them.

**CHAPTER 7**

**TRANSFER THROUGH ORAL GIFT**

General

1. The allottee may transfer the property through Oral Gift to a family member including real parents, real children, spouse, brothers and sisters.

2. (i) A token fee of Rs.5000/- is charged by CDA in case of transfer through oral gift.
- (ii) in conveyance deed cases Rs.7500/-
- (iii) in commercial property Rs.10000/- is charged.

\* [ x x ]

4. @ [Subject to the foregoing] General provisions and restrictions related to transfer contained in Chapter-6 shall also apply in case of transfer through Gift.

Documents Required

5. Following documents shall be required for making oral gift in case of vacant plots:
- i. An acknowledgement of Oral Gift on stamp paper of Rs.10/- attested by Magistrate First Class - as per EF-13.
  - ii. Attested copies of NIC of two witnesses of Oral gift.
  - iii. Original Allotment Letter/ Transfer Letter (In case of joint property, all the letters issued to the allottees).
  - iv. Bank Draft / Pay Order of transfer fee & outstanding dues (if any),
  - v. Indemnity Bond by the Donor as per specimen EF-10.
  - vi. Indemnity Bond by the Donee as per specimen EF-11.
  - vii. Attested copy of NIC of Donor and Donee.

\* Clause 3 omitted by Board decision No. 8470/1049/06, 723/BF, dated 1.7.2006.

@ Added ibid.

viii. Attested photographs of Donor and Donee.

6. In case of transfer of constructed buildings, following documents shall also be required in addition to the above-mentioned documents:

- i. Property Tax Clearance Certificate from Revenue Dte.
- ii. Certificate of conforming use from BCS (Building Control Section).

#### Procedure of Admitting

7. The Donor and the Donee shall appear personally before concerned DD of EM-I or EM-II Directorate \*\*[or such other officer as may be nominated by the Director concerned] along with complete documents on any working day for recording their statements.

8. The formalities of issuance and dispatch of Transfer Letter shall be the same as given in Chapter 6.

### CHAPTER 8

#### CHANGE OF TITLE THROUGH SALE DEED

##### General

1. The houses regarding which Conveyance Deed has been executed can only be transferred through Sale Deed. However, the change of title shall not be done in case of contravention of any clause of Conveyance Deed.

2. Separate Sale Deeds for a property shall not be accepted by CDA if the subdivision of property is not approved by CDA.

3. The application for change of title through Sale Deed shall be submitted in OWO Dte, as per specimen EF-14.

4. Director EM-I or EM-II shall approve the change of title after getting opinion from Law Dte, CDA.

5. Following documents are required to be submitted along with application for change of title in CDA:

- i. Original Allotment Letter / Transfer Letter
- ii. Original Sale Deed along with one attested copy
- iii. Attested copy of NIC of buyer
- iv. Attested three specimen signatures of buyer

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\*\* Ins. by Board decision No. 8470/1049/06, 723/BF, dated 1.7.2006.

- v. Two Attested photograph of buyer
  - vi. Transfer Fee of Rs. 5000/-
  - vii. NOC about Property Tax from Revenue Dte.
  - viii. Certificate of conforming use from Building Control Section (BCS).
5. The concerned DD of EM-I or EM-II Dte shall issue Mutation letter returning original Sale Deed.

## CHAPTER 9

### TRANSFER TO LEGAL HEIR IN DEATH CASES

#### General

1. For transfer of property to the legal heirs of the deceased allottee, the application shall be given on prescribed Form EF-15 at OWO Dte.
2. The application can be given by any one of the legal heirs.

#### Documentary Requirement

3. The following documents shall be attached with the application.
  - i) An affidavit attested by Class-I Magistrate by one of the legal heirs giving names of all the legal heirs and their relation with deceased as per specimen EF-16.
  - ii) Attested copy of Death Certificate issued by CDA (Directorate of Municipal Administration) or local body.
  - iii) Bank Draft of prescribed token Tranter fee of Rs. 3000/-.
  - iv) Original Allotment/Transfer Letter.
  - v) In case of surrendering his share by some legal heirs in favour of others, Release Deed as per specimen EF-17 duly registered in the office of Registrar/Joints Registrar.
  - vi) Advertisement in 2 leading newspapers having vast circulation throughout Pakistan as per specimen EF-18 (To be issued with signatures of the Deputy Director after submission of application).
  - vii) Property Tax clearance Certificate from Revenue Dte, CDA.
  - viii) NOC from BCS regarding conforming use.

- ix) Attested photograph of each of the legal heirs.
- x) Attested copy of NICs of all the legal heirs.

#### Issuance of Transfer Letter

4. If the Original Allotment Letter/Transfer letter is not available, the Procedure for issuance of CTC shall be followed.

5. If one or more legal heirs fail to provide attested copies of NIC, photographs the transfer shall be affected but further transfer from their name shall not be processed without completing these formalities.

6. CDA does not allocate proportion of share of legal heirs. If some legal Heirs are interested to ascertain their respective shares; they have to obtain decree from the competent court. The copy of that decree shall be placed in the record of CDA for the determination of shares of each successor.

7. Director EM-I or EM-II shall approve the cases of legal heir in death cases after getting opinion/views of Law Directorate, CDA.

8. After fulfilling above formalities, a joint transfer letter in the name of legal heirs shall be issued.

### CHAPTER 10

#### TRANSFER IN CASES OF LITIGATION

##### TRANSFER IN COMPLIANCE OF COURT ORDER

1. All the transfers in compliance with court orders/ decrees shall be examined by Law Dte on case-to-case basis. However, some general guidelines are given in the following.

2. In contested cases, Member (Admn) shall approve the transfer.

3. In case of *ex parte* decree, the allottee shall be issued notices through registered post at his last available address and by an advertisement in two leading newspapers at the cost of applicant. If allottee fails to appear, the Law Directorate shall further examine the case and advise.

4. For transfer, the applicant shall give an application as per specimen EF-19 in OWO Dte and the following documents shall be attached with the application:

- i) Certified copy of Court Orders / Decree.
- ii) Original Allotment Letter (If not available, orders regarding exemption of this requirement from the court shall be required).
- iii) Prescribed Transfer Fee as per Annexure-II.



- iv) Attested copy of NIC of transferee.
- v) Three specimen Signatures of transferee.
- vi) Two Attested photograph of Transferee.
- vii) NOC from BCS and Revenue Directorate, CDA, where required.
- viii) Indemnity Bond by the decree holder as per specimen EF-11.
- ix) Payment of outstanding dues (if any).

TRANSFER IN CASES OF PENDING LITIGATION

5. All the cases of transfer where court cases are pending shall be decided on case-to-case basis as per advice of Law Dte in each case. However, following general guidelines shall be observed.

6. In case where a lawsuit regarding title of the property is pending and there is no "Stay Order", the decision to transfer shall be taken on case-to-case basis on the opinion of Law Directorate, CDA.

7. In those cases in which a court of competent jurisdiction granted a Stay Order and a period of less than 6 months has passed from date of issue of such orders the transfer process shall not be initiated.

8. In those cases in which more than 6 months have passed after issuance of stay order by a court of competent jurisdiction, the transfer process may be initiated after getting permission from the court through an application moved by concerned CDA counsel.

9. All other formalities regarding transfer shall be applicable in such cases.

**CHAPTER 11**

**CONSTRUCTION PERIOD**

GENERAL

1. After allotment, sub division of plot or demolition, the Allottee shall construct a house and to get Completion Certificate from Building Control Section (BCS), CDA within the construction period specified in the Allotment Letter / Sub-division Letter.

2. If not specified, free construction period shall be a period of three years from the date of possession (If possession is not applied by Allottee, the date when possession was available on the said plot shall be deemed to be the date when possession was taken over).

3. The date of completion shall be that date on which Form B1 & B2 are submitted in OWO Dte subject to initial confirmation report of completion of house from Surveyor.

4. Failure to complete construction within prescribed period shall make the plot liable for cancellation after issuance of show cause notice to the Allottee. A plot cancelled due to failure to complete the construction of plot within permissible construction period shall only be restored as per prescribed procedure for restoration of plots.

#### EXTENSION IN CONSTRUCTION PERIOD

5. Extension in construction period may be granted by the Authority on the merit of each case subject to payment of extension surcharge at rate as may be prescribed by CDA from time to time.

6. The application for extension in Construction Period is to be given within one year of expiry of construction period.

7. Director EM-I or EM-II shall give the approval for extension in construction period with payment of usual charges. In those cases where free extension in construction period is claimed, Member (Administration) shall give approval on case-to-case basis.

8. The application for retrospective extension in construction period may also be given.

#### FREE EXTENSION IN CONSTRUCTION PERIOD

9. In cases where the possession could not be delivered to the allottees by CDA, and there is a report to this effect from Land Survey Division, CDA, free extension period of 3 years may be granted from the date when possession was available. It shall be responsibility of the allottee to periodically check from the office of CDA about availability of possession of his plot.

10. Free extension period up to 5 years from the date of expiry of free construction period may be allowed in following case (on case to case basis).

- i. Allottees posted, working or residing abroad.
- ii. Deserving widows and orphans having no source of income.
- iii. Litigation cases hindering construction by the Allottees (No free Extension if litigation is not caused by an action on part of CDA).
- iv. Any other genuine reason of delay beyond control of Allottee.

11. In case of joint property, free extension on the above grounds shall only be granted if all the co-allottees fulfill the above criteria.

12. The government servants posted abroad shall be given free extension period for the period of posting abroad and an additional period of two years after return to Pakistan.

13. With application for free extension documentary proof is required, such as copy of passport, income certificate, death certificate etc.

ACCEPTANCE OF A COMPLETION FROM BACK DATE

14. If the Allottee claims to have completed construction on a previous date, he shall make an application and give the reasons for delayed submission of application. The following documents shall be attached with the application:

- i. A certificate from Revenue Directorate, CDA regarding payment of Property Tax from the date of claimed Completion.
- ii. Sui Gas Commissioning Advice.
- iii. Site visit report from Surveyor of EM Dte.

15. The approval for accepting the completion on back date within five years shall be given by Director. For relaxation of more than five years, Member (Administration) shall be competent to give approval.

**CHAPTER 12**

**CANCELLATION AND RESTORATION OF PLOTS**

CANCELLATION OF ALLOTMENT

1. The allotment of plots shall be liable to be cancelled on account of following:
  - i. Non-payment of dues within the specified period.
  - ii. Non-completion of building within the specified period.
  - iii. Violation of other terms and conditions of allotment, e.g. non-conforming use, etc.
  - iv. Violation of Municipal Bye-laws and Building, Zoning and other Regulations and instructions of the Authority.
  - v. Expiry of Lease Period

2. The plot shall be liable to be cancelled after issuance of show cause notice to the Allottee. If the Allottee removes the cause or has a justified explanation, the show cause notice shall be withdrawn. If the cause remains or the reason given by Allottee is not acceptable or no reply is given, the allotment shall be cancelled.

3. The plot can be cancelled automatically without giving any notice after six months from the date the payment becomes due (whether formally demanded or not) on account of premium of plot (total price or an installment), development charges, water charges, conservancy charges or any other charges.

4. Director EM-I or EM-II shall be competent to cancel the allotment of plot in routine cases. For disputed cases, the matter shall be decided by Member (Admn).

5. An appeal against the order of cancellation of allotment of plot may be made to the Member (Admn) within three months of cancellation of allotment.

#### RESTORATION OF CANCELLED PLOTS

6. An ex-Allottee may apply for restoration of cancelled allotment of plots within one year from the date of cancellation. The restoration shall only be considered by CDA if the reason for which cancellation was made has been removed. CDA shall not entertain any application for restoration of a plot after one year of cancellation if building has not been completed on it.

7. If the CDA decides to restore the plot, the Allottee shall have to make payment of Restoration Fee at the rate specified in Annexure II in addition to all the outstanding dues including premium and delay charges, etc.

8. If a plot is restored after cancellation, it shall be liable to be cancelled again in case of any violation as explained in para 1. If a plot is cancelled for a second time, only CDA Board may consider its restoration on an application made by the ex-Allottee.

9. If the cancelled plot stands allotted to a second Allottee, it will neither be restored nor an alternate plot shall be given in lieu of the cancelled plot without permission of CDA Board.

10. If the cancellation of a plot was challenged in a court of law and the court has given a decision in favour of CDA, no application for restoration of plot shall be entertained.

11. Member (Administration) shall decide the cases for restoration of cancelled plots/properties.

### CHAPTER 13

#### EXCESS / LESS AREA OF ALLOTTED PLOTS

##### GENERAL

1. Actual area of the allotted plots may become different on ground, which may be noticed at the time of giving possession or at any other subsequent stage.

2. Difference in area may result from land adjustment, re-planning or realignment and there can be increase or decrease in the area. If the difference in size is due to encroachment by the allottee, such area shall not be allotted and CDA shall get it vacated.

3. Director shall submit a report to the Member (A) for making a decision for allotment of excess land. The comments of Planning Wing and Cost Accountant shall be incorporated in the report.

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PRICE OF EXCESS LAND

4. The allottee of the plot shall be bound to make the payment of excess as determined by CDA on case-to-case basis.

5. In case of dispute for right over the excess land between two or more allottees the decision of Member (A) shall be final.

REDUCTION OF LAND MEASUREMENT

6. If there is some minor reduction in actual area of plot and the allottee has paid the price of plot as per planned size, CDA shall refund the price of less land at the rate of payment made by the allottee at the time of allotment.

7. If there is substantial reduction in size of plot the allottee shall be given the option to accept the reduced plot or surrender the plot and get the premium refunded as per rules and policy of CDA.

DELETION OF PLOT DUE TO RE-PLANNING

8. If the plot already allotted is subsequently deleted due to some re-planning, re-alignment or adjustment or any other reason, the allottee may apply for refund of the price of the plot and development charges paid by him. However, CDA Board may decide to offer an alternate plot to the allottee with similar location and similar price.

**CHAPTER 14**

**SUBDIVISION AND AMALGAMATION OF PLOTS, DEMOLITION**

GENERAL.

1. No plot shall be sub-divided or amalgamated with the adjoining plot for construction of building or for any other purpose without permission of CDA.

2. Only one bifurcation/sub-division of plot is allowed in respect of plots measuring 1000 square yards or more provided that both the subdivided portions of the plot shall not be less than 500 square yards.

3. No further sub-division of the plot shall be allowed after one sub-division/bifurcation regardless of the fact that the sub-division was done before or after the allotment of plot.

CONDITIONS APPLICABLE AFTER SUB-DIVISION

4. In the sub-divided plots, Building & Zoning Regulations related to Floor Area Ratio (FAR) and setbacks of the original sub-divided plot will be applicable.

5. Plots, which abut on one road only, can also be sub-divided provided the access is given to the rear sub-divided portion from the front portion. The area and ownership of this access land will remain with the rear plot.

#### APPLICATION FOR SUBDIVISION

6. An application for sub-division has to be given by the Allottee or his Attorney as per specimen EF-20. In case of joint property, the application has to be signed by all Co-allottees. Following documents are to be attached with the application:

- i) Copy of allotment letter (Original shall be surrendered after approval of sub-division).
- ii) Four copies of Sub-Division Plan / sketch duly signed by all the allottees and the architect.
- iii) NOC form Revenue Directorate, CDA.
- iv) Bank Draft for Sub-Division Fee as prescribed in Annex-II.

7. After receiving the application, OWO Dte shall forward it to the concerned D.D. The D.D shall forward the application along with the file of the plot to the BCS Dte. After examining the feasibility of subdivision, the BCS shall forward the file to the Director (UP) who will also attest the plan if found proper. The final recommendation of UP Dte shall be submitted to DDG (Planning) who shall give final recommendation of the sub-division and return the file to the E/M-I Dte. Member (Admn) shall give formal approval of the Sub-division.

8. On receiving the approval, the concerned D.D shall issue Sub-division Letters to the Allottees of sub-divided plots attaching a copy of subdivision plan approved and signed by the UP Dte. One copy of the subdivision plan shall be retained in the file of the plot.

9. If the plot is not constructed, EM-I or EM-II Dte will directly send it to the UP Dte without routing it through BCS.

10. After sub-division, a free construction period of three years shall be allowed. Thereafter, extension surcharge for construction period shall be applicable and the allotment of sub-divided plots may be cancelled in case of failure to construct a building on the vacant plot.

#### AMALGAMATION OF PLOTS

11. The same procedure as applicable to sub-division of plots shall also be applied *mutatis mutandis* on the requests for amalgamation of adjoining plots. However, no free extension in construction period shall be given in case of amalgamation of plots.

12. The plots once amalgamated can again be sub-divided with the condition that their previous size and dimension shall be restored and sub-division fee shall be charged.

13. A previously sub-divided plot can be restored by amalgamating the bifurcated portions subject to the conditions that: -

- a) All the dues including fee for the previous sub-division should be cleared. However on buildings regarding which completion certificate has been issued by CDA, extension surcharge due after sub-division shall be exempted on amalgamation.
- b) No free construction period shall be given for the amalgamated plots.
- c) Sub-division fee at the prescribed rate shall be charged if and when applied for again.

DEMOLITION OF CONSTRUCTED HOUSE

14. Permission to demolish a constructed house may be given by the authority only for the houses, which have been completed and no dues are outstanding. The application has to be given at OWO counter along with prescribed fee for permission to demolish.

15. After demolition of the house, a free construction period for two years shall be available. Further extension in construction period shall be granted with usual surcharge.

16. OWO shall send the application directly to the Architecture Dte who will accord approval for demolition and send a copy to the EM Dte.

17. Date of completion of the building shall be that date on which B-1 & B-2 are submitted in CDA with report of initial completion by surveyor.

18. Date of completion on construction of demolished buildings with retrospective effect shall be submitted to the Member (Admn) for his consideration if supported by Sui Gas Commissioning advice and the utility bills proving that the construction was completed.

SUB DIVISION OF AGRO FARMING

19. Plot measuring 5 acres and above have been sub-divided once as per CDA Board decision.

**CHAPTER 15**

**DUPLICATE COPIES OF DOCUMENTS**

GENERAL DOCUMENTS:

1. The Allottee, Attorney or a legal heir is entitled to get the copies of documents available in the record of CDA.

2. Copies of all the documents excluding the documents determining the title of the property (such as Allotment Letter, Transfer Letter, Subdivision Letter or Legal Heirs Transfer Letter) can be supplied to the authorized applicants. Copies of Secret documents shall not be allowed without approval of Law Dte.

3. The Allottee/Attorney may apply in OWO Dte to obtain copies of documents placed in the file through an application stating the reason for getting such copies. The prescribed fee as indicated in Annex-II shall be paid in form of Bank Draft with the application.

**CERTIFIED TRUE COPIES (CTC) OF TITLE DOCUMENTS:**

4. The Allottee or his registered Attorney authorized for this purpose may apply for getting Certified True Copy (CTC) of the documents determining the title (such as Allotment Letter, Transfer Letter, Subdivision Letter or Letter of transfer to Legal Heirs).

5. The application for CTC of title documents has to be given in OWO Dte on Form EF-21 and the following documents are to be attached: -

- i) A Police Report regarding loss of the document.
- ii) Indemnity Bond on stamp paper of Rs: 30/- as per EF-22.
- iii) A Public Notice through advertisement in newspapers having vast circulation as per specimen EF-23.
- iv) A Bank Draft of Rs: 1000/- as process fee.
- v) Photocopy of NIC of Allottee.
- vi) Attested photograph of the Allottee.

6. After submission of these documents in OWO, the allottee shall be asked through a letter by the concerned Deputy Director to get a public notice on behalf of CDA published in a newspaper of vast circulation giving notice of 15 days.

7. After the specified period as indicated in above para, the Allottee shall appear in person before concerned Deputy Director of EM Dte for recording his statement. After that the CTC shall be issued by the concerned DD after getting approval of the Director EM-I or EM-II. The CTC shall bear a stamp of "CERTIFIED TRUE COPY" and its copy shall be placed in the file.

8. If at any subsequent stage, the original letter is found, it shall be the responsibility of the Allottee to return the CTC.

**CHAPTER 16**

**LOAN AND MORTGAGE AGAINST PROPERTY:**

**GENERAL**

1. The Banks or loan giving agencies normally require following documents for mortgage of plot to grant loan.

- i. Original Allotment Letter



- ii. Permission to mortgage by CDA
- iii. Agreement to mortgage between allottee and CDA
- iv. Possession Letter

AGREEMENT TO MORTGAGE PLOTS

2. The allottee may give an application as per specimen EF-24 for Permission to assign the plot for mortgage. The application is to be given at OWO Dte along with the original Agreement prepared on stamp paper of proper value as per specimen EF-25 and its two copies.
3. Along with the application, an affidavit as per specimen EF-26 signed by Oath Commissioner is also to be submitted.
4. After receiving the application, OWO shall send the application to Director EM-I or EM-II Dte. The applicant/allottee shall appear before Director and sign the Agreement papers in his presence. The Director shall also sign the agreement himself and shall get the signatures of two witnesses.
5. After completing these formalities, Director EM-I shall depute Court Supervisor to accompany the allottee to the Notary Public/Registration Authority for registration of this Agreement. The copy of the agreement shall be placed in the file and the original agreement shall be given back to the Allottee.
6. Permission to mortgage with loan giving Agency as per request of the allottee will be issued as per specimen EF-27.

MORTGAGE OF CONSTRUCTED HOUSE

7. For loan against constructed house, the allottee has to execute Conveyance Deed with CDA on stamp paper of appropriate value. A specimen can be had from OWO Counter.
8. After execution of Conveyance Deed, the allottee may directly reach an agreement with the Bank.
9. In case of non-execution of Conveyance Deed, the allottee may apply for No Objection Certificate (NOC) from CDA. After receiving the application, the concerned DD of EM-I or EM-II Dte shall issue NOC as per specimen EF-28 after approval of the Director.

TRANSFER OF PROPERTY DURING MORTGAGE PERIOD

10. A plot / house which has been mortgaged for getting loan or which has been subject matter of a security for grant of loan in a Bank or which is submitted as a security in a court of law shall not be transferred till its clearance.
11. For plot/house, which has been mortgaged, the clearance certificate or redemption deed from the concerned loan granting authority/Bank shall be required before transfer.

REDEMPTION / RELEASE OF PROPERTY

12. After the full payment of loan, it will be the responsibility of the allottee to obtain clearance certificate or redemption Deed from the Bank/Agency and submit to OWO Dte along with an application.

13. OWO shall forward this clearance certificate to the concerned Deputy Director who will write a letter to the concerned Bank/loan giving agency for confirmation.

14. After receiving a confirmation from the Bank/Loan giving Agency, the letter of clearance shall be issued by the Deputy Director with a copy to the Bank.

**CHAPTER 17****POSSESSION OF PLOTS AND APPROVAL OF BUILDING PLANS:**POSSESSION OF PLOTS

1. The application for possession of plot as per specimen EF-29 shall be submitted by the Allottee/Attorney in OWO Dte with following documents:

- i) Attested copy of allotment letter/ transfer letter.
- ii) Attested copy of NIC of allottee / attorney.
- iii) Prescribed Fee as per Annexure-II (Rs: 500/-).

2. OWO Dte shall verify the status of Allottee / Attorney and then send the application to the concerned DD in EM-I or EM-II Dte.

3. If no dues are outstanding and there is no stay order, DD shall forward the Possession Form as per EF-30 to Land Survey Division Counter in OWO Directorate.

4. Land Survey Division shall depute its staff for delivery of possession to the allottee/ attorney. After completing the formalities and delivery of possession to the allottee/ attorney, the Land Survey Division shall issue a certificate and its copy shall also be furnished to concerned DD for placing in relevant file.

SUBMISSION OF FORM A-I & A-II (APPROVAL OF BUILDING PLAN)

5. The Application Forms (A-I & A-II) shall be submitted in OWO Dte along with following documents:

- a) Four sets of Building Plan duly signed by allottee/ attorney as well as architect & structure engineer approved by CDA.
- b) Attested Photocopy of Allotment Letter / Transfer Letter.

- c) Attested photocopy of NIC of Allottee/ Attorney.
- d) Copy of Possession Certificate issued by Land Survey Division.
- e) Pay Order of prescribed fee as per Annexure-II.

6. After receipt of Forms A-I & A-II, the case for grant of extension in construction period will be processed by concerned D.D of E/M-I Dte, and if no extension in construction period is involved, Form-A-1 & Form-A-2 shall be forwarded to BCS within one week for further action.

7. If an extension in construction period is required, the Forms shall be forwarded to the BCS after payment of Extension surcharge.

8. Application for water connection on Form A-3 shall be submitted along with Pay Order of prescribed fee. It will be forwarded to Deputy Director Water Meter, CDA providing of Water Connection as per prescribed dia of water as per size of plot. Additional charges shall have to be paid as per their rates fixed for the purpose according to Dia of Water Connection.

SUBMISSION OF COMPLETION NOTICE (FORM B-I & B-II)

9. The Form B-I & B-II shall be submitted at OWO Dte with the following documents:

- i) Four sets of Completion Plan signed by Architect and allottee/ attorney.
- ii) Attested Photocopy of Allotment Letter.
- iii) Attested Photocopy of NIC of Allottee/ Attorney.
- iv) Attested Photocopy of GPA, if any.

10. On receipt of Completion Notice (Form B-I & B-II) from OWO, the concerned D.D shall depute Surveyor for checking the site of concerned plot. In case the House on the plot is found not completed, the Form B-I & B-II shall be returned to the Allottee through OWO Dte for re-submission after completion of house. In case house on the plot is found completed, Form B-I & B-II will be forwarded to Deputy Director (BCS) for further action.

11. Form A-1 & A-2 for completion of plan, Form-D up to plinth level, Form-D after construction of plinth level Form B-1&B-2 for completion of House, Form-C if house completed without permission of the Authority (CDA) and Form C-1 will be signed by approved CDA Architect about completed building. These Forms can be had from OWO Counter on payment of Rs.100/- only. E/M Directorate will report to formation concerned directly about status of plot (legal and outstanding dues if any).

**CHAPTER 18****CHANGE OF NAME - MARRIED LADIES AND OTHERS**

1. If an allottee wants to change her name after marriage, she will have to apply in O.W.O Directorate on Form as per Specimen EF-31 with following documents:

- i) Attested copy of allotment / transfer letter.
- ii) Attested copy of present and previous NIC.
- iii) Attested copy of Nikah Nama.
- iv) An affidavit as per Specimen EF-32.
- v) Press Clipping of Notice Published in News Paper.
- vi) Attested Copy of Matriculation Certificate.
- vii) Attested copy of Passport if available.
- viii) Any other documents supporting for change of name.

2. The OWO Directorate shall forward the application to concerned Deputy Director of EM-I or EM-II Dte, CDA.

3. Dy: Director shall forward the case to Law Directorate for Legal opinion / advice. Law Directorate may further refer the case to Security/Inquiry Directorate CDA for investigation/ verification if there is any doubt or suspicion. After verification and legal opinion the change of name will be notified with the approval of Director EM-I.

**CHAPTER 19****ANNUAL GROUND RENT AND LEASE PERIOD**

1. Non-residential plots are allotted for a certain Lease Period. CDA retains the ownership rights of such properties.

2. The allottees have to pay Annual Ground Rent (AGR) during the lease period as per schedule given at Annexure-II. CDA may revise this schedule from time to time without any prior notice and information to the allottees.

3. The plots are liable to be cancelled subject to show cause notice if the AGR becomes outstanding after the due date.

4. The Lease Period and AGR are specified in the allotment letter/lease agreement. Any violation of terms and conditions contained in the allotment letter or lease agreement shall make the plot liable to be cancelled.

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5. The lease is generally given for a period of 33 years, which may be extended subject to the policy of CDA in vogue with the payment of the renewal charges.

**EXTENSION OF LEASE PERIOD**

6. Lease of agro farming plots were extended up to 66 years as per CDA Board decisions with 1% lease extension charges with the consultation of Costing Section after completion certificate of building issued by the BCS-III, CDA.

7. Annual ground rent has been/ is being charged @ Rs.4500/- with effect from 17-01-2003 per acre per annum whose lease were expired.

**FORMAT OF APPLICATION FORMS, AFFIDAVITS ETC**

<b>Form</b>	<b>Description</b>	<b>Chapter</b>
EF-1	Application Form for No Demand Certificate (NDC).	3
EF-2	No Demand Certificate (NDC).	3
EF-3	Application for Property Information Report (PIR).	4
EF-4	Property Information Report (PIR).	4
EF-5	Acceptance of GPA.	5
EF-6	Acceptance letter General Power of Attorney.	5
EF-7	Affidavit (Acceptance of GPA).	5
EF-8	Affidavit (Acceptance of GPA).	5
EF-9	Transfer Application Form.	6
EF-10	Affidavit/Undertaking (From Transferor).	6
EF-11	Affidavit/Undertaking (From Transferee).	6
EF-12	Affidavit for Change of Signature.	6
EF-13	Acknowledgement of Oral Gift.	7
EF-14	Application of Mutation of House.	8
EF-15	Application for Legal Heirs.	9
EF-16	Affidavit for Legal Heirs.	9
EF-17	Release Deed.	9
EF-18	Urdu Advertisement for Legal Heirs case	9
EF-19	Application for Court Decree/Decision.	10
EF-20	Application for Sub Division of Plot.	14
EF-21	Application issue of CTC/Duplicate Allotment.	15
EF-22	Affidavit (Loss of Allotment letter).	15
EF-23	Urdu Publication (Loss of Allotment letter).	15
EF-24	Application for Permission to Mortgage.	16
EF-25	Agreement.	16
EF-26	Affidavit (Permission to Mortgage).	16
EF-27	Permission to Mortgage.	16
EF-28	Issuance of NDC.	16
EF-29	Application for Possession of Plot.	17
EF-30	Possession Form.	17
EF-31	Application for Change of Name.	18
EF-32	Affidavit (Change of Name)	18

To.

The Director,  
Estate Management Directorate (I or II),  
Capital Development Authority,  
Islamabad.

(THROUGH ONE WINDOW OPERATION DTE)

Subject - APPLICATION FOR NO DEMAND CERTIFICATE (NDC).

I am the Allottee / Attorney (Cross which is not applicable) of Plot No.\_\_\_\_, Street No.\_\_\_\_ measuring \_\_\_\_\_Sq.Yards Islamabad, It is requested that No Demand Certificate may kindly be sent to OWO Dte, which is required for the following Purpose -

\_\_\_\_\_  
\_\_\_\_\_

2. The status of this plot is as under: -

• Vacant Plot

• Constructed House

3. Attested copies of following documents are attached

- i) Allotment/Transfer letter.
- ii) NIC (NADRA)
- iii) Copy of acceptance letter of GPA (If applicable)

(Signature)

Name: \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**CAPITAL DEVELOPMENT AUTHORITY  
ESTATE MANAGEMENT DIRECTORATE**

\*\*\*

No. CDA/EM/

Islamabad, 20\_\_

Subject:- **NO DEMAND CERTIFICATE (NDC)**

Plot No. \_\_\_\_\_ Street \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad.

With reference to the application by Mr./ Ms/ Mrs. \_\_\_\_\_  
S/o, D/o, W/o \_\_\_\_\_ bearing OWO Dy: No. \_\_\_\_\_  
dated \_\_\_\_\_ on the above subject.

2. It is certified that as per record of this office No Court Case having valid stay order is pending at this stage.
3. All the premium of plot and delayed charges have been paid.
4. Nothing is outstanding against the Allottee of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_ Sq. Yards on account of delayed charges, extension charge, conservancy charges etc.

**OR**

A sum of Rs. \_\_\_\_\_ is due from the allottee on account of \_\_\_\_\_ against above noted plot/ house, which has to be deposited before issue of NDC.

*(Please cross in para-4 whichever is not applicable).*

Signature: \_\_\_\_\_

Stamp (By Name)**(This Portion is to be filled by OWO Directorate)**

Transfer Application Form (TAF) bearing No. \_\_\_\_\_ is issued to Mrs./ Ms/ Mrs \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ vide Diary No. \_\_\_\_\_ on (date) \_\_\_\_\_.

*(Name & Signature)*  
AD/ Dealing Assistant  
OWO Directorate, CDA



To.

The Director,  
Estate Management Directorate(I or II),  
Capital Development Authority,  
Islamabad.

**(THROUGH ONE WINDOW OPERATION DTE)**

Subject- APPLICATION FOR PROPERTY INFORMATION REPORT (PIR)

I am Allottee/ Attorney of Plot/House No. \_\_\_\_\_, Street  
No. \_\_\_\_\_ Sector \_\_\_\_\_, Measuring \_\_\_\_\_, Islamabad. It is  
requested that Property Information Report may kindly be issued to me.

2. The status of this plot is as Under:-

a. Vacant Plot

b. Constructed House

I undertake that PIR issued by CDA will not be used illegally and against the  
interest of CDA.

**(Signature)**

Name: \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No: \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

**CAPITAL DEVELOPMENT AUTHORITY  
ESTATE MANAGEMENT DIRECTORATE**

\*\*\*

No. CDA/EM/

Islamabad, 20\_\_

Subject:- **PROPERTY INFORMATION REPORT (PIR)**

Plot No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad.

With reference to the application by Mr./ Ms/ Mrs. \_\_\_\_\_

S/o, D/o, W/o \_\_\_\_\_ bearing OWO Dy: No. \_\_\_\_\_  
dated \_\_\_\_\_ on the above subject, following information is given as desired:-

1. Court Case/ Valid Stay Order \_\_\_\_\_ (yes or no)
2. Clearance of Premium of Plot/ Delayed Charges/ Extension  
Surcharge (Specify if due). \_\_\_\_\_
3. Any other charges required to be  
remitted before transfer of allotment. \_\_\_\_\_
4. The position of Power of Attorney \_\_\_\_\_
5. The position of completion certificate issued  
or not issued. \_\_\_\_\_
6. Conveyance Deed Executed/ not Executed \_\_\_\_\_
7. Any restriction on transfer of allotment  
(Specify if any) \_\_\_\_\_
8. Any mortgage, loan, guarantee or Court Surety. \_\_\_\_\_

This certificate is only provisional and actual determination of fitness of property is done at time of issuance of NDC. CDA stands indemnified against any losses or damages to any party in any transaction.

Signature: \_\_\_\_\_

Stamp (By Name).

Mr./ Mrs./ \_\_\_\_\_

\_\_\_\_\_

To,

Director  
Estate Management Directorate (I or II),  
CDA

**SUBJECT:- ACCEPTANCE OF GPA.**

I \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ am the allottee/  
Attorney of Plot/ House/ Property No. \_\_\_\_\_ Street No. \_\_\_\_\_  
Sector \_\_\_\_\_, Islamabad.

2. I enclose following documents for the purpose of acceptance of GPA/ SPA.

- i) Original GPA/SPA and a copy duly attested by Notary Public.
- ii) Attested Photographs of Allottee and Attorney.
- iii) Attested copies of NICs of allottee and Attorney.
- iv) Affidavit by the Allottee.

3. It is requested that the Power of Attorney may be accepted and Acceptance Letter is issued to me.

Yours Faithfully,

(Signature of Applicant)

Name: \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

EF-6

Acceptance letter.

**CAPITAL DEVELOPMENT AUTHORITY  
ESTATE MANAGEMENT DIRECTORATE**

\*\*\*

No. CDA/EM/

Islamabad, 2005.

To,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subject:-

**GENERAL POWER OF ATTORNEY - PLOT NO.**  
**IN SECTOR \_\_\_\_\_, ISLAMABAD.**

Dear Sir/ Madam,

I am directed to refer to your letter No. \_\_\_\_\_ dated \_\_\_\_\_ bearing QWO diary No: \_\_\_\_\_ and to return herewith the original General Power of Attorney registered at S.No. \_\_\_\_\_ dated \_\_\_\_\_ with Joint/Sub Registrar \_\_\_\_\_ after retaining a copy thereof. Subject to its continued validity you can now correspond with the CDA on behalf of the allottee on the authority of this letter. This power of Attorney is with/without power to sell etc.

Yours Faithfully,

**DEPUTY DIRECTOR (EM-I or II),**

Copy for information to the Allottee:-

Mr./ Mrs. \_\_\_\_\_ S/o, W/o, D/o \_\_\_\_\_

For information with reference to the Power of Attorney mentioned above executed in respect of Plot No. \_\_\_\_\_ Sector \_\_\_\_\_ in favour of \_\_\_\_\_

DEPUTY DIRECTOR (EM-I or II)  
Capital Development Authority  
Islamabad.

EF-7

(To be submitted on Stamp Paper of Rs.10/- duly attested by Notary Public.

**AFFIDAVIT**

I \_\_\_\_\_ Son/ daughter/ wife of \_\_\_\_\_  
NIC No. \_\_\_\_\_, Adult, R/o \_\_\_\_\_

\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1. That I am the lawful owner of Plot/ House/ Property No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector, Islamabad measuring \_\_\_\_\_ Sq. Yards.
- 2 That I have appointed Mr. \_\_\_\_\_ S/o \_\_\_\_\_ NIC No. \_\_\_\_\_, R/o \_\_\_\_\_ as my attorney for the said plot with/ without power to sell etc.
- 3 That I, undertake to indemnify the CDA against all losses or damages, if any, that may be occasioned to the CDA by the transfer/ mutation of the aforesaid plot/ property in the favour of any person through powers vested to the Attorney.
4. That I undertake that I have not appointed any other person as my Attorney for this plot or given a generalized Power of Attorney. I further agree to abide by all the rules and regulations of the CDA, which are presently enforced.
5. That I have not concealed anything from CDA / Attorney / Purchaser.
6. That I shall be bound to immediately inform CDA in case of Cancellation of this Power of Attorney.
7. That I have directed and bound my legal heirs to inform CDA in the event of my death along with necessary proof. CDA stands indemnified in case of any loss to my heirs or my property if such information is not provided to it in time.

IN A WITNESS WHEREOF, I have set and subscribed my hands at Islamabad on this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

Executant: \_\_\_\_\_  
NIC No. \_\_\_\_\_

**Witnesses:-**

1. \_\_\_\_\_  
NIC \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
NIC \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

EF-8

(To be given on Rs. 10/-  
Stamp paper after attestation  
by Notary Public)

**AFFIDAVIT.**

I, \_\_\_\_\_ S/o, W/o, D/o \_\_\_\_\_, Resident of \_\_\_\_\_  
\_\_\_\_\_, do hereby solemnly affirm and  
declare as under:-

1. That I am the holder of General Power of Attorney of Mr. \_\_\_\_\_  
S/o \_\_\_\_\_ duly registered with Joint Sub Registrar, Islamabad in  
respect of Plot/ House No. \_\_\_\_\_ Street No. \_\_\_\_\_, Sector \_\_\_\_\_,  
Islamabad, measuring \_\_\_\_\_ Square Yards.
2. That the Executant of the above GPA is alive. The General Power of Attorney  
so executed is legally intact and has not been withdrawn before or on the date of  
execution of this affidavit.
3. That the house being transferred is not being used for Non-Conforming use.

That the contents of the above-mentioned affidavit are true and correct to the best of my  
knowledge and belief and nothing has been concealed or misstated therein.

Sworn at Islamabad on this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

DEPONENT: \_\_\_\_\_

( )

NIC No. \_\_\_\_\_

(Attorney)

Witness 1: \_\_\_\_\_

Witness 2: \_\_\_\_\_

EF-9

(Only original Form issued by  
OWO is accepted). Valid if  
tendered on or before .....

**APPLICATION FOR THE TRANSFER OF ALLOTMENT  
OF PLOT ON PAYMENT OF TRANSFER FEE.**

To

The Director, Estate Management,  
Capital Development Authority, Islamabad.

**Subject:-** TRANSFER OF ALLOTMENT OF PLOT NO. STREET  
NO. .SECTOR. ISLAMABAD.

Dear Sir,

I was allotted by CDA Plot No..... Street No. .... Sector.....Islamabad  
measuring ..... square yards vide allotment order No . .... Dated .....  
I have now decided to transfer the said plot to Mr./ Mrs./ Miss..... Son/  
Daughter/ Wife of ..... for consideration of Rs. .... Resident of .....  
from whom I have received the entire amount.

2. It is, therefore, requested that the allotment of the plot may kindly be transferred in the  
name of Mr./ Mrs./ Miss ..... with all my rights, liabilities and deposits. I enclose  
herewith the following documents:-

- i) No objection certificate from the Loan Giving Agency.
- ii) Clearance Certificate from DMA,CDA in respect of the conservancy charges.
- iii) Clearance from Revenue Dte. CDA regarding payment of Property Tax on built  
up property.
- iv) Photostat copy of Identity Cards of the Purchaser and Seller,
- v) Photostat copy of Identity Card of the Officer attesting the certificate/signatures.

Three Specimen Signature.

- 1. ....
- 2. ....
- 3. ....

Yours faithfully

Signature of allottee.....  
NIC No. ....  
Name.....  
Son/ Daughter/ Wife of .....  
Resident of.....

**VERIFICATION OF ALLOTTEE.**

3 Certified that Mr./ Mrs./ Miss ..... (Allottee) Son/ daughter/ wife of .....  
Resident of ..... Who is known to me personally/who has been identified by Mr. .... Son  
of..... who is known to me personally, has signed this application in my presence this  
..... day of ..... 200

(In case of Islamabad Displaced Persons only)

Signature.....  
Name and Designation.....  
(Seal of Office) .....  
NIC No. ....

**DECLARATION OF TRANSFEREE**

4. I, .....Son/ daughter/ wife of ..... resident of.....hereby admit  
the contents of the above application as correct and enclose herewith a bank draft No. ....

dated ..... issued by ..... Bank Limited for Rs. .... Rupees..... )  
 drawn on ..... Bank Limited Islamabad in favour of CDA. Islamabad on account of transfer fee.

In case the allotment is transferred in my name. I hereby undertake:

- i) To abide by all the terms and conditions of allotment of the plot and to comply with all the orders, directions, instruction, etc issued from time to time by CDA.
- ii) To pay all the dues, fees charges etc payable by the allottee to the CDA or any other Government Department, Organization, Agency etc in respect of the said plot.
- iii) To use the plot for the same purpose for which it was allotted and to construct the building complying with all the relevant Rules/Regulations, directions, instructions, etc. in force or issued from time to time by the CDA.

Dated.....

Specimen Signatures::

Signature of transferee.....

Name.....

Son/ daughter/ wife of.....

Address.....

NIC No. ....

Attested.

Signature.....

Name and Designation.....

NIC No. ....

(Seal of Office)

#### **Instructions for submitting application.**

1. The application form should be carefully and correctly filled in.
2. Incomplete application will not be entertained.
3. Incorrect information given in the application will render the allotment liable to cancellation.
4. The documents mentioned in Para-2 of Form are required to be attached with the application:-
5. The Bank Draft submitted with the application will be deposited in the CDA account and in case due to any reason the request of the allottee is not acceded to, the amount will be refunded to the proposed transferee.
6. The application once filed will not be allowed to be withdrawn without consent in writing of both the parties.
7. The proposed transferee should satisfy himself in his own interest that before submitting the application, all the dues have been paid by the allottee, requisite documents attached and application form properly and correctly filled in.
8. Transfer application complete in all respects should be presented personally to the Admitting Officer in One Window Operations Directorate by the Seller and Purchaser.
9. Transfer case will be entertained on all working days except Saturday between 9 a.m. and 1 p.m.
10. The Para-3 and 4 of the Form should be signed by an Officer of BPS-17 and above or by a Manager of the Scheduled Bank. However, in case of Transfer by a Displaced Person of Islamabad the Certificate should also be countersigned by a Magistrate 1st Class.



(To be given on Stamp  
Paper of Rs.10/- duly  
attested by Notary Public)

**AFFIDAVIT/UNDERTAKING**  
**( FROM TRANSFEROR )**

I \_\_\_\_\_ Son/ daughter/ wife of \_\_\_\_\_ NIC No. \_\_\_\_\_  
Adult, R/o \_\_\_\_\_ do hereby solemnly affirm and declare as under:-

1. That I am lawful owner/ allottee of Plot/ House No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad, measuring \_\_\_\_\_ Sq. Yards.
2. That I/ We have sold the above said plot to Mr. \_\_\_\_\_ S/o \_\_\_\_\_ NIC No. \_\_\_\_\_, R/o \_\_\_\_\_
3. That I have satisfied the purchasers about my title in the aforesaid property and have transferred the above said plot in favour of the purchaser at my own risk.
4. That I, undertake to indemnify the CDA against all losses or damages, if any, that may be occasioned to the CDA by the Transfer/mutation of the aforesaid plot/ property in the favour of the above said transferee/ purchaser.
5. That I further agree to abide by all the rules and regulations of the CDA which are presently enforced.
6. That I have not concealed anything from CDA/ Purchasers/ transferees.
7. That I have not given any Power of Attorney regarding this Plot/House with power to Sell (or No other power of Attorney other than myself has been appointed by Allottee).
8. There is no outstanding loan against this plot/ house.
9. This property has not been used for any security, bank guarantee or surety in a court. There is no bar against this property.
10. I have not reached any other Agreement regarding Sale, Transfer or gift etc. regarding this property.
11. That the property is not being used for Non-Conforming use.

IN A WITNESS WHEREOF, I have hereunto set and subscribed my hands at Islamabad on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

EXECUTANT: \_\_\_\_\_

NIC No. \_\_\_\_\_

Witnesses:-

1. \_\_\_\_\_

2. \_\_\_\_\_

**AFFIDAVIT/UNDERTAKING**

**(FROM Transferee)**

I, \_\_\_\_\_ Son/ daughter/ wife of \_\_\_\_\_ NIC No. \_\_\_\_\_  
Adult, R/o \_\_\_\_\_ do hereby solemnly affirm and declare as under:

1. That I am purchasing Plot/ House No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_ Sq. yards at my own risk. I have satisfied myself about the title, genuineness of seller and status of the plot.
2. That I hereby undertake to indemnify the CDA against all losses or damages if any that my be occasioned to the CDA by the transfer/mutation of the aforementioned plot/House in my favour.
3. That I further agree to abide by all the rules and regulations of the CDA, which are in force or those, which shall be enforced in future.
4. That I have not concealed anything from CDA.

IN WITNESS WHEREOF I have here into set and subscribed my hands at Islamabad, this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

Deponent \_\_\_\_\_  
NIC No. \_\_\_\_\_

**Witnesses:-**

1. \_\_\_\_\_
2. \_\_\_\_\_

\*\*\*

(To be given on Stamp  
Paper of Rs.10/-duly  
attested by Notary Public)

**AFFIDAVIT FOR CHANGE OF SIGNATURE.**

1. Mr./ Mrs. \_\_\_\_\_ S/o, W/o, D/o \_\_\_\_\_, Resident of \_\_\_\_\_, do hereby solemnly affirm and declare as under:-

That I am owner of Plot/ House No. \_\_\_\_\_, Street No. \_\_\_\_\_, in Sector \_\_\_\_\_, Islamabad.

That I do my signatures in two different styles as follows:-

**SPECIMEN SIGNATURES**

- a) 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
 b) 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

That my all signatures in the record of CDA in respect of my above said plot have been done by me personally.

That the presented transfer application form has also been signed by me.

That my above-mentioned statement is correct and true to the best of my knowledge and belief and nothing has been concealed therein.

DEPONENT: \_\_\_\_\_  
( )

NIC No. \_\_\_\_\_

**Witnesses:-**

1. \_\_\_\_\_
2. \_\_\_\_\_

EF-13

(To be given on Stamp Paper of Rs.10/- duly  
attested by Magistrate First Class)

**ACKNOWLEDGEMENT OF ORAL GIFT.**

Whereas I \_\_\_\_\_ Son/Daughter/Wife of \_\_\_\_\_ Resident of \_\_\_\_\_ hereinafter called the **DONOR** which term shall mean and include legal heirs, legal representations of 1st party.

**AND**

Mr/ Miss/ Mrs \_\_\_\_\_ Son/Daughter/Wife of \_\_\_\_\_ hereinafter called **DONEE** which term shall mean and include legal heirs and legal representations of 2nd party, have undertaken this acknowledgement of oral gift.

Whereas the above named Donor is owner-in-possession of House No \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, measuring \_\_\_\_\_ sq yards.

Whereas the **DONOR** has already pronounced and orally gifted/ granted all his rights with respect to the gifted property as mentioned above through oral gift/ hiba to the **DONEE** on account of natural love and affection and the **DONEE** above named has accepted the gifted property as mentioned above with thanks on the day and date mentioned below and the physical possession along with relevant documents of the said property have been given/ taken over.

**DONOR** \_\_\_\_\_

I, \_\_\_\_\_ S/o D/o W/o \_\_\_\_\_, do hereby acknowledge and accept the gift/hiba as mentioned above given by my real son \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_.

**DONEE** \_\_\_\_\_

To,

The Director  
Estate Management Dte-I,  
CDA. Islamabad.

SUBJECT:- MUTATION OF HOUSE NO. \_\_\_\_\_ STREET NO. \_\_\_\_\_  
SECTOR \_\_\_\_\_ ISLAMABAD.

I/ We \_\_\_\_\_ S/o, D/o W/o \_\_\_\_\_ purchased the subject house/ property from Owner or Attorney of the owner

Mr / Ms/ Mrs. \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ Resident of \_\_\_\_\_ through Sale Deed registered in the office of Joint Sub Registrar, Islamabad vide No. \_\_\_\_\_ dated \_\_\_\_\_.

I/ we enclose herewith following documents for the purpose of Mutation of record of the said house

- i) Attested photocopy of Sale Deed (Along with Original).
- ii) Photocopy of NICs of Allottee/Purchaser.
- iii) Photograph of purchaser.
- iv) Pay Order/Bank Draft for Rs.5000/-.
- v) Original Mutation letter.
- vi) Property Tax Clearance Certificate or last paid bill of property tax.
- vii) NOC from BCS, CDA for Non-conforming use.

Yours Faithfully,

Name:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

To,

The Director,  
Estate Management (I or II), CDA  
Islamabad.

(THROUGH ONE WINDOW OPERATIONS DIRECTORATE)

SUBJECT: - LEGAL HEIRSHIP OF PLOT NO. \_\_\_\_\_, STREET NO. \_\_\_\_\_,  
SECTOR \_\_\_\_\_, ISLAMABAD.

Dear Sir,

It is stated that the allottee of subject plot Mr/ Mrs/ Miss \_\_\_\_\_  
Son/ Daughter/ Wife of \_\_\_\_\_ who was related to me as my \_\_\_\_\_  
\_\_\_\_\_, has expired on \_\_\_\_\_, leaving behind following legal heirs:-

- 1)
- 2)
- 3)
- 4)

2. It is therefore requested to kindly transfer the said plot in the name of above legal heirs of the deceased allottee.

3. Supporting documents are attached herewith:-

- a) An Affidavit deposing detail of all legal heirs.
- b) Attested photocopy of Death Certificate.
- c) Photocopies of NICs of all legal heirs.
- d) Photographs of all legal heirs.
- e) Original Allotment letter.
- f) Property Tax Clearance Certificate or last paid bill of property tax.
- g) NOC from BCS, CDA.
- h) Pay Order for Rs.3000/-.

Yours faithfully,

(Name:- \_\_\_\_\_)

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

EF-16

To be given on Stamp paper of Rs. 10/- duly  
attested by Magistrate First Class)

**AFFIDAVIT**

1, \_\_\_\_\_ S/o, W/o \_\_\_\_\_ Resident of \_\_\_\_\_  
do hereby solemnly affirm and declare as under:-

1. That my father/mother namely \_\_\_\_\_ S/o, D/o \_\_\_\_\_ was owner of Plot  
No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_ Islamabad,

2. That he/she has expired on \_\_\_\_\_.

3. That following are the legal heirs of the said deceased.

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP.</u>

4. That the father and mother of above named deceased have also expired before the death  
of the deceased.

OR

The Father and Mother of the deceased are alive.

5. That there is no other legal heir of the said deceased except those mentioned above.

6. That my above affidavit is true and correct to the best of my knowledge and belief and  
nothing has been concealed.

DEPONENT \_\_\_\_\_

NIC NO. \_\_\_\_\_

**RELEASE DEED.**

This Deed of Release made at Islamabad, this \_\_\_\_\_ day of \_\_\_\_\_ 2005, between:

- 1)
- 2)
- 3)

(Hereinafter called the "Releasors" of the one part.

**AND**

Mr. \_\_\_\_\_ S/o \_\_\_\_\_ (hereinafter called the Transferee of the other part, all residents of \_\_\_\_\_

WHEREAS Plot/ House No. \_\_\_\_\_, Street No. \_\_\_\_\_, Sector \_\_\_\_\_, Islamabad was owned by Mr. / Mrs. / Miss \_\_\_\_\_ S/o, W/o, D/o \_\_\_\_\_

AND WHEREAS on the said demise of Mr. \_\_\_\_\_, he is survived by the following legal heirs including the Releasor:-

	<u>Name</u>	<u>Age</u>	<u>Relationship</u>
a)			
b)			
c)			
d)			
e)			

AND, whereas in consideration of love and affection which the for the Transferee the Releasors wish to renounce their rights, interests, claim etc in the abovesaid House No. \_\_\_\_\_ Street No. \_\_\_\_\_, Sector \_\_\_\_\_, Islamabad in favour of their real \_\_\_\_\_.

Now this Deed witnesses that the Releasors hereby transfer, renounce their rights, interests or claims in the above said House No. \_\_\_\_\_, Street No. \_\_\_\_\_, Sector \_\_\_\_\_, Islamabad in favour of their \_\_\_\_\_ and hereafter Releasors rights, interests or claims will cease and extinguished in the above mentioned House No. \_\_\_\_\_, Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad.

In witness whereof the Releasors and transferee have hereby set their hands upto this deed.

Transferee: \_\_\_\_\_

**Releasors:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**Witnesses:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

Urdu Advertisement.

Capital Development  
Authority

## کیپٹل ڈیولپمنٹ اتھارٹی

### اطلاع عام

ہر گاہ پلاٹ نمبر سٹریٹ نمبر سیکٹر اسلام آباد منجانب کیپٹل ڈیولپمنٹ  
اتھارٹی اسلام آباد مسٹر کے بارے میں اطلاع ملی ہے کہ وہ مورخہ کو  
وفات پا گئے ہیں اور مندرجہ ذیل افراد متوفی کے ورثاء ہونے کے دعویدار ہیں۔

نمبر شمار نام رشتہ عمر

لہذا اطلاع دی جاتی ہے کہ پلاٹ نمبر سٹریٹ نمبر سیکٹر اسلام آباد کو  
مرحوم کے مندرجہ بالا ورثاء کے نام ٹرانسفر کرنا مقصود ہے اگر کسی فرد کو بابت انتقال حقوق وراثت کسی  
قسم کا کوئی اعتراض ہو تو اندر پندرہ یوم زبردستی کے روبرو پیش کرے ورنہ بعد از میعاد مقررہ کسی قسم کا  
کوئی عذر قابل قبول نہ ہوگا اور انتقال حقوق وراثت کا عمل درآمد کر دیا جائے گا آج مورخہ  
میرے دستخطوں اور نمبر سے جاری ہوا۔

ڈپٹی ڈائریکٹر اسٹیٹ منجمنٹ - اسی ڈی اے اسلام آباد۔



To

The Director,  
Estate Management (I or II), CDA  
Islamabad.

Subject:- COURT DECREE/DECISION.

The learned \_\_\_\_\_ judge, \_\_\_\_\_ has passed orders/  
decision in favour of plaintiff/ defendant i.e. Name \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ in the  
case of \_\_\_\_\_ Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad.

1. Following documents are enclosed:-

- 1) Certified copy of Court Orders/ Decree.
- 2) Original Allotment letter.
- 3) Prescribed transfer fee.
- 4) Attested copy of NIC of Transferee.
- 5) Three Specimen Signature of Transferee.
- 6) Attested photograph of transferee.

Kindly implement the decision/decree of learned Court and issue orders accordingly.

Yours Faithfully,

Name:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

E Mail Address: \_\_\_\_\_

To,

The Director,  
Estate Management (I or II), CDA  
Islamabad.

Subject:- **APPLICATION FOR SUB DIVISION OF PLOT.**

I/ We \_\_\_\_\_ S/o, W/o, D/o \_\_\_\_\_  
owner of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_  
Sq. Yds ( \_\_\_\_\_ ) want to sub-divide and enclose herewith following documents:-

- i) Copy of allotment letter (Original shall be surrendered after approval of sub-division).
- ii) Four copies of Sub-Division Plan/ sketch duly signed by all the allottees and the architect.
- iii) NOC from Revenue Directorate, CDA or last paid bill.
- iv) Bank Draft for Sub-Division Fee.
- v) An Affidavit regarding providing terms and conditions of sub-division.

2. You are requested to sub-divide the plot in question.

Yours faithfully,

Name & Signature of Allottees:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

To,

The Director,  
Estate Management (I or II), CDA  
Islamabad.

Subject: -

**ISSUE OF CERTIFIED TRUE COPY (CTC)/DUPLICATE  
ALLOTMENT LETTER.**

Islamabad.

I am allottee of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_,

2. I have lost/misplaced my original allotment letter/Transfer. It is requested that CTC/ Duplicate copy of allotment letter may be issued to me. I am enclosing herewith following documents for this purpose:-

- i) A Police Report in the respective Police Station regarding loss of the document.
- ii) Indemnity Bond on stamp paper of Rs. 30/- stating that allotment letter has not been used for any deal of plot/house or security or mortgage etc.
- iii) Two Newspaper (to be submitted complete) in which a Public Notice has been published.
- iv) A Bank Draft of Rs.5000/-.
- v) Attested photograph of the Allottee

Yours faithfully,

Name:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

EF-22

(To be given on stamp paper of Rs.30/- duly  
attested by Magistrate First Class)

(Loss of Allotment letter)

**AFFIDAVIT**

I, \_\_\_\_\_ S/o, W/o \_\_\_\_\_ Resident of \_\_\_\_\_, Islamabad do hereby affirm and declare.

1. That I am allottee of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad, measuring \_\_\_\_\_ Sq. Yds, vide Directorate Estate Management CDA., Transfer of Allotment letter No. \_\_\_\_\_ dated \_\_\_\_\_
2. That I have mis-placed the above cited original Transfer of Allotment letter \_\_\_\_\_, which could not be traced out in spite of my best efforts, for which, I want to get registered a FIR in the concerned Police station.
3. That in case the above mentioned original letter is found at any later stage, I will not misuse it and will return it to the CDA and I will inform immediately.
4. That I have not taken any loan against the said plot, from any Bank or Cooperative Society nor does any liability exists against the said plot.
5. That I have not stood surety or guarantor of any person or organization in respect of any bail or loan from any Cooperative Bank or organization in respect of any form or manner against the said plot.
6. That it is also certified that the plot in question has not been sold/mortgaged to any one previously.
7. That my above-mentioned statement is correct and true to the best of my knowledge and nothing has been concealed thereof.

DEPONENT \_\_\_\_\_

NIC NO. \_\_\_\_\_

**WITNESSES:-**

1. \_\_\_\_\_

2. \_\_\_\_\_

Urdu Advertisement for  
Loss of Allotment Letter



Capital Development  
Authority

## کیپٹل ڈیولپمنٹ اتھارٹی

### اطلاع عام

اسلام آباد	سیکٹر	سٹریٹ نمبر	ہر گاہ پلاٹ نمبر
مندرجہ بالا	مورخہ		بحوالہ چٹھی نمبر

ولد

پلاٹ بنام

کے نام ٹرانسفر شدہ ہے۔ مسٹر

ساکن

ولد نے دفتر ہذا میں اطلاع دی ہے کہ مندرجہ بالا پلاٹ کا اصل ٹرانسفر لیٹر گم ہو گیا ہے اور ٹرانسفر لیٹر کی مصدقہ نقل حاصل کرنے کے لئے دفتر سے رجوع کیا ہے لہذا عوام الناس کو اس اشتہار کے ذریعے اطلاع دی جاتی ہے کہ مندرجہ بالا پلاٹ کے الائیڈ مذکورہ پر اپنی کسی قسم کا معاہدہ کیا ہو، کسی کی ضمانت دی ہو یا کسی شخص یا ادارے سے کسی قسم کا کوئی قرضہ حاصل کیا ہو تو اندر پندرہ یوم زبردستی کے روبرو پیش کرے ورنہ بعد از میعاد مقررہ کسی قسم کا کوئی عذر قابل قبول نہ ہوگا اور کارروائی بسلسلہ تصدیق شدہ ٹرانسفر لیٹر عمل میں لائی جائے گی۔

ڈی ڈائریکٹر اسٹیٹ منجمنٹ - اسی ڈی اے اسلام آباد۔

To.

The Director,  
Estate Management (I or II), CDA  
Islamabad.

Subject:- **APPLICATION FOR PERMISSION TO MORTGAGE.**

I/ We allottee/Attorney of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_,  
Islamabad and want to get loan from \_\_\_\_\_ for purpose of \_\_\_\_\_. I/ We enclose herewith  
following documents for the purpose.

- i) Original Agreement type on prescribed stamp papers.
- ii) Affidavit to the effect that the Plot No.\_\_\_\_ Street No.\_\_\_\_ Sector \_\_\_\_\_ is neither pending Court case, sale process, nor any security is given in Court, Bank etc.
- iii) Attested copies of NIC.
- iv) Attested copies of allotment letter.

Yours faithfully,

Name:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

**AGREEMENT**

THIS AGREEMENT IS MADE at Islamabad this the \_\_\_\_\_ day of two thousand for between the Capital Development Authority established under the Capital Development Authority Ordinance 1960 (Ordinance XXIII) (hereinafter called "the Authority" which expression includes its successors and assigns of the one part and M/s \_\_\_\_\_ S/o \_\_\_\_\_ Aged about \_\_\_\_\_ years, Resident of \_\_\_\_\_ Islamabad, called the purchaser which expression includes his successors and legal representatives) of the other part.

WHEREAS Mr./ Mrs. \_\_\_\_\_ S/o./W/o \_\_\_\_\_ the "Previous allottee" of Plot No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_ Sq. Yds, hereinafter referred to as the "Plot" has with the permission of the Authority transferred it to the purchaser along with Rs. \_\_\_\_\_ price of plot for construction of residential building thereon and the purchaser has paid the Authority Rs. \_\_\_\_\_ as the transfer fee @ Rs. \_\_\_\_\_ per square yard.

HEREFORE, the parties agree as follows:-

On the execution of this agreement, the purchase has already taken over possession of the plot at the site and shall be the rights and liberty to enter upon the said plot for the purpose of buildings and executing work in the manner and to the extent hereinafter stipulated.

2. The actual amount payable by the purchaser on account of full price of the plot shall be determined on demarcation and actual measurement.
3. The purchase shall pay the fee of Rs. \_\_\_\_\_ at the time of first demarcation and Rs. \_\_\_\_\_ on subsequently demarcation per each time, the Authority is subsequently required on his request to measure the plot/ land.
4. The purchaser or the Capital Development Authority, on his behalf, shall within four months from the date of possession, submit the building plans prepared by the approved architect of the Authority and after plans/designs are approved by the Authority, shall complete construction of the building for immediate occupation and use within three years in substantial and workman like manner with good and sound material or the respective kinds, strictly in accordance with the provisions or relevant Islamabad Zoning Registration, Sanitary and Housing Rules, standards and instructions as may be in force at the time of submission of the building plans of which may come into force during the course of construction.
5. The Chairman, of the Authority or any other officer so empowered by the authority shall have the rights not to entertain application for extension in building period unless the same is submitted within 30 days before the expiry of the period.
6. The Authority may charge per annum extension surcharge for allowing extension in the building period at a rate as may be determined from time to time by the Authority.

7. Provided that nothing herein contained shall apply to the mortgage assignment of the said plot to secure alone for the construction of house on the terms and conditions the Authority may have previously approved.

The purchaser shall not:-

- a) Use the plot for a purpose other than the construction of building as aforesaid;
- b) Sub-divide the plot or alter any of its dimensions or;
- c) Amalgamate the plot or any part thereof, with any adjoining plot for the construction of a single building or for any other purpose whatsoever.
- d) Use the building/premises except for residential purpose provided that the Authority may on payment of additional charges at the rates which the Authority may fix and on such terms and conditions as it may impose, allow to use the building premises for such purposes.

8. All clearance and filling up with earth upto a level not lower than the level of down of the adjoining road and leveling of the plot as may be required shall be done by the purchaser at his/her own cost and will not be entitled to obtain material for filling from and adjacent land of the Authority.

9. Upon payment of all sums due under this agreement and completion of the building conforming to the conditions herein provided, the Authority shall execute a registered sale deed transferring its rights and title in the said plot in favour of the purchaser or his/her heirs or successors and any subsequent transfer of which proprietary rights has been transferred to the purchaser shall take place under intimation to the Authority in case of devaluation of interest in the said plot for inheritance and by operation by law.

10. The cost and expenses of stamping and registering this agreement and sale deed hereunder and other incidental charges shall be borne by the purchaser of his/her heirs or successors as the case may be.

11. The Authority or its authorized official may enter upon said plot and purchaser shall have no objection to such entry at all reasonable hours for its inspection or that of the building under construction standing thereon.

12. If in the option of the Authority, whose decision in this behalf shall be final, the topography of the plot so required, the Authority shall at all time hereafter, have the right of passage and running of water and soil from the adjoining and neighboring lands and the building now or hereafter created therein through sewerage, drains, pipes and channels in, over or under the said plot and to make connection with such sewerage drains, pipes and channels or any of them for the purpose of exercising the said right of running of water and soil but without making any allowance or paying compensation to the purchaser for the exercise of such rights.

13. The purchaser shall comply with and abide by the rules, regulations, byelaws, orders or directions as may be issued from time to time by the authority or any other competent authority.

14. If any amount of arrear or interest etc. due herein remains unpaid (whether formally demanded or not) for a period of two months from the due date, it shall be lawful for the Authority



to cancel the allotment, terminate the agreement and resume the possession of the plot in accordance with the terms and conditions herein contained.

15. The purchaser shall from the date he/she comes in possession of the said plot, pay all taxes, rates, assessments, duties, charges (including betterments and maintenance charges) and imposition whatsoever which may now or hereinafter be charged or imposed upon or be payable in respect of the said plot, or any structure thereon or anything thereto any competent Authority (including the authority under thereon or anything thereto any competent Authority (including the authority under any law, rules, by laws orders for the time being in force.

16. In case of breach of any other terms and conditions of this agreement on the part of purchaser or any violation of the provisions of Islamabad. Building registration or relevant Zoning Regulations, the Authority shall without prejudice to any other remedy or waiving of any previous breach of the terms and conditions of the agreement by or on behalf of the purchaser have the right to cancel the allotment of the said plot, forfeit 10%a to 20% of the price as specified hereunder and enter upon the said plot to take possession of the same and of without any liability to pay any compensation therefore in which case the purchaser shall also be responsible for any loss that the Authority may sustain in the re-sale of the said plot;-

- a) 10% of the price/premium in case of un-constructed plots on constructed upto plinth level.
- b) 20% of the price/premium in case of those plots which are constructed beyond plinth level whether or not completion certificate is issued.

17. Any notice or communication from the one party to the other shall be deemed sufficiently served if addressed and delivered personally or posted under registered cover at the last known address of the other part.

18. Time will be deemed to be the essence of the contract in their terms and conditions.

IN WITNESS whereof the parties thereto have set their hands the day and year first above written.

**SCHEDULE**

Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ in Sector \_\_\_\_\_ , Islamabad measuring \_\_\_\_\_ Sq. Yards.

Signed by:- \_\_\_\_\_

For on behalf of Capital Development Authority

In the presence of:-

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

Signed by:- \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

**AFFIDAVIT**

I, We \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ Resident of \_\_\_\_\_, Islamabad, do hereby solemnly affirm and declare on Oath as under:-

That the deponent is the owner of House No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_ Square Yards and the said plot has not any encumbrance like Pending Court case, Sale process and security in the Court of Law Banks etc.

That the contents of the above-mentioned affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated therein.

Sworn at Islamabad on this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

DEPONENT \_\_\_\_\_

NIC NO. \_\_\_\_\_

\*\*\*\*

EF-27

**CAPITAL DEVELOPMENT AUTHORITY**  
**ESTATE MANAGEMENT DIRECTORATE**

\*\*\*

No. CDA/ EM

Islamabad, 2005.

**PERMISSION TO MORTGAGE**

Certified that Plot No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_ Sq. Yards has been allotted to Mr. / Mrs. \_\_\_\_\_ S/o, W/o \_\_\_\_\_ and has paid Rs. \_\_\_\_\_ /- towards the price of plot.

2. Subject to completion, the house on the said plot in all respect by \_\_\_\_\_ of such date as the Authority may previously extend in writing, the Capital Development Authority had no objection to the mortgage of above property with \_\_\_\_\_ for obtaining house building loan.

3. In case Mr. \_\_\_\_\_ S/o \_\_\_\_\_ commits breach of any of the terms and conditions of the agreement Registered at S. No. \_\_\_\_\_ dated \_\_\_\_\_ with Joint Sub Registrar, Islamabad between them and the Capital Development Authority, action under the said agreement shall be taken by the Capital Development Authority by serving written Notices both upon Mr \_\_\_\_\_ S/o \_\_\_\_\_ and \_\_\_\_\_ the \_\_\_\_\_ Islamabad.

Dy. Director (EM) Dte.

Mr. \_\_\_\_\_

**CAPITAL DEVELOPMENT AUTHORITY**  
**ESTATE MANAGEMENT DIRECTORATE**

**MEMORANDUM**

Subject:- **ISSUANCE OF NO DEMAND CERTIFICATE.**

Reference application dated \_\_\_\_\_ on the above subject.

2. It is certified that nothing is outstanding against the allottee of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad measuring \_\_\_\_\_ Sq. Yds on account of premium, delayed charges and extension charges etc as per record.

3 The Authority has no objection for extension/ Registration of Sale Deed in favour of Mr/ Mrs/ Miss \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ in the office of Joint Sub Registrar. Islamabad

DEPUTY DIRECTOR (EM-I)

\*\*\*\*

EF-29.

To,

The Director,  
Estate Management (I OR II),  
CDA, Islamabad.

Subject:- **APPLICATION FOR POSSESSION OF PLOT.**

I/ We allottee/ Attorney of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad and want to get possession of plot. I/ we enclose herewith following documents for the purpose:-

- i) Attested copy of NIC.
- ii) Attested copy of allotment letter.
- iii) Attested copy of GPA if applicable.

Yours Faithfully,

Name:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

**CAPITAL DEVELOPMENT AUTHORITY  
ESTATE MANAGEMENT DIRECTORATE**

\*\*\*

No. CDA/ EM-F-11/ ( )/

Islamabad, the

2005.

Subject:-

**VERIFICATION OF OWNERSHIP/ALLOTMENT.**

The following information in connection with handing over possession of the plot mentioned below are furnished to Dy. Director (Land Survey), CDA for necessary action. The signature of the person who will take over possession of the plot is verified and attested below:-

1. Mr/ Mrs. \_\_\_\_\_ stands to date the allottee of Plot No. \_\_\_\_\_ Sector \_\_\_\_\_ measuring \_\_\_\_\_ Sq. Yards.
2. Mr/ Mrs. \_\_\_\_\_ the bearer of this letter is the real allottee/ attorney of the said plot.
1. Signature of the allottee/ attorney is given below duly attested.
2. No dues are outstanding against him/ her. Possession is allowed.
3. The allottee/ attorney is taking the possession for the first/ second time.
4. The possession/ remeasurement is to be given again for which he/ she has deposited Rs.500/- as per terms and conditions of allotment vide Bank Draft No. \_\_\_\_\_ dated \_\_\_\_\_ has been credited in the CDA's account.

Specimen Signature of Allottee/ Attorney.

N.I.C. No. \_\_\_\_\_

Address: \_\_\_\_\_

**Dy: Director (EM- ) EM-I.**

**Dy. Director (Land Survey), CDA.**

To,

The Director,  
Estate Management (I or II),  
CDA, Islamabad.

Subject:- **APPLICATION FOR CHANGE OF NAME.**

I am an allottee of Plot No. \_\_\_\_\_ Street No. \_\_\_\_\_  
Sector \_\_\_\_\_, Islamabad and want to change of my name due to following reasons:-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I further enclose herewith following documents in support of change of name:-

- i) Attested copy of allotment/transfer letter.
- ii) Attested copy of present and previous ID Card.
- iii) Attested copy of Nikah Nama.
- iv) An affidavit as per Specimen EF \_\_\_\_\_
- v) Press clipping of Notice Published in News Paper.
- vi) Attested copy of Matriculation Certificate of School leaving.
- vii) Attested copy of Passport if available.
- vi) Any other documents sporting from change of name.

Yours Faithfully,

Name:- \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_

NIC No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

**AFFIDAVIT**

I, \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_ Resident  
of \_\_\_\_\_ do hereby solemnly affirm and declare on oath as under:-

- 1) That the deponent is the owner of Plot/ House No. \_\_\_\_\_ Street  
No. \_\_\_\_\_ Sector \_\_\_\_\_, Islamabad.
- 2) I further undertake to indemnify the CDA against all losses or damages if any  
that may be occasioned to the CDA by the change of name and shall abide by  
the decision, Rules and Regulations of CDA.

That the contents of the above mentioned affidavit are true and correct to the best of my  
knowledge and belief and nothing is conceals or therein.

Sworn at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

DEPONENT: \_\_\_\_\_

NIC NO. \_\_\_\_\_

**ANNEX-II****FEES & CHARGES**

\*\*\*

1. All payments will be accepted conditionally without conferring any right.
2. All payments will be made in accordance with schedule provided by CDA in allotment letter or through some other letter. If schedule is not mentioned then the total payment will be made within 30 days from the issuance of allotment letter.
3. If any detail regarding dues is required it may be obtained from Director Estate Management by giving an application through OWO.
4. Authority has the right to change the rates of interest on delayed charges from time to time without prior notice.
5. These Fees & Charges may be charged by CDA through notification without any prior notice or information.

**FOR RESIDENTIAL PLOTS**

S.NO	DESCRIPTION	FEE & CHARGES	REFERENCE CHAPTER
1	No Demand Certificate.	No Fee (Rs.500/- for subsequent NDC)	3
2	Property Information Report	Rs.500/-	4
3.	Transfer through Sale/Purchase	- Rs. 150/- per Sq. Yards for Sectors D, E, F, G & I - Rs.100/- per Sq. Yards for Model Villages - Rs.3000/- per bed room for flats	6
4.	Transfer through Oral Gift.	- If Conveyance Deed is not reached Rs. 3000/- - After Conveyance Deed. Rs. 5000/-	7
5.	Transfer through Sale Deed.	Rs. 5000/- on each Sale Deed.	8
6.	Transfer of Legal Heirs in Death Case	Rs.3000/-	9
7.	Transfer in case of Litigation.	Full Transfer Fee as per Chapter-6.	10
8.	Additional/Less land of allotted plots.	Rates are fixed on case to case basis.	13
9.	Sub division of plots.	Rs. 50/-per sq. Yds.	14
10.	Duplicate Copies of Documents.	- General Documents Rs. 50/- - Title Document. Rs. 1 000/-	15
12.	Possession/Re-Possession of plots and approval of Building Plan.	- Possession Fee Rs. 500/- - Re-Possession Fee Rs. 1000/-	17

**RESTORATION OF PLOTS.**  
**(REFERENCE CHAPTER-12).**

S. NO.	Days within Plot Restored.	Charges in Rs. Per sq.Yard.
1.	90	Rs.100
2.	130	Rs.125/-
3.	270	Rs.160/-
4.	360	Rs.200/-

**Note:-** After one year mark-up charges will be determined by Costing Section, CDA.

**EXTENSION OF CONSTRUCTION PERIOD.**

**(REFERENCE CHAPTER 11)**

S. NO	CATEGORY OF ITEMS/SECTOR	RATE IN RS. PER SQ.YARD.
1.	F-6, F-7, F-8, G-7, G-8, G-9 and E-7	Rs.100/-
2.	G-10 and F-10	Rs.100/-
3.	I-9 and I-10	Rs.45/-
4.	Model Villages.	Rs. 25/-
<b>NEWLY CREATOR SECTOR F-11, G-11 &amp; I-8</b>		
<b>STAGE WISE</b>		
1.	Vacant Plots.	Rs.45/- (F-11 & G-11)
2.	Construction upto Plinth lever. (After D-Form)	Rs. 25/-
3.	Construction upto Structure and beyond.	Rs.15



**FOR COMMERCIAL PLOTS**  
**TRANSFER FEE FOR I&T CENTRE ETC**

S.No	CATEGORY OF ITEMS/SECTORS	RATES.
1.	Industrial & Trading Centre.	Rs.350/- PSY
2.	Class-III Shopping Centre.	Rs.350/- PSY
3.	Class-IV Shopping Centre.	Rs.500/-PSY
4.	Class-V Shopping Centre.	Rs.650/- PSY
5.	Jinnah Avenue Plots.	Rs.900/- PSY
6.	Institutions I&H Series.	Rs.100/-PSY
7.	Industrial Plots at Kahuta Road.	Rs.40/- PSY
8.	Shop & Shops cum flat managed by DMA	Rs.400/- PSY
9.	Commercial plots in Agro Village & Sub Urban.	Rs.200/- PSY
10.	Agro Farming /Poultry & Vegetable Plots.	Rs.400/- per acre.
11.	Motel in National Park Area.	Rs.150/-PSY
12.	Industrial Plots.	Rs.140/-PSY

**TRANSFER FEE FOR SECTOR I-10/ I-11**

S.No	CATEGORY OF ITEMS/SECTORS	RATES.
1.	Whole Sale	Rs.400/- PSY
2.	Steel Fabrication/Auto Workshop	Rs.350/- PSY
3.	Good own/Truck Stand	Rs.150/-PSY
4.	Cold Storage/ICE Factory.	Rs.400/- PSY
5.	Petrol Pump/Cinema & Places other than Markaz	Rs.600/- PSY

**FAMILY TRANSFERS**

S.No	CATEGORY OF ITEMS/SECTORS	RATES.
1	Wife Husband, Children & Parents.	Rs.3000/- per Transfer
2.	Inclusion of the names of spouse, children/parents.	Rs.3000/- per Transfer
3.	Transfer of full/part share in favour of Brothers/Sisters.	Rs.3000/- of the proportionate share.

**SUB DIVISION TRANSFER FEE FOR COMMERCIAL PLOTS**

S. NO.	CATEGORY OF ITEMS/ SECTORS	RATES.
1.	Commercial Plots in Blue Area.	

	Ground Floor.	Rs.100/-
	Mezzanine	Rs.80/-
	1st Floor.	Rs.60/-
	2 <sup>nd</sup> Floor.	Rs.40/-
	3 <sup>rd</sup> Floor & above Basement (Under Ground)	Rs.30/-
2.	<b>Markaz in F Series.</b>	
	Ground Floor.	Rs.80/-
	1st Floor.	Rs.60/-
	2 <sup>nd</sup> Floor.	Rs.40/-
	3 <sup>rd</sup> Floor & above Basement (Under Ground)	Rs.30/-
	4 <sup>th</sup> Floor & Above, Basement (Under Ground).	Rs.30/-
3.	<b>Markaz in G Series.</b>	
	Ground Floor.	Rs.70/-
	1st Floor.	Rs.30/-
	2 <sup>nd</sup> Floor & Above Basement (Under Ground).	Rs.30/-
4.	<b>I&amp;T Centre.</b>	
	Ground Floor.	Rs.60/-
	1 <sup>st</sup> Floor.	Rs.30/-
	Basement	Rs.30/-
5.	<b>Class-III Shopping Centre</b>	
	Ground Floor.	Rs.40/-
	1 <sup>st</sup> Floor and above & Basement (Under Ground)	Rs.30/-
<b>SUB DIVISION FEE OF AGRO FARMING PLOTS</b>		
<b>S.No</b>	<b>CATEGORY OF ITEMS/SECTORS</b>	<b>RATES.</b>
1.	Agro Farming Plots.	Rs.50,000/- per acre.
<b>TRANSFER FEE OF AGRO FARMING PLOTS</b>		
<b>S.No</b>	<b>CATEGORY OF ITEMS/SECTORS</b>	<b>RATES.</b>
1.	AGRO farming plots.	Rs.40,000/- per acre.
<b>ANNUAL GROUND OF AGRO FARMING PLOTS</b>		
<b>S.No</b>	<b>CATEGORY OF ITEMS/SECTORS</b>	<b>RATES.</b>
1.	Agro Farming Plots.	Rs.4500/- per acre per annum w.e.f. 17-1-2003.

*Appendix-II*

**CONFERMENT OF POWERS AND DUTIES  
TO THE CHIEF COMMISSIONER**

**Islamabad, the 31<sup>st</sup> December, 1980**

**S.R.O.1316(I)/80.**— In pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order, 1980 (P.O.No.18 of 1980), the President is pleased to direct that, subject to such general or special instructions as may from time to time be given to him by the Federal Government, the <sup>1</sup>[Chief Commissioner] shall have, in respect of the Islamabad Capital Territory, all the powers and duties conferred or imposed on the Provincial Government under any Law for the time being in force in the Islamabad Capital Territory.

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<sup>1</sup> Word "Administrator" substituted by S.R.O. 402 (I) /90 dated 7<sup>th</sup> May, 1990.

Appendix-III

**<sup>1</sup>CONFERMENT OF POWERS ON CAPITAL DEVELOPMENT  
AUTHORITY ISLAMABAD FOR EXERCISING/ PERFORM THE  
FUNCTIONS OF A MUNICIPALITY WITHIN MUNICIPAL AREA.**

**S.R.O. 805(I)/91, dated 20th August, 1991.**- In exercise of the powers conferred by sub-section (1) of section 15A of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), the Federal Government is pleased to specify the areas within the Islamabad Capital Territory mentioned in the table below as the areas for which the Capital Development Authority may exercise and perform, during a period of <sup>2</sup><sup>3</sup>[twenty-five] years or till the holding of Local Bodies Elections, whichever is earlier,] with immediate effect, the powers and functions referred to in the said sub-section.

**THE TABLE**

Starting from a point near Mandla village at map reference Q 231660, the boundary turns to the south and joins nullah at map reference 231645. From this point boundary line runs along the eastern bank of Chang Kas nullah till it reaches the confluence with Korang River at map reference 240612. From this point the boundary follows the left bank of Korang river till it joins the Rawal Lake from where it follows the highest flood level contour till it reaches the spill way of Rawal Dam from where it again follows the left bank of Korang river till it reaches the horizontal grid line 1153000. From here the boundary follows the horizontal grid line 1153000 towards west till it reaches the western right of way of Shahrah-e-Islamabad at map reference 152530. From here it runs in northerly direction along the western boundary of right of way of Shahrah-e-Islamabad till it reaches map reference point 152432. From this point boundary line runs south of Khayaban-e-Sir Syed and coincides with the Capital Boundary which runs in a straight line till it reaches a point at map reference 067474 (300 ft. south of IP. 73) then it continues in south westerly direction for 300 ft. at map reference 066473. Then the boundary runs in north westerly direction upto a point map reference 054491. The boundary then goes in south westerly direction to a point at map reference 038480. From here the boundary follows the right of way of G. T. Road and eastern right of way of Golra Road till it reaches map reference 036484 and then to the north eastern corner of Jerry Can Factory then along the northern and

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, dated 20th August, 1991, at pages 2253-2254.

<sup>2</sup> Subs. by S.R.O. 10(I)/2013, dated 4th January, 2013.

<sup>3</sup> Subs. by S.R.O. 700(I)/2014, dated 24th July, 2014, for "twenty three".

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***Appendix-III: Conferment of Powers on CDA Islamabad for  
Exercising/Perform the functions of a Municipality within Municipal Area***

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then western boundary wall of Jerry Can Factory till the boundary joins the northern ROW of G. T. Road at map reference 033482, and after crossing the road, continues along the southern right of way of G. T. Road to a point map reference 037479. From this point the boundary lines runs south east to a point map reference 049462. From this point the boundary runs in south takes a turn towards north west and runs in a straight line to a point at map reference 878560. From here it turns slightly towards south west and runs upto a spot height 2326 ft. at map reference 872567. From here it turns in eastern direction and crosses G. T. Road at map reference 884570. From here it continues in south easterly direction and joins the Bench Mark of 1770 at Railway line map reference 912560. From here it runs towards north east and passes through spot height 1982 ft. at map reference 935567 and spot height 2098 ft. at map reference 950570 and then runs in the eastern direction till it passes through spot height 2123 ft. at map reference 977580 south of village Shah Allah Ditta and extends to spot height 2233 ft. at map reference 004588. From here it turns towards north eastern side upto a point at map reference 008595 and runs along Margalla Hill slopes till it joins starting point at map reference 231660 near Mandla village.

## REVISED RATES OF WATER CHARGES

\*S. R. O. 117(I)/2000, dated 25th February, 2000.- In exercise of powers conferred by section 15-A of the Capital Development Authority Ordinance, 1960 (Ordinance XXIII of 1960), read with section 33 of the Municipal Administration Ordinance, 1960 (Ordinance X of 1960), the Capital Development Authority, after previous publication and with the sanction of the Federal Government, in supersession of notification No. CDA-30(8) (Noti)-Coord/93, dated 18th November, 1993 hereby notifies that with immediate effect till further orders following revised rates of water charges shall be levied for all categories of properties in Islamabad.

### I. DOMESTIC WATER RATES

(a)	Metered Supply:	2000-2001
	<i>Consumption Slab:</i>	<i>Rates per 1000 gallon</i>
	Upto 5000 Gallons	Rs. 8.00
	5001-20,000 Gallons	Rs. 10.00
	20,000 Gallons and above	Rs. 12.00
(b)	Un-Metered Supply (Flat Rates):	

Category		Normal Purpose	Drinking for construction Purpose
Government owned residences		Rate per month	
I.	(1) 'A' Category	Rs. 48.00	
	'B' Category	Rs. 48.00	
	'C' Category	Rs. 48.00	
	'D' Category	Rs. 62.00	

\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 10th March, 2000, at pages 357-363.

**Appendix-IV: Revised Rates of Water Charges****1437**

'E' Category	Rs.	84.00	
'F' Category	Rs.	110.00	
'G' Category	Rs.	140.00	
'H' Category	Rs.	162.00	
'I' Category	Rs.	188.00	
(2) For Construction purpose	Rs.	6.00 per Sft.	
<b>II. Private Residences:</b>			
Less than 250 Sq. Yds.	Rs.	96.00	Rs. 3,164.00
251 to 499 Sq. Yds.	Rs.	114.00	Rs. 6,328.00
500 to 999 Sq. Yds.	Rs.	140.00	Rs. 12,654.00
1000 to 1199 Sq. Yds.	Rs.	188.00	Rs. 15,818.00
1200 to 1499 Sq. Yds.	Rs.	254.00	Rs. 18,982.00
1500 to 1999 Sq. Yds.	Rs.	316.00	Rs. 22,146.00
2000 and above Sq. Yds.	Rs.	378.00	Rs. 31,636.00
<b>III. Model Villages:</b>	Rs.	96.00	Rs. 6,328.00

**II. WATER CHARGES FOR GOVERNMENT BUILDINGS/ OFFICES/ INSTITUTIONS/ HOSPITALS**

(A) Metered Supply:	2000-2001
<i>Consumption Slabs:</i>	<i>Rates per 1000 Gallons</i>
Upto 5000 Gallons	Rs. 12.00
5001 to 20,000 Gallons	Rs. 14.00
20,000 Gallons and above	Rs. 16.00
(B) Un-Metered Supply (Flat Rates)	

S.No.	Type of Buildings	Rate per Month	For construction Purpose
(1)	Sectt. Buildings Phase-I & II.	Rs. 51,600.00	
(2)	Government Hostel.	Rs. 6,480.00	
(3)	Municipal Building (Naval Headquarter).	Rs. 2,580.00	
(4)	Office Block.	Rs. 3,120.00	
(5)	Façade Blocks I & II.	Rs. 2,064.00	
(6)	Polyclinic.	Rs. 2,880.00	
(7)	Government Printing Press.	Rs. 4,320.00	
(8)	Directorate MPO & Stores.	Rs. 1,320.00	
(9)	C.E. Lab: CDA.	Rs. 132.00	
(10)	Directorate of Procurement.	Rs. 132.00	
(11)	High School.	Rs. 288.00	
(12)	Primary Schools.	Rs. 144.00	
(13)	Local Dispensaries.	Rs. 192.00	
(14)	Institutions.	Rs. 1,440.00	
(15)	CDA Officers Hostel.	Rs. 7,200.00	
(16)	Chummary Type Accommodation.	Rs. 7,200.00	
(17)	Sind House.	Rs. 14,400.00	
(18)	Foreign Office (Ministry of Foreign Affairs).	Rs. 8,640.00	
(19)	Frontier House.	Rs. 4,320.00	
(20)	Baluchistan House.	Rs. 4,320.00	
(21)	Police Stations.	Rs. 432.00	
(22)	Broadcasting House.	Rs. 1,440.00	
(23)	Administrative Buildings.	Rs. 1,008.00	
(24)	Man-Power Building.	Rs. 720.00	
(25)	T & T Exchange (PBA).	Rs. 1,440.00	



**Appendix-IV: Revised Rates of Water Charges****1439**

(26).	Punjab House.	Rs.	14,400.00
(27)	Kashmir House.	Rs.	4,320.00
(28)	Judges Residences.	Rs.	188.00
(29)	For construction purpose All Buildings).		Rs. 2.64 per Sft.

**(III) WATER CHARGES FOR COMMERCIAL BUILDINGS**

(A)	Metered Supply:	2000-2001
	<i>Consumption Slab:</i>	<i>Water Charges Per 1000 gallons</i>
	Upto 5000 gallons	Rs. 14.00
	5001-20,000 gallons	Rs. 16.00
	20,000 gallons and above	Rs. 20.00
(B)	Un-Metered Supply (Flat Rates):	

S.No.	Property	Normal Monthly For Consumption Rate per month	Construction Purpose.
1.	2.	3.	4.
(1)	Single Shop	Rs.	52.00
(2)	Single Shop-cum-flat	Rs.	60.00
(3)	Bakery/ Dairy and sweet shop	Rs.	144.00
(4)	Hamмам (Per Hammam)	Rs.	28.00
(5)	Small Laundry	Rs.	288.00
(6)	Laundry and dry cleaning (large scale)	Rs.	864.00
(7)	Canteens in Sectt. Buildings	Rs.	86.00
(8)	Cafeterias	Rs.	144.00
(9)	Restaurant (Air-Conditioned)	Rs.	864.00
(10)	Restaurant (Non-Air-Conditioned)	Rs.	288.00
(11)	Motels/ Hostels in National Park Area (A.C.)	Rs.	86.00 (per bath)

(12)	Motels/ Hotels in National Park area (Non-A.C.)	Rs.	44.00 (per bath)
(13)	Hotels (with five stars like Islamabad Hotel and Holiday Inn.	Rs.	86.00 (per bath)
(14)	Motor Garages	Rs.	552.00
(15)	Motor Garages with Service Station	Rs.	1,440.00
(16)	Petrol Pump with service station	Rs.	1,728.00
(17)	Petrol Pump without service station	Rs.	288.00
(18)	Soda water/ Ice Cream manufacturers	Rs.	924.00
(19)	Cinema	Rs.	720.00
(20)	Covered Bazar (40 Shops)	Rs.	28.00 (per shop)
(21)	Class-III Market Shopping Centre:		
	Plot upto 100 Sq. Yds.	Rs.	288.00
	Plot 101 to 133.33 Sq. Yds.	Rs.	384.00
	Plot 134 to 166.66 Sq. Yds.	Rs.	480.00
	Plot 167 to 177.77	Rs.	512.00
(22)	Class-V Shopping Centre:		
	Less than 277.77 Sq. Yds.	Rs.	552.00
	From 278 to 388.88 Sq. Yds.	Rs.	772.00
	From 389 to 444.44 Sq. Yds.	Rs.	884.00
	From 445 to 555.55 Sq. Yds.	Rs.	1,104.00
	From 556 to 666.66 Sq. Yds.	Rs.	1,324.00
	From 667 to 777.77 Sq. Yds.	Rs.	1,546.00
	From 778 to 900.00 Sq. Yds.	Rs.	1,788.00
	From 901 to 1000.00 Sq. Yds.	Rs.	1,988.00
(23)	Blue Area (per-Storey rate):		
	Less than 400 Sq. Yds.	Rs.	552.00
	From 401 to 500 Sq. Yds.	Rs.	690.00

*Appendix-IV: Revised Rates of Water Charges*

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	From 501 to 600 Sq. Yds.	Rs. 828.00
	From 601 to 800 Sq. Yds.	Rs. 1,104.00
	From 801 to 1000 & above	Rs. 1,380.00
(24)	Supplies through water tanker:	
	For construction purpose	Rs. 144.00
(25)	Dhobi Gat per Dhobi	Rs. 28.00
(26)	Religious Building, Mosques, Public Parks, Play Grounds, Fire Station & Public taps and Hydrants	Free
(27)	I & T Centres (size of plots)	
	Plot size less than 177.77 Sq. Yds.	Rs. 132.00
	Plot size of 266.66 Sq. Yds.	Rs. 144.00
	Plot size of 355.55 Sq. Yds.	Rs. 156.00
	Plot size of 444.44 Sq. Yds	Rs. 192.00
	Plot size of 533.33 Sq. Yds.	Rs. 216.00
(28)	Small Hotels	Rs. 144.00
(29)	Barbar Shop	Rs. 60.00
(30)	Meat Shop	Rs. 144.00
(31)	Poultry shop	Rs. 144.00
(32)	Shops in Model villages	Rs. 72.00
(33)	Sector I-11 (F & V Markets)	
	Plot less than 200 Sq. Yds.	Rs. 144.00
	Plot 201 to 355.55 Sq. Yds.	Rs. 256.00
	Plot 356 to 444.44 Sq. Yds.	Rs. 320.00
	Plot 445 to 577.77 Sq. Yds.	Rs. 416.00

Plot 578 to 1066.66 Sq. Yds.	Rs. 768.00
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Plot 1067 to 2222.22 Sq. Yds.	Rs. 1600.00
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*Note:-* Rates of Class-III Shopping Centres and Markaz are for normal use of water. If any shopkeeper in the Shopping Centres is selling water (such as cafeteria Restaurant and other water consumption business, etc.) separate bills for such shops will be issued in addition to normal bills.

(C) For construction purpose	Rs. 2.64. Sft.
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#### IV. INDUSTRIAL WATER RATES

(A) Metered Supply	2000-2001
<i>Consumption Slabs.</i>	<i>Rates per 1000 gallons.</i>
Upto 5000 gallons	Rs. 14.00
5001-20,000 gallons	Rs. 16.00
20,000 gallons and above	Rs. 20.00

(B) Un-Metered Supply (Flat Rates)

S. No.	Type of Industries	Rate per month
(1)	Industries using water for drinking and toilet purpose only.	Rs. 600.00
(2)	Industries where water is partly use for manufacturing purposes	Rs. 1200.00
(3)	Industries where water is used as raw material	Rs. 3,000.00

[F. No. CDA/D(Rev)-1(28)/99]

ABDUL GHAFOOR DOGAR,  
Secretary CDA Board

Appendix-V

**\*RATES OF CONSERVANCY CHARGES**

S. R. O. 727 (I)/2000, dated 26th September, 2000.- In exercise of power conferred by section 15-A of the Capital Development Authority Ordinance, 1960 (Ordinance XXIII of 1960), read with section 33 of the Municipal Administration Ordinance, 1960 (Ordinance X of 1960), and in supersession of this Authority Notification No. CDA-3 (7) (Noti)-Coord/93 dated 25.09.1993, the Capital Development Authority with the approval of Federal Government, is pleased to revise the rates of conservancy charges as shown below on occupants of buildings in the area of Islamabad Capital Territory specified in Cabinet Division's Notification No. S. R. O. 805(I)/91, dated 20.08.1991, read with their subsequent notification No. S. R. O.1(I)/99 dated 01.01.1999.

	<b>Description of Property</b>	<b>Rate</b>
(a)	Residential houses including Government quarters.	Re. 1 per Sq. Yard (plot size per annum).
(b)	Commercial properties including Hotels/ Motels.	Rs. 2 per Sft. (Covered area per annum).
(c)	Institutional properties, office Premises and Industrial properties.	Re. 1 per Sft. (Covered area per annum).

2. These rates will be operative with immediate effect and remain in force until further notification.

3. Religious buildings, public parks, fire stations, buildings being used for welfare institutions from which no income is derived are exempt from the levy of conservancy charges.

[F. No. Com-I (94)/2000.]

[No. CDA/30(7) (Noti/Coord).]

ABDUL GHAFOR  
DOGAR,  
*Secretary.*

\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 7th October, 2000, at pages 2005-2006.

## \*REVISED RATES OF TOLL TAX IN ISLAMABAD

**S. R. O. 707 (I)/2001, dated 13th October, 2001.-** In exercise of powers conferred by section 15-A of the Capital Development Authority Ordinance, 1960 (Ordinance No. XXIII of 1960), read with sections 33 and 34 of the Municipal Administration Ordinance, 1960 (Ordinance No. X of 1960) and the CDA (Imposition of Taxes) Rules, 1981, the Capital Development Authority, after previous publication and with the sanction of the Federal Government as required by sub-section (1) of section 34 of the Municipal Administration Ordinance, 1960, and, in modification of its notifications No. S. R. O. 135 (I)/99, dated 23rd February, 1999 and S. R. O. 840 (I)/99, dated 6th July, 1999, is pleased to revise Toll on vehicles entering Islamabad Highway at Rawat Junction, Kashmir Highway at Golra-More Junction and those entering I.J.P Road from Peshawar-Rawalpindi G. T. Road at the following rates and subject to the conditions here-in-after specified:

S.No.	Category of Vehicle	Rate of toll (per entry/ trip) (Rupees)
(i)	Car/ Van/ Jeep/ Pick-up (Non commercial use)	05.00
(ii)	Taxi/ Van/ Jeep/ Pick-up & Tractor (commercial use)	10.00
(iii)	Flying Coach/ Mini Bus/ Tractor Trolley	20.00
(iv)	Bus & Truck 2 axles	25.00
(v)	Truck 3 axles including other similar vehicles	50.00
(vi)	Trailer more than 3 axles	100.00
(vii)	Local cars and light vehicles, Commuters (annual passes)	400.00

\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 15th October, 2001, at pages 01-02.

2. The following vehicles shall be exempt from payment of toll:

- (i) Flag Cars.
- (ii) Cars bearing Diplomatic/ Foreign Mission/ official number plates.
- (iii) Cars of Senators, Members of the National Assembly/ Provincial Assemblies.
- (iv) Vehicles belonging to Defence Forces/ requisitioned for carrying goods for Defence; and Vehicles in which Members of the Defence Forces or their families are travelling.
- (v) Ambulances and Vehicle belonging to Registered Welfare/ Charitable Trusts.

3. The above rates/ exemptions of toll shall come into force after the expiry of present contracts of the toll plazas, that is, with effect from 1st November, 2001 in the case of Kashmir Highway, 19th December, 2001 in the case of I. J. Principal Road and 16th February, 2002 in the case of Islamabad Highway.

[F. No. CDA/D (Rev)-I (29)/ 2001].

ABDUL GHAFUOR DOGAR  
*Secretary to the Board*

*Appendix-VII***ESTABLISHMENT AND CONFERMENT  
OF POWERS TO JUNVENILE COURT**

[Gazette of Pakistan, Extraordinary, Part-II, 16th April, 2001].

**No. 1(186)-Law/2001, dated 11.4.2001.-** In exercise of the powers vested in him under section 4(1) of the "Juvenile Justice System Ordinance, 2000 (Ordinance No. XXII of 2000) read with Justice Division's Notification No. F.17(2)/80-Pub, dated 31st December, 1980 issued in pursuance of Article 2 of Islamabad Capital Territory (Administration) Order, 1980 (P. O. No. 18 of 1980) and all other powers relating in that behalf and in consultation with the Hon'ble Chief Justice of Lahore High Court, Lahore, the Chief Commissioner, Islamabad Capital Territory is pleased to establish the IInd Juvenile Court at the District Islamabad.

2. The Lahore High Court, Lahore has been pleased to confer the powers of Juvenile Court upon all the Senior Civil Judges-cum-Judicial Magistrates section 30 in the Punjab including Islamabad Capital Territory for the trial of offences not exclusively triable by a Court of Session, under the aforesaid Ordinance, with their respective jurisdiction vide letter No. 4961/ JOB(1)VI.F-6. dated 3rd April, 2001.



## \* REVISION OF RATES OF PROPERTY TAX IN ISLAMABAD

S. R. O. 24 (I)/2001, dated 11<sup>th</sup> January, 2001.- In exercise of powers conferred by section 15-A of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), read with sections 33 and 34 of the Municipal Administration Ordinance, 1960 (X of 1960) and the CDA (Imposition of Taxes) Rules 1981, the Capital Development Authority, after previous publication and with the sanction of the Federal Government as required under sub-section (1) of section 34 *ibid.* and in supersession of its notification No. CDA-30(9) (Noti)-Coord/94/695, dated 21.06.1995, is pleased to levy tax at the rate of one-twelfth of the annual value of buildings and lands located within the areas specified in the Cabinet Division's notification No. S. R. O. 1 (I)/99, dated the 1st January, 1999, subject to the conditions hereinafter specified.

2. The above levy of tax shall come into force with effect from 01.02.2001 and shall remain operative till further orders.

3. The annual value of buildings and lands for the purposes of this levy shall be determined by an admixture of plot area and the covered area of the building thereon multiplied by the respective figures shown below against each category further multiplying it by 12:

Rating Areas and categories		Plot Area Per Sq. Yd.	Covered Area Per Sft.
1.		2.	3.
(A)	<b>Residential</b>	<b>Rs.</b>	<b>Rs.</b>
1.	E-Series	6.00	6.00
2.	F-Series	4.50	5.25
3.	G-Series		
	(a) Plot area upto 356 Sq. Yds.	2.50	3.20
	(b) Plot area more then 356 Sq. Yds.	3.75	4.80

\* Published in the Gazette of Pakistan, Extraordinary, Part II, dated 12th January, 2001, at pages 79-82.

4.	I-Series and, model villages		
	(a) Plot area upto 356 Sq. Yds.	2.00	3.00
	(b) Plot area more then 356 Sq. Yds.	3.00	4.50
<b>(B)</b>	<b>Commercial</b>		
1.	Blue Area		
	(a) Ground floor, shops etc.	6.00	9.00
	(b) Mazanine 1st Floor and above	4.00	6.00
2.	Markaz E&F Series		
	(a) Ground Floor, shops etc.	5.25	8.25
	(b) 1st Floor and above	3.50	5.50
3.	Markaz G&I Series, I&T Centre/ Class-III Shopping Centres * [and non residential properties outside commercial areas].	3.50	5.50
4.	Fruit and Vegetable Market	3.00	5.00
5.	Industrial and Institutional plots	1.50	3.00
			2.25
			(Shed Area)
6.	Petrol Pumps/ CNG Stations and Service Stations	30.00	-

\* Added by S. R. O. 783(I)/2003, dated 9th August, 2003.

4. The following categories of buildings and lands shall be exempt from payment of tax to the extent shown against each category:—

<b>Category</b>	<b>Exemption</b>
<b>1.</b>	<b>2.</b>
(1) One residential house, flat or apartment, owned and self occupied by the owner/ allottee or his family members including his parents.	50%
(2) One residential house, flat or apartment belonging to a widow if she owns no other built up property anywhere in Pakistan. **[This exemption shall also be available to the minor sons and unmarried daughters of an entitled widow after her death.]	100% upto plot area 240 Sq. Yds.
(3) Places set apart for public worship and actually so used and used for no other purpose.	100%
(4) Hospitals, dispensaries, clinics, educational or training institutions and libraries located on the plot allotted for specified purposes and run wholly from charitable contributions and donations.	100%
(5) @ [Residential house, flat or apartment owned and occupied by a retired Government employee whether in his own name or in the name of or jointly with his/ her spouse or dependent minor children. This exemption shall be available if it is his/ her or their only property in Pakistan and he/ she or they are themselves living in the house or, as the case may be, flat or apartment. This exemption shall also be available in case of death of the retired employee to the surviving spouse and minor children of the deceased employee.]	75%
(6) Buildings and lands owned by the Federal or a Provincial Government, but excluding public and private corporations.	100%

\*\* Added by S. R. O. 783 (I)/2003, dated 9th August, 2003.

@ Substituted by S. R. O. 950 (I)/2002, dated 26th December 2002 w.e.f. 1.1.2003.

- (7) Buildings and land vesting in the Capital Development Authority. This, however does not include lands leased out to private individuals and corporations, companies and firms or to any group of individuals. 100%

*Note.* 1. Exemption at Sl. No.1, 2 and 5 will be allowed on production of affidavit on simple paper for each respective year to be attested by any Officer to be nominated by the Authority for this purpose.

\*[*Note.* 2. Self occupation rebate at Sl. Nos. 1 and 5 would be allowed only on current dues and arrears of last one year.]

5. (a) In case the tax is paid by an assessee by 30<sup>th</sup> September within the financial year for which the tax is paid, he shall be entitled to a discount or rebate of 5 per cent.
- (b) After the expiry of financial year, a surcharge @ 1.5% per month shall be payable on the outstanding tax.

### COMMENTS

#### Synopsis

1. Nature of property.
2. Exemption of public property from taxation.
3. Exemption of Public Limited Company.

**1. Nature of property.** Appellants being owners of hotels, motels and restaurants were aggrieved of levy of property tax on commercial rates and claimed to be industry on the plea that authorities were charging electricity and gas dues on industrial rates from them. Validity. No statutory enactment had been made in Capital Development Authority Rules, whereby hotels/motels situated in the jurisdiction of Capital Development Authority were included in the term 'industry', 'industrial' or 'institution', as such appellants could not claim such relief. Appellants were allotted commercial plots for construction of hotels. Orders or notifications of Federal Government under other laws declaring business of hotel as industry would not affect the nature of building or use of plot as defined in the Regulation 3 of Islamabad Land Disposal Regulation, 1993. Amendment had also been made in Notification No. 24(I)/2001, dated 11.1.2001, through Notification No. 783(I)/2003, dated 9.8.2003, whereby non-residential properties outside commercial areas were included in the heading 'commercial'. Finding of High Court that until no statutory enactment declaring hotel/motels and restaurants located in Islamabad Capital was made by competent authority, appellants could not, as a matter of right, claim to be charged at such rate, was unexceptionable. Appeal was dismissed [2006 SCMR 1738].

\* Added by S. R. O. 783 (I)/2003, dated 9th August, 2003.

**2. Exemption of public property from taxation.** University was working in furtherance of the objectives of Ministry of Education, Federal Government, and could be considered as an attached department of the Ministry of Education and could be termed as Federal Government entity. Main source of funding the University was the grant/financial assistance extended by the Federal Government through Higher Education Commission and Federal Government exercised over all control over the affairs of the University. University being a statutory corporation and not a corporation under the Companies Ordinance, 1984 or Societies Act, 1925 and providing basic necessities was entitled to the benefit of Article 165 of the Constitution. Objectives of the University was not a business/commercial rather was a non-profit organization. Students and public-at-large was the beneficiary of the University; State was direct beneficiary because its objectives of promotion of education and literacy were achieved through the University. Properties/assets including land and buildings of the University would revert to the Federal Government in the eventuality of its closure. University being Federal Educational Institution was operating under the Control of Ministry of Education, Government of Pakistan, as such, was not liable to pay the Property Tax. University fell under clause 4(6) of the C.D.A. S.R.O. No. 24(I)/2001 dated 11-1-2001, wherein the buildings and lands owned by the Federal or a Provincial Government were exempted 100% from the levy of property tax. Authorities had demanded the commercial property tax from the University which was contrary to law and facts of the case. Constitutional petition of the University was allowed in circumstances [2010 YLR 1339].

**3. Exemption of Public Limited Company.** Notice issued by the Capital Development Authority (CDA) demanding property tax from Pakistan Television Corporation on its immovable properties situated within territorial limit of Capital Development Authority. PTV's claim to be exempt from levy of such tax in terms of S.R.O. 24(I)/2001, dated 11-1-2001 for being wholly owned, administered and managed by Federal Government. Validity. Para 4(6) of the S.R.O. provided about exemption of buildings and land vesting in Federal or Provincial Government from levy of such tax while excluded benefit of such exemption to public and private corporations. PTV by its nature was a commercial venture and its legal status was that of a Listed Public Limited Company and by fiction of law a juristic person to hold properties in its own name. Hundred per cent shareholdings of PTV did not vest in Federal Government despite having dominating hand in all administrative affairs of PTV. Articles of Association of PTV provided that share capital and assets including its immovable properties subjected to such tax were owned by PTV itself and not Federal Government. Appeal was dismissed in circumstances [2011 SCMR 1117].

## \*PENALTY ON LATE REGISTRATION OF VEHICLES

[19th August, 2009]

No. 4(11)-Dev/04-Vol. II.- In supersession of this office notification of even number dated 30th April, 2009, and in exercise of powers vested in him under section 43 of the West Pakistan Motor Vehicle Ordinance, 1965 (West Pakistan Ordinance XIX of 1965) and Section 23A of Motor Vehicle Laws, NWFP Addition, read with Justice Division's Notification No. F 17(2)/80-Pub, dated 31-12-1980 issued in pursuance of Article 2 of Islamabad Capital Territory (Administration) Order 1980 (P.O. No. 18 of 1980), the Chief Commissioner, ICT, is pleased to impose penalty on late registration of vehicles as per following rates, under the West Pakistan Motor Vehicle Rules, 1969 with immediate effect:—

- |      |   |            |
|------|---|------------|
| (i)  | where the default does not exceed 6 months; and | Rs.2,000/- |
| (ii) | where the default exceeds six months.           | Rs.5,000/- |

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY ISLAMABAD

ANITA TURAB,  
Director (DEV/FIN).

Appendix-X

**\*Penalty for giving incorrect statement/  
address for Registration of Vehicles**

[6th July, 2011]

No. 5(29)-B&A/2007(Vol-III).- In exercise of the powers vested upon him under Section 43 of the West Pakistan Motor Vehicle Ordinance, 1965 (West Pakistan Ordinance XIX of 1965) and with Justice Division Notification No. F. 17(2)/80-Pub, dated 31-12-1980 issued in pursuance of Article 2 of ICT (Administration) Order 1980 (P.O. No. 18 of 1980), the Chief Commissioner, Islamabad Capital Territory is pleased to impose penalty for giving incorrect statement/address for registration of vehicles under Rule 42 of Motor Vehicle Rules, 1969 (Fee Payable for Registration of vehicle):

- |    |                      |                                |
|----|----------------------|--------------------------------|
| 1. | Motor Cycle/Scooters | Rs.1,000/- (One thousand only) |
| 2. | All other vehicles   | Rs.10,000/- (Ten thousand)     |

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY.

## **\* Fee for providing Computerized Registration Book for Registration of Vehicles**

[29th August, 2011]

**No. 5(29)-B&A/2007(Vol-III).**- In exercise of the powers vested upon him under Section 43 of the West Pakistan Motor Vehicle Ordinance, 1965 (West Pakistan Ordinance XIX of 1965) and with Justice Division Notification No. F. 17(2)/80-Pub, dated 31-12-1980 issued in pursuance of Article 2 of ICT (Administration) Order 1980 (P.O. No. 18 of 1980), the Chief Commissioner, Islamabad Capital Territory is pleased to fix fee for providing Computerized Registration Book for registration of vehicles under Section 25(2) of Motor Vehicles Ordinance 1965 (as amended) read with Rule 28 of Motor Vehicles Rules, 1969:—

(i) All kinds of vehicles                      Rs.300/- (Three hundred only)

2. The above mentioned fee shall be deposited in the State Bank of Pakistan/National Bank of Pakistan, Islamabad under the relevant Head of Account allocated by the Ministry of Finance.

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY.



# **THE ISLAMABAD DISPLACED PERSONS REHABILITATION POLICY, 1996**

## **CONTENTS**

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## THE ISLAMABAD DISPLACED PERSONS REHABILITATION POLICY, 1996

Whereas it is considered expedient to amend, revise and reformulate the rehabilitation policy of the CDA:

It is hereby reformulated as under:

1. **Short title, commencement and application.**- (1) This policy may be called the Islamabad Displaced Persons Rehabilitation Policy, 1996.

(2) It shall come into force at once.

(3) It shall apply to persons displaced in Islamabad in consequence of acquisition of their land or built-up-properties prior to 1st January 1996.

2. **Definitions.**- In this policy, unless there is any thing repugnant in the subject or context.—

(a) "*Affectee*" means a person whose land and or built-up-property has been acquired under the CDA Ordinance, 1960, prior to 1st January 1996.

(b) "*Family Unit*" means the affectee, his or her spouse & unmarried daughters, minor male sons dependent upon & residing with the affectee at the time of acquisition.

(c) "*Model Village*" means an agro-village or sub-urban center developed as such, in the rural areas of Islamabad i.e. the areas outside the areas specified under section 15A of the CDA Ordinance, 1960, for the purposes of application of the Municipal Administration Ordinance.

(d) "*Built up Property*" means a residential house with covered area not less then 300 square feet.

3. **Policy.**- Subject to the conditions hereinafter appearing, residential plots in model villages in Islamabad or agricultural land in the colony districts of the Punjab and Sindh or Agro-farms in Islamabad will be offered to the affectees, on humanitarian grounds, for their permanent rehabilitation.

**4. Allotment of residential plots.-** The residential plots shall be allotted to the affectees according to the following scale namely:

(1) Where the land acquired is with or without built up property thereon and the area of land acquired is—

- |     |   |   |   |
|-----|---|---|---|
| (a) | 4 Kanals or More<br>but less Than 10<br>Kanals. | = | a plot of 25x50<br>Size   |
| (b) | 10 Kanals or more.                              | = | a plot of 30x60 size for every<br>complete unit of 10 Kanals of<br>acquired land. |

Provided that where the land acquired is less than 4 kanals, the affectee will be allowed to join other affectees to make up the deficiency in the minimum area of 04 kanals to be eligible for joint allotment of a plot.

(2) Where built up property is acquired in *Abadi Deh*, residential plots will be allotted to the affectees notwithstanding the ownership of the land beneath the Where built up property on the following criteria:-

	<u>Area of BUP</u>	<u>Plot Size</u>
i)	300 to 499 Square feet	Plot of 25'x50'
ii)	500 Square feet and Upwards.	Plot of 30' x 60'

The allotment will, however, be subject to the condition that the affectee has not availed any benefit against acquisition of land, if any, acquired from him, provided that where the acquired built up property is located outside *Abadi Deh*, residential plots will be allotted to the affectee of the built up property, as in the case of *Abadi Deh*, only if the land beneath is owned by the affectee himself.

**5. Allotment of Agricultural Land.-** Where an affectee individually, or as a group of affectees, has lost in acquisition to the CDA cultivable land not less than 50 Kanals in area, he or, as the case may be, they will have the option to apply, in lieu of the residential plot, for agricultural land in the colony districts of the Punjab and Sindh under their colonization scheme in which case he or they will be issued Eligibility Certificate (EC) for double, the area of land acquired from him or, as the case may be, them.

**6. Allotment of Agro-farm.-** Where an affectee individually, or a group of affectee, has lost in acquisition to the CDA cultivable land not less than 100 kanals in area, he or, as the case may be, they will have the option to apply, in lieu of the residential plot and the agricultural land in the colony districts, for agro-farm in Islamabad.

Provided, that in case of grouping, no member of the group should have lost, in acquisition, less than 10 kanals of cultivable land.

(2) The option for agro-farm under sub-para (1) shall be allowed one agro-farm of about 20 kanals for every complete unit of 100 kanals of land acquired from him or, as the case may be, them.

#### **7. Options to be final.-**

(1) Instead of taking up individual cases, the rehabilitation of affectees will be taken up revenue estate-wise and award-wise and options under paragraphs 5 and 6 will be available to the affectees within six months from the date of the rehabilitation of their respective revenue estate or award is taken up which date will be duly publicized. The option once exercised shall be final.

(2) The options under paragraphs 5 to 6 will be available to the affectees of pre-October 1984 acquisition irrespective of whether E.Cs has been issued to them or not. However, where E.Cs had been issued, the option will be available to them only if they have not utilized the EC and surrender the unutilized EC to the CDA.

(3) The options will not be available to the affectees who were issued E.Cs after 1st October 1984, as they are deemed to have already exercised this option.

#### **8. Conditions in general.-**

(1) Allotment of residential plots, agricultural land or agro-farm shall be subject to prior submission of an affidavit to the effect that no member of the family unit of the affectee owns a plot or house in Islamabad or has already availed of any rehabilitation benefit from the CDA. This affidavit will be further subject to the Scrutiny of and acceptance by the CDA. Any false affidavit will render the executants of that affidavit disqualified for any rehabilitation benefit from the CDA for all times and if any allotment has been made, it will render that allotment liable to be cancelled even if construction has been raised thereon and the amount already paid towards its price liable to be forfeited.

(2) In the cases of BUPs acquired prior to 18-9-1978, only those cases will be considered where the affectees had filed his application for allotment of residential plot by 18-9-1978 along with the bank draft of Rs.200/-. All other cases of acquisition of BUPs alone stand closed.

(3) Only one rehabilitation benefit will be admissible under this policy, that is, the affectee will be allowed either a residential plot or agricultural land in the colony districts of the Punjab or Sindh or agro-farm(s) in Islamabad. Where a rehabilitation benefit has already been availed of under a previous policy or the case has otherwise been closed, it will not be re-opened.

(4) No minor will be independently allotted a residential plot against land or BUP acquired from his name. However, his land or BUP can be joined for making up the deficiency in the minimum area of 4 kanals of land or the minimum covered area of 1000 square feet or for the purpose of allotment of agricultural land or agro-farm.

(5) Where an affectee dies before availing any rehabilitation benefit under this policy, the benefit will be available to the surviving members of his/ her family unit provided they have not already been rehabilitated in any manner whatsoever, whether individually or jointly.

---

Acquisition of property by inheritance will, however, have no adverse affect on the claim of the surviving members for rehabilitation benefits, which they may be otherwise entitled to.

(6) It will be in the discretion of the CDA to take up a revenue estate for rehabilitation and to rehabilitate its affectees in one model village or the other. However, as a matter of policy, efforts will be made to rehabilitate the affectees of one revenue estate in one model village as far as possible.

(7) All the benefits under this policy are admissible subject to prior vacation and peaceful handing over physical possession of acquired land and built-up-property to the CDA. The affectee and even the subsequent transferee, if any, of the plot or agro-farm allotted to him will ensure that this possession of the CDA is not disturbed or interfered with in any manner thereafter also. If at any stage it is established that the possession of the CDA over the acquired land or built up property has been disturbed or interfered with in connivance with or due to negligence of the affectee or the transferee that will render the allotment of residential plot or the agro-farm liable to be cancelled.

(8) Allotment of residential plots and agro-farms will be restricted to the quotas reserved for the affectees in the Islamabad Land Disposal Regulations, 1993, and issuance of E.Cs for agricultural Land in the colony districts of the Punjab and Sindh will be restricted to the land reserved for the Islamabad affectees in those districts.

(9) Package deal already made with the affectees will be honored and implemented but no package deal will be made with the affectees in future.

(10) **Cancellation of previous policy.** The Islamabad Displaced Persons Rehabilitation Policy, 1984, and all ancillary instructions and policy decisions taken in this behalf previously are hereby cancelled. However, all allotments made, including decisions taken by the competent authority to make any allotments are hereby confirmed.

## \* ISLAMABAD CAPITAL TERRITORY UNION COUNCIL TAXES

[13th August, 2005]

از دفتر اسسٹنٹ ڈائریکٹر لوکل گورنمنٹ و دیہی ترقی راینڈسٹریٹریونین کونسل ہائے ضلع اسلام آباد  
نمبر 501-2(78)/2005-UC- کینسل ٹیریٹری لوکل گورنمنٹ آرڈیننس مجریہ 1979ء کی دفعہ 46 جدول دوم اور  
دفعہ 65 ذیلی دفعہ 2، 1 کے تحت حاصل شدہ اختیارات کو استعمال میں لاتے ہوئے مندرجہ ذیل ٹیکس رٹس ہائے اور رائج الوقت  
ٹیکس رٹس ہائے میں ترمیم و اضافہ اور نفاذ کے لئے میں اجمل حسین بخاری ایڈیشنریونین کونسل ہائے وفاقی علاقہ اسلام آباد  
منظوری دیتا ہوں جو کہ فوری طور پر نافذ العمل ہوں گے۔

شرح	نمبر شمار نام ٹیکس رٹس	شرح	نمبر شمار نام ٹیکس رٹس
250	11- حکیم پنساری روڈ چنر	20	1- ٹول ٹیکس ٹریڈر ڈیپو
400	12- پولٹری رینٹل میڈیسن سٹور	10	بس، ٹرک، ٹرائی وغیرہ
1000	13- میڈیکل سٹور	10	ٹینڈا، پک اپ، ویگن وغیرہ
	14- پولٹری فارم	5	سوزوکی، کیری، چکیسی کار
1000	(1) 10000±500 چڑے تک	15	2- برآمدات ٹیکس ہر قسم ٹرک، ٹرائی
2000	(2) 20000±1000 چڑے تک	15	3- اڈا پارکنگ (1) بس، ٹرک، ویگن وغیرہ
3000	(3) 30000±2000 چڑے تک	10	(2) سوزوکی، چکیسی، کار
4000	(4) 40000±3000 چڑے تک	1000	4- سروں ٹیکس، آرائشین (سالانہ)
	اس سے زائد 1 روپیہ فی چوزہ	500	5- آرائشین (سالانہ)
1000	15- مچھلی فارم (فی فارم سالانہ)	700	6- آرڈر سپلائرز (ریٹ، کرش، اینٹ وغیرہ)
2000	16- ڈیری فارم (فی فارم سالانہ)	5000	7- کارخانہ ہر قسم (سالانہ)
2000	17- بھوسہ گودام فروخت کرنا (سالانہ)	3000	8- پرائیویٹ ہسپتال ریسٹرنٹی ہوم
500	18- ٹال بھوسہ پر چن فروش	1500	9- کلینک ڈاکٹر۔ ایم بی بی ایس
15000	19- کارخانہ سینٹ (سالانہ)	500	10- ہو میو پیٹنک ڈاکٹر

**Appendix-XIII: Islamabad Capital Territory Union Council Taxes 1461**

شرح	نمبر شمار نام ٹیکس برقیس	شرح	نمبر شمار نام ٹیکس برقیس
150	40- کھوکھا سنگھ، پان تہا کواٹا وغیرہ (سالانہ)	1000	20- سینٹ ایجنسی (سالانہ)
100	41- کھوکھا نیاری وغیرہ (سالانہ)	500	21- سٹاکس مارکیٹ میں (سالانہ)
200	42- دکان کریا نہ فروش (سالانہ)	200	22- سٹاکس گاؤں کی سطح پر (سالانہ)
500	43- دکان کریا نہ و جنرل سٹور (سالانہ)	23-	تعمیرات ٹیکس: رہائشی
1000	44- دکان جنرل سٹور پر چون فروش (سالانہ)	1000	(i) 5 مرلہ پلاٹ کی تعمیر پر فی منزل
500	45- دکان ہارڈ ویئر مرچنٹ (سالانہ)	2000	(۲) 10 مرلہ پلاٹ کی تعمیر پر فی منزل
300	46- لائسنس فیس دکان بڑا گوشت (سالانہ)	4000	(۳) ایک کنال پلاٹ کی تعمیر پر فی منزل
500	47- لائسنس فیس دکان چھوٹا گوشت (سالانہ)	5000	(۴) 2 کنال پلاٹ کی تعمیر پر فی منزل
150	48- برف ڈپو (سالانہ)	24-	تعمیرات ٹیکس (تجارتی فی مربع فٹ) 5 فی م فٹ
600	49- لائسنس فیس آئس کریم فیکٹری (سالانہ)	500	25- ایجنسی کھا دیکھیا دی (سالانہ)
3000	50- پٹرول پمپ (سالانہ)	500	26- ایجنسی کھا دیکھیا دی (سالانہ)
3000	51- سی این جی گیس سٹیشن (سالانہ)	300	27- ہوٹل چائے (سالانہ)
400	52- ٹال لکڑی جھلانے والی (سالانہ)	500	28- ہوٹل چائے و روٹی وغیرہ (سالانہ)
1000	53- ٹال لکڑی عمارتی (سالانہ)	1000	29- ہوٹل چائے روٹی و پائٹی گوشت (سالانہ)
250	54- روٹی مشین (سالانہ)	1500	30- ہوٹل چائے روٹی و رہ سٹورینٹ (سالانہ)
300	55- ٹوکہ مشین (چارہ فروخت) (سالانہ)	100	31- دکان سبزی (سالانہ)
400	56- موٹر ملکینک (سالانہ)	500	32- دکان سبزی و فروٹ (سالانہ)
200	57- موٹر سائیکل ملکینک (سالانہ)	100	33- دکان دوڑو، دھگی، لمبی (سالانہ)
100	58- دکان مرمت سائیکل (سالانہ)	500	34- لائسنس فیس بیکری و مٹھائی (سالانہ)
300	59- موٹر سائیکل (مرمت پچھلے سٹری) (سالانہ)	200	35- مشروب سوڈا اور تھوک و پرچون (سالانہ)
300	60- دکان ویلڈنگ و کرس (سالانہ)	2000	36- سوڈا فیکٹری اور چارج فیکٹری (سالانہ)
600	61- لائسنس فیس بیٹریں، ٹرک، ٹانڈر و ٹری (سالانہ)	350	37- ایجنسی ٹیل مٹی (سالانہ)
	62- ملکینک ریڈیو، ٹی وی، وی سی آر، ٹیپ	500	38- ایجنسی فیس سلنڈر ہر قسم (سالانہ)
500	ریکارڈر، فریق و رکشاپ (سالانہ)	1000	39- ایجنسی مشروب تھوک فروش (سالانہ)
400	63- ڈینڈر، بیٹری، سپرے بیٹری، آٹو ایکسٹرنشن (سالانہ)		

نمبر شمار نام ٹیکس رفیس	شرح	نمبر شمار نام ٹیکس رفیس	شرح
64-	ایکٹریک سٹور (سالانہ)	500	88- متفرق دکان رسٹور جس کا اس شیڈول میں
65-	دکان پیئیر پارٹس (سالانہ)	600	ذکر نہ ہوا ایک لاکھ مالیت تک
66-	فرنیچر سازی، فروختگی (سالانہ)	500	(۲) دو لاکھ مالیت تک (سالانہ)
67-	فروختگی چونا وغیرہ (سالانہ)	200	(۳) دو لاکھ سے زائد مالیت پر (سالانہ)
68-	ویڈیو گیمز، پلیئر ڈیکسز و دیگر (سالانہ)	500	89- ایجنسی سائیکل (سالانہ)
69-	فروختگی چونا، چوکے سینٹ جالیاں، ٹائلز	400	90- فوٹو فریم گلاس یا پلاسٹک شیٹ (سالانہ)
	سینٹ و فروختگی (سالانہ)	200	91- نو ایکسٹنشن سرپٹیکٹ (سالانہ)
70-	کمانی ملکیت و کمائی میکر (سالانہ)	300	92- ٹائر و کس (سالانہ)
71-	میلز ڈوپا چائے پتی (سالانہ)	500	93- نقشہ نویس
72-	مرمتی ہاڈی بس، بڑک وغیرہ (سالانہ)	500	94- (۱) میوزک سینٹر بڑی مارکیٹ میں (سالانہ)
73-	شٹرنگ سٹور (سالانہ)	500	(۲) میوزک سینٹر دیہات یا محلہ (سالانہ)
74-	ہالے، ہانس، میزھی سٹور (سالانہ)	300	95- فوٹو سٹوڈیو (سالانہ)
75-	لائسنس فیس فروختگی اسلحہ (سالانہ)	1000	96- تیل گاڑی، تانگہ، ہاڈی میکرز و فروختگی (سالانہ)
76-	مرمتی اسلحہ (سالانہ)	500	97- ٹینٹ سروس بڑی دکان
77-	دکان حجام (سالانہ)	100	98- ٹینٹ سروس چھوٹی دکان (سالانہ)
78-	دکان حجام بیج گرم حجام (سالانہ)	300	99- ایجنسی سگریٹ (سالانہ)
79-	چھل بوٹ میکر و فروختگی (سالانہ)	300	100- گڈز ایجنسی (سالانہ)
80-	چھل و بوٹ ہاؤس (سالانہ)	500	101- دری قالین سازی و فروختگی (سالانہ)
81-	دکان درزی (سالانہ)	200	102- بھٹہ خشت (سالانہ)
82-	ٹیلر مٹرس کے پاس ایک سے زائد کارنگہ (سالانہ)	500	103- کرش مشین پلانٹ (سالانہ)
83-	کلاتھ مرچنٹ (دکان کپڑا) (سالانہ)	500	104- کرش مشین (سالانہ)
84-	گھڑی ساز (سالانہ)	80	105- فوٹو سٹیٹ مشین - ایک
85-	دکان فروختگی گھڑیاں (سالانہ)	200	فوٹو سٹیٹ مشین ایک سے زائد (سالانہ)
86-	خراد، ٹول، ہتھ مشین (سالانہ)	1000	106- وی سی آر فر وختگی و کرایہ پر دینا
87-	دکان ٹرائی ہلز و دیگر زرعی سامان (سالانہ)	1000	107- کھل، چوکھر، سٹور مین بازار (سالانہ)



**Appendix-XIII: Islamabad Capital Territory Union Council Taxes 1463**

نمبر شمار نام ٹیکس رئیس	شرح	نمبر شمار نام ٹیکس رئیس	شرح
108-	کھل چوکھر، شورگاؤں / محلہ (سالانہ)	200	کھل چوکھر، شورگاؤں / محلہ (سالانہ)
109-	کولہا مشین سے چلنے والا (سالانہ)	300	کولہا مشین سے چلنے والا (سالانہ)
110-	سینٹری شاپ، بڑی محلہ گاؤں (سالانہ)	300	سینٹری شاپ، بڑی محلہ گاؤں (سالانہ)
111-	پلائی وڈ ہارڈ ویئر سنٹور (سالانہ)	200	سینٹری شاپ، چھوٹی محلہ گاؤں (سالانہ)
112-	بس بڑک، موٹر و رکشاپ (سالانہ)	500	پلائی وڈ ہارڈ ویئر سنٹور (سالانہ)
113-	ڈرائی کلیئرز (سالانہ)	1000	بس بڑک، موٹر و رکشاپ (سالانہ)
114-	لوہے کا کاروبار (سالانہ)	250	ڈرائی کلیئرز (سالانہ)
115-	ڈینٹل کلیننگ (سالانہ)	500	لوہے کا کاروبار (سالانہ)
116-	ٹینک ساز و مرتقی (سالانہ)	500	ڈینٹل کلیننگ (سالانہ)
117-	کھیلوں کا سامان بنانا و فروختگی (سالانہ)	200	ٹینک ساز و مرتقی (سالانہ)
118-	ٹریکٹرز ڈیلر و دیگر گاڑیاں (سالانہ)	400	کھیلوں کا سامان بنانا و فروختگی (سالانہ)
119-	کمیشن ایجنٹ کاروبار محلہ (سالانہ)	1000	ٹریکٹرز ڈیلر و دیگر گاڑیاں (سالانہ)
120-	کریبانہ یا متفرق سنٹور محلہ جات (سالانہ)	1000	کمیشن ایجنٹ کاروبار محلہ (سالانہ)
121-	پرائیویٹ سکول برادارے (سالانہ)	100	کریبانہ یا متفرق سنٹور محلہ جات (سالانہ)
122-	بیٹری سروس و فروختگی (سالانہ)	1500	پرائیویٹ سکول برادارے (سالانہ)
123-	مچھلی وغیرہ فروخت (سالانہ)	200	بیٹری سروس و فروختگی (سالانہ)
124-	سبزی فروٹ منڈی کمیشن ایجنٹ (سالانہ)	200	مچھلی وغیرہ فروخت (سالانہ)
125-	ویل ہیلتنگ (سالانہ)	3000	سبزی فروٹ منڈی کمیشن ایجنٹ (سالانہ)
126-	ڈیزل لیہارٹری ورکشاپ (سالانہ)	300	ویل ہیلتنگ (سالانہ)
127-	پکوڑا سوسہ فروخت (سالانہ)	700	ڈیزل لیہارٹری ورکشاپ (سالانہ)
128-	دکان سوسہ چاٹ (سالانہ)	100	پکوڑا سوسہ فروخت (سالانہ)
129-	جوز ملک ٹیک (سالانہ)	300	دکان سوسہ چاٹ (سالانہ)
130-	سینٹری ورکس (سالانہ)	300	جوز ملک ٹیک (سالانہ)
131-	موٹر ڈیلر، پراپرٹی ڈیلر، کمیشن ایجنٹ (سالانہ)	400	سینٹری ورکس (سالانہ)
132-	پبلک کال آفس (سالانہ)	400	موٹر ڈیلر، پراپرٹی ڈیلر، کمیشن ایجنٹ (سالانہ)
133-	تیار چھتیں (سالانہ)	2000	پبلک کال آفس (سالانہ)
134-	لائسنس فیس ٹریکٹر ٹرائی (سالانہ)	1000	تیار چھتیں (سالانہ)
135-	ماربل فیکٹری (سالانہ)	200	لائسنس فیس ٹریکٹر ٹرائی (سالانہ)
136-	پائپ سازی برتن سازی (سالانہ)	5000	ماربل فیکٹری (سالانہ)
137-	چھری پولٹری وغیرہ (سالانہ)	1000	پائپ سازی برتن سازی (سالانہ)
138-	روٹی، نان، شاپ، تندور (سالانہ)	2000	چھری پولٹری وغیرہ (سالانہ)
139-	آئل ٹینگر میکرو (سالانہ)	200	روٹی، نان، شاپ، تندور (سالانہ)
140-	کراکری، چینی، سٹیل، پلاسٹک، پتھر (سالانہ)	2000	آئل ٹینگر میکرو (سالانہ)
141-	دکان، برتن، پلاسٹک و دیگر سامان (سالانہ)	500	کراکری، چینی، سٹیل، پلاسٹک، پتھر (سالانہ)
142-	سلور سنٹور برتن (سالانہ)	300	دکان، برتن، پلاسٹک و دیگر سامان (سالانہ)
143-	چارپائی بنانا و فروختگی (سالانہ)	300	سلور سنٹور برتن (سالانہ)
144-	رگساز (سالانہ)	300	چارپائی بنانا و فروختگی (سالانہ)
145-	پینٹر لکھائی والا (سالانہ)	100	رگساز (سالانہ)
146-	دکان چوبلری (سالانہ)	200	پینٹر لکھائی والا (سالانہ)
147-	ڈیکوریشن لائٹنگ (سالانہ)	100	دکان چوبلری (سالانہ)
148-	دکان لوہار (سالانہ)	300	ڈیکوریشن لائٹنگ (سالانہ)
149-	منڈی مویشیاں	200	دکان لوہار (سالانہ)
-	داخلہ چھوٹا جانور فی جانور	1	منڈی مویشیاں
-	بڑا جانور	2	داخلہ چھوٹا جانور فی جانور
5%	قیمت فروخت پر کمیشن	5%	بڑا جانور
150-	بورڈ ٹیکس (سالانہ)	150	قیمت فروخت پر کمیشن
(1)	سامان بورڈ جنرل شاپ پریڈ مارک (سالانہ)	50	بورڈ ٹیکس (سالانہ)
(2)	جمع ٹریڈ مارک کمپنی و فرم (سالانہ)	3/Ft	سامان بورڈ جنرل شاپ پریڈ مارک (سالانہ)
151-	برآمدات لکڑی اڈاں لکڑی پوعمارتی (سالانہ)	0.30	جمع ٹریڈ مارک کمپنی و فرم (سالانہ)

نمبر شمار نام ٹیکس رفیس	شرح	نمبر شمار نام ٹیکس رفیس	شرح
152-	کباڑی (سالانہ)	500	161- پیدائش ٹیکس فی اندراج
153-	شادی ٹیکس فی شادی	500	162- نقول فیس پیدائش واموات فی نقل
154-	لائسنس فیس نکاح رجسٹرار	500	163- نقول فیس مقدمات مسلم فیملی لاء و دیگر فی نقل
155-	سرٹیفکیٹ ہر قسم یعنی سکوتی، رہائشی، NIC، و دیگر فی سرٹیفکیٹ	50	نقول فیس مقدمات مسلم فیملی لاء و دیگر فی
156-	آمدن واثر ریٹ (سالانہ)	50	پرٹ 5 سے زائد پر
(1)	واثر ریٹ گھریلو ماہانہ	150	164- نقل فیس نکاح نامہ فی پرٹ
(2)	واثر ریٹ تجارتی ماہانہ	300	165- پھانگ مویشیاں داخلہ فی بڑا جانور
(3)	سیکیورٹی کنکشن گھریلو	1000	داخلہ فی چھوٹا جانور
(4)	سیکیورٹی کنکشن تجارتی	2000	خوراک چار جزئی پوم بڑا جانور
	تجارتی ہوٹل، حمام، سردی سٹیشن شامل ہیں۔		خوراک چار جزئی پوم چھوٹا جانور
	نوٹ: واثر ریٹ کی شرح میں کمی بیشی واثر		وصول شدہ جرمانے سے 20% معاف کا
	یوزر کیٹیگی کے اختیارات میں ہے۔		معاوضہ 20% ازالہ زمیندار 60% حصہ
(5)	کننگ پینتہ کنگریٹ فی مربع فوٹ	100±50	یونین کونسل ہوگا
(6)	کننگ تارکول فی مربع فوٹ	150±100	166- زسری پودا جات فی زسری (سالانہ)
(7)	کننگ کچی گلی فی مربع فوٹ	15±5	167- پالٹری فیڈ
	فیس درخواست دوسری شادی فی شادی	200	168- مرغ شاپ
157-	فیس اجازت نامہ دوسری شادی	500	169- گارمنٹس شاپ
	فیس لیٹ اندراج نکاح نامہ فی ماہ	50	
158-	(میعاد اندراج نکاح نامہ ایک ماہ)		دستخط
	فیس رجسٹریشن شادی		اجمل حسین بخاری
159-	بمطابق حق مہر		اسسٹنٹ ڈائریکٹر لوکل گورنمنٹ و دیہی ترقی
	میں ہزار تک اعزاز یہ نکاح رجسٹرار 80%		ایڈمنسٹریٹو یونین کونسل ہائے، ضلع اسلام آباد
	اس سے زائد پر اعزاز یہ نکاح رجسٹرار 50%		
160-	فیس لیٹ اندراج پیدائش واموات فی سال	50	

# **<sup>1</sup>TERRITORIAL LIMITS OF SESSIONS DIVISION OF ISLAMABAD CAPITAL TERRITORY**

[28th May, 2011]

**No. 11(1)-Admin./2011.-** In exercise of the powers conferred *vide* Law and Justice Division's Notification No. F-17(2)/80-Pub, dated 31-12-1980, issued in pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order, 1980 (P.O. No. 18 of 1980), and all other enabling powers in this behalf, the Chief Commissioner, Islamabad Capital Territory, is pleased to divide the area of the Islamabad Capital Territory into two Sessions division in terms of Section 6(4) of the Islamabad High Court Act 2010 read with Part-II, Chapter-II-A, B and C of the Code of Criminal Procedure, 1898 (Act V of 1898) and Section 4 of the Civil Courts Ordinance, 1962 (Ordinance II of 1962), with the following territorial limits.

- ISLAMABAD WEST:** All Sectors, all municipal limits, Union Council Shah Allah Ditta, Saidpur, Noor-Pur Shahan and areas falling on Western Side of the Murree Road starting from Faizabad and leading towards Bharakau.
- ISLAMABAD EAST:** 11 Union Councils *i.e.* Rewat, Sihala, Koral, Tarlai, Bhara Kau, Kirpa, Chirah, Sohan, Kurri, Tumair and Phulgran including villages Ojri and Malpur.

Until directed otherwise, the courts of both the Sessions Division and Civil Districts shall hold their sitting in Sector F-8 Markaz, Islamabad, which will be their headquarters.

2. This issues in supersession of this office Notification of even number dated 24th May, 2011.

BY THE ORDER OF THE CHIEF COMMISSIONER,  
ISLAMABAD CAPITAL TERRITORY ISLAMABAD.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part III, Islamabad, dated 31st May, 2011, at pages 1017-1018.

# <sup>1</sup>MINIMUM MONTHLY WAGES OF UNSKILLED WORKERS AND THE JUVENILE EMPLOYEE IN INDUSTRIAL UNDERTAKING IN ISLAMABAD CAPITAL TERRITORY

[30th August, 2010]

**No. ADLW/ICT/2010-118.-** In exercise of the powers conferred upon him under section-4 of the Minimum Wages Ordinance, 1961 read with Justice Division Notification No. F-17(2)-Pub/80, dated 31-12-1980 issued in pursuance of Article 2 of the Islamabad Capital Territory Administration Order 1980 (P.O. No. 18 of 1980) and all other powers enabling him in this behalf, the Chief Commissioner, ICT has been pleased to fix the minimum monthly wages of unskilled workers and the juvenile employed in all the industrial undertaking in the ICT, Islamabad retrospective effect 1st July, 2010. The schedule of minimum wages is appended below:—

## SCHEDULE

Sl. No.	Category of Workers	Proposed minimum rates of wages	
		Per day (for 8 working hours)	Per month (for 26 working days)
1.	Adult Unskilled Workers employed in industrial undertakings in ICT, Islamabad	Rs.269.23	Rs.7,000/-
2.	Juvenile Workers employed in industrial undertakings in ICT, Islamabad.	Rs.269.23	Rs.7,000/-

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 20th September, 2010, at pages 2489-2490.

Appendix-XVI

# **<sup>1</sup>MONTHLY EMOLUMENTS FOR PART TIME EMPLOYEES AND RATES OF DAILY WAGES**

[30th August, 2010]

**No. ADLW/ICT/2010-117.-** In exercise of powers conferred upon him under section-6 of the Minimum Wages Ordinance, 1961 read with justice Division Notification No. F-17(2)-Pub/80, dated 31-12-1980 issued in pursuance of Article 2 of the Islamabad Capital Territory Administration Order 1980 (P.O. No. 18 of 1980) and all other powers enabling him in this behalf, the Chief Commissioner, ICT has been please to fix the following monthly emoluments for part time employees and rates of daily wages with immediate effect:—

- |       |                                      |                     |
|-------|--------------------------------------|---------------------|
| (i)   | Daily wages for skilled worker.      | Rs.600/- per day    |
| (ii)  | Daily wages for semi-skilled worker. | Rs.350/- per day.   |
| (iii) | Daily wages for unskilled worker.    | Rs.300/- per day.   |
| (iv)  | Monthly rates for part time.         | R.4,000/- per month |

BY THE ORDER OF CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 20th September, 2010, at page 2490.

**APPOINTMENT OF OFFICERS TO FILE  
COMPLAINTS UNDER THE MARRIAGE  
FUNCTIONS (PROHIBITION OF  
OSTENTATIOUS DISPLAYS AND  
WASTEFUL EXPENSES) ORDINANCE,  
2000 IN ISLAMABAD CAPITAL  
TERRITORY**

[19th February, 2000]

**No. 3(209)-Law/2000.-** In exercise of the powers conferred upon him under section 7(1) of the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000 read with Ministry of Justice and Parliamentary Affairs Notification No. F.17(2)-Pub/80 dated 31-12-1980 issued under Presidential Order No. 18 of 1980, the Chief Commissioner, Islamabad Capital Territory has been pleased to appoint following Officers to file complaints in writing of the offences in the Islamabad Capital Territory, Islamabad:—

- (1) Assistant Commissioner (City).
- (2) District Attorney.
- (3) Assistant Director Local Government and Rural Development.

BY ORDER OF THE CHIEF COMMISSIONER  
ISLAMABAD CAPITAL TERRITORY.

Appendix-XVIII

**URBAN AREA OF ISLAMABAD  
GOVERNMENT OF PAKISTAN**

• Islamabad, the 19th July, 2002.

**S.R.O. 83 (KE)/2002:**

In exercise of powers conferred by clause (k) of section 2 of the Islamabad Rent Restriction Ordinance, 2001 (IV of 2001), the Federal Government is pleased to specify the areas mentioned in the table below to be urban areas for the purpose of the said Ordinance, namely:-

**THE TABLE**

Starting from a point near Mandla village at Map Reference Q. 231660, the boundary turns to the south and joins the Mullah at Map Reference 231645. From this point boundary line runs along the eastern bank of Chang Kass Nullah upto the junction of the Nullah with Murree Road at Map Reference 235624.

From this point, the boundary line runs along the eastern bank of Chang Kass Nullah till it reaches the confluence with Kurang river at Map Reference 240612. From this point, the boundary follows the left bank of Kurang river till it joins the Rawal lake from where it follows the highest flood level contour till it reaches the spill way of Rawal Dam from where it again follows the left bank of Kurang river till it reaches the horizontal grid line 1153000 towards west till it reaches the eastern right of way of Shahrah-e-Islamabad at Map Reference 158534. From here the boundary line runs towards south east parallel to existing Islamabad Highway (600' toward east) crossing the Lehtrar Road Airport Link Road crossing Railway line and soan bridge with Kahuta Road upto existing grand trunk road at Map Reference 259353. Then towards north west upto 1200 feet Map Reference 252356. From here it goes back upto Faizabad Grid Reference 152532 Parallel to existing Islamabad Highway (600' towards west).

From this point, the boundary line runs south of Khayabane-e-Sir Syed and coincides with Capital Boundary which runs in a straight line till it reaches a point at Map Reference 067474 (300 feet 988 south of IP. 73) then it continues in south-westerly direction for 300 feet Map Reference 066473. Then the boundary runs in north-westerly direction up to a point at Map Reference 054491. From this point, the boundary line goes in south-westerly direction to a point at Map Reference 038480.

From this point, the boundary line follows the right of way of G. T. Road and eastern right of way of Golra road till it reaches Map Reference 036484 and then to the north-eastern corner of Jerry Can Factory, then along the northern and then the western boundary wall of Jerry Can Factory till the boundary joins the Northern ROW of G. T. Road at Map Reference 033482, and after crossing the G.T. Road, continues along southern right of way of G. T. Road to a point at Map Reference 037479. From this point, the boundary line runs south, east to point Map Reference 049462. From this point the boundary line runs in south westerly directions to a point Map Reference 980416. From this point boundary line takes a turn towards north west and runs in a straight line to a point at Map Reference 878560. From this point it turns slightly towards north west and runs upto a spot height 2326 at Map Reference 872567. From here it turns in eastern direction and crosses G. T. Road at Map Reference 884570. From here it continues in south easterly direction and joins the bench mark of 1770 at Railway line Map Reference 912560. From here it runs towards north east and passes through spot height 1982 at a Map Reference 935567 and spot height 2098 at Map Reference 950570, and then runs in the eastern direction till it passes through spot height 2133 at Map Reference 977580, south of village Shah Allah Ditta, and extends to spot height 2233 at Map Reference 354584. From here it turns toward north eastern side upto a point at Map Reference 358590 and runs along Margallah Hills slopes till it joins starting point at Map Reference 231660 near Mandla Village.

(No. 1/2/97- ICT-II).

KAMRAN ALI CHEEMA,  
Section Officer (ICT-II).



## **EXTENSION AND APPLICATION OF THE ISLAMABAD RENT RESTRICTION ORDINANCE, 2001.**

**S.R.O. 538(T)/2004, dated 24-6-2004.-** In exercise of the powers conferred by subsection (2) of section 1 of the Islamabad Rent Restriction Ordinance, 2001 (IV of 2001), the Federal Government is pleased to direct that the said Ordinance, shall:

- (a) extend to the urban areas specified by Interior Division's Notification No. S.R.O. 83 (KE)/2002 dated the 19th July, 2002; and
- (b) apply to all residential and commercial buildings and rented lands situated in the said urban area which are owned by or belong to or possessed by individuals, private firms, private organizations and societies and private or public limited companies.

## **APPOINTMENT OF RENT CONTROLLERS**

**No. 11(1)-Admin/2000, dated 13.04.2001.-** In exercise of the powers vested in him under the Article 2 of the Islamabad Capital Territory Administration Order, 1980. (P. O. No. 18 of 1980) read with Justice Division's Notification No. F. 17(2)/80-Pub, dated 31st December, 1980 and all other powers relating in that behalf and in consultation with the Hon'ble Chief Justice of Lahore High Court, Lahore, the Chief Commissioner, Islamabad Capital Territory is pleased to appoint the Senior Civil Judge and Civil Judges posted at Islamabad as Rent Controller and confer upon them powers under the Islamabad Rent Restriction Ordinance, 2001, with immediate effect and until further orders.

**<sup>1</sup>CODE OF CONDUCT TO BE OBSERVED  
BY THE JUDICIAL OFFICERS WORKING  
UNDER THE CONTROL &  
SUPERINTENDENCE OF ISLAMABAD  
HIGH COURT, ISLAMABAD**

[16th January, 2012]

No.- Gen/IHC/2012/5278.- In addition to the all relevant Laws, Rules, Regulations and the instructions issued by this Court from time to time, Islamabad High Court, Islamabad prescribed the following Code of Conduct to be observed by the Judicial Officers working under the control & superintendence within its jurisdiction.

**CODE OF CONDUCT**

“Justice is not only a sacred trust bestowed upon certain individuals in a society to resolve disputes between the people but, is a divine virtue, creating theological foundations of every religion in the world. Societies and States from time immemorial have devised different systems of administration of justice but, by and large every system of administration of justice experienced by the humanity in its historical discourse, created certain code of conduct for its judges and decision makers. Our Islamic, Oriental and Anglo-Saxon heritage of legal jurisprudence presents a unique blend of performance standards for judges and judicial officers. Having its geneses in the said heritage, Islamabad High Court, Islamabad is pleased to prescribed the following code of conduct for the members of its subordinate judiciary.

**a. ACCOUNTABILITY**

Justice is a sacred trust and a judicial officer should exercise his judicial powers with honesty, responsibility and commitment. He must always be mindful of the fact that he is not merely accountable to his superiors but also accountable to Allah Almighty.

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part III, Karachi, dated 20th April, 2012, at pages 153-156.

**b. INDEPENDENCE**

While discharging his duties, he should always hold a position of independence and should neither be impressed by love for his kith and kin nor he should be influenced by the authority of his superiors.

**c. CONSCIENCE**

While deciding a case, a judicial officer should only be guided by his own conscience and judicial considerations and should not be influenced by any fear or bias. He should discharge his duties without fear and favour to any party before him or their lawyers, both in his judgment and conduct.

**d. SELF RESTRAINT**

He should not hear the cases in which his near relative or close friends have got any interest. He should not privately advise any of the party, so that it becomes a favour to the prejudice of the other party. He must avoid discussing particular cases before them save allowed by law or when it is intended to give advise or counselling by a higher forum to a lower forum. He must avoid hearing cases, receiving guests or his colleagues in his retiring room, besides avoiding frequent use thereof, except in urgent need. To ensure that justice is not only done but, is also seen to be done, a judge must avoid all possibility of his opinion or action in any case being swayed by any consideration of personal advantage either direct or indirect. To keep himself above reproach, his conduct in his official and private capacity should be free from impropriety.

**e. BEHAVIOUR**

A judicial officer should be God fearing, law abiding, abstemious, truthful of tongue, wise in opinion, cautious and forbearing, patient and calm, blameless, untouched by greed, completely detached and balanced, faithful to his words and meticulous in his functions. His behaviour should be gentlemanly, particularly towards the litigants and lawyers. He should be courteous and polite but firm and dignified to maintain decorum of the court. While dealing with others, a judicial officer should always imagine himself in juxtaposition.

**f. PUBLIC GATHERINGS**

He should avoid to mix-up with general public and members of the bar. He should also avoid to attend private Parties and functions at public places including hotels, markets and streets except in dire need.

**g. IMPARTIALITY**

A judge should give equal treatment to the parties, who bring their disputes to him for decisions. The Prophet (P.B.U.H) of Islam is reported to have said that if one of you is appointed as a judge, let him give equal treatment to the parties with respect to their sitting arrangement, in respect of giving attention to them or in respect of even looking towards them. Thus, the judge must not show any sign or gesture towards any party appearing in his court, which gives suspicion that he is favourably inclined to that party. Caliph Hazrat Umar (R.A) once snubbed a judge before whom he appeared in a case, as the judge tried to show the Caliph respect by standing up in his honour. A judge is therefore obliged to be completely impartial.

**h. INTEGRITY**

A judge must be very honest and he should not be tempted by bribery or other offers. The Quran prohibits giving bribe to judges when it says, "And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that ye may knowingly devour a portion of a property of others wrongfully. The Prophet (P.B.U.H) is also reported to have cursed the bribe takers and the bribe givers. According to another tradition, the Holy Prophet (P.B.U.H) said that one who gives bribe and one who takes bribe are both in Hell.

A judge must not accept presents or gifts as the acceptance of gifts by a public functionary, according to the Holy Prophet (P.B.U.H), is *ghulul* (misappropriation). However, some jurists are of the opinion that a judge can accept presents from his close relations and also from his friends, who used to give him presents before his appointment as judge. But the best course is that he must avoid gifts as they are a way of bribery. A judge should not indulge in any trade or business and must avoid going to the market for a purchase or sale. A judge should also avoid transactions like lending or borrowing as it effects his office and position.

**i. ATTIRE OF A JUDGE**

According to Muslim jurists, a judge must come in his best and the most dignified attire. A judge is enjoying a respectable and dignified position in the Islamic society, thus, his appearance must also be dignified accordingly. It is desirable for a judge to wear prescribed proper and respectful dress, as the absence of it will lower his status and position before litigants.

**j. PATIENCE**

A judge must be patient and cool headed person because, if he is impatient and short tempered, he may pronounce a wrong judgment out of an excitement or anger and in such a case, he is likely to do either injustice to one party or undue favour to another. Hazrat Ali (A.S.) in his letter to Maalik-bin-Ashtar gave following instructions regarding the conduct of judges while they hold their courts. This esteem letter provides the golden principles for a judge to conduct his court and deliver his decisions.

- I. "Abundance of litigations and complexity of cases should not make them lose their temper.
- II. When they realize that they have committed a mistake in judgment, they should not insist it by trying to justify it.
- III. When truth is made clear to them or when right path opens up before them, they should not consider it below their dignity to correct the mistake made or to undo the wrong done by them.
- IV. They should not be corrupt, covetous or greedy.
- V. They should not be satisfied with ordinary enquiry or scrutiny of a case, but should scrupulously go through all the pros and cons, they must examine every aspect of the problem carefully, and whenever and wherever they find doubtful and ambiguous points, they must stop to go through further details, clear the points and only then proceed with their decision.
- VI. They must attach greatest importance to reasoning, arguments and proof.
- VII. They should not get tired of lengthy discussions and arguments.
- VIII. They must exhibit patience and perseverance in scanning the details, in testing the points presented as true, in sifting facts from fiction and when truth is revealed to them, they must pass their judgements without fear, favour or prejudice.
- IX. They should not develop vanity and conceit when compliments and praises are showered upon them.
- X. They should not be misled by flattery and cajolery."

# <sup>1</sup>FORMS OF OATH

[16th January, 2012]

**No. Genl/IHC/2012/5279.-** In exercise of the powers conferred by Section 7 of the Oaths Act 1873 (X of 1873), the Islamabad High Court, Islamabad has been pleased to prescribe the following forms of oath (for Muslims & Non-Muslims) to be made by all the persons mentioned in section 5 of the Oaths Act, 1873 before the courts and other authorities detailed in section 4 *ibid*.

## I. FOR MUSLIMS:

“I swear by Almighty Allah that I shall state the truth and conceal nothing from the court”

### URDU TRANSLATION

میں اللہ تعالیٰ کی قسم کھا کر کہتا ہوں کہ میں سچا بیان دوں گا اور عدالت سے کچھ نہیں چھپاؤں گا۔

## II. FOR NON-MUSLIMS

“I solemnly declare that I shall state the truth and conceal nothing from the court”.

میں حلفاً کہتا ہوں کہ میں سچا بیان دوں گا اور عدالت سے کچھ نہیں چھپاؤں گا۔

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part III, Karachi, dated 20th April, 2012, at pages 156-157.

# <sup>1</sup>THE RESTORATION POLICY, 2014

[24th March, 2014]

**S.R.O. 350 (D)/2014.-** In exercise of powers conferred by section 15(1) read with Section 51 of the Capital Development Authority Ordinance, 1960, (Ord. No. XXIII of 1960), the Capital Development Authority is pleased to make the following notification of "RESTORATION POLICY- 2014" approved its Board meeting held on 07-03-2014 :—

## RESTORATION POLICY 2014

### 1. Short title, Extent and Commencement.

- a. This policy may be called the Restoration Policy, 2014.
- b. It extends to all Residential and Commercial, Agro, institutional and all other plots disposed of by the Authority.
- c. It shall come into force *w.e.f.* 7th March 2014 and shall supersede all other previous restoration Policies, **Board decisions** and subsequent amendments related to Restoration of plots therein.
- d. *All cases that are in process at the time of approval of this Policy shall be dealt in accordance with Restoration Policy 2014.*

### 2. Cancellation of Plots:-

The policy shall be applicable on plots which are cancelled on account of following:—

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 7th May, 2014, at pages 987-990.



- a. Non payment of dues within the specified time.
- b. Non completion of building within the specified period.
- c. Non Confirming use of the building.
- d. Violation of terms and conditions.
- e. Sub-division of plot without permission of the Competent Authority.
- f. Amalgamation of plots without permission of the Competent Authority.
- g. Violation of Municipal bye laws.
- h. Violation of building Regulation and other policies of the Authority issued from time to time.

**3. Restoration of Plots cancelled for Non-Payment of Premium:**

- a. The Authority may consider request for restoration of cancellation of allotment of plots, made within one year\* from the date of cancellation for non payment of premium.
- b. Application for restoration of cancelled plots on which building has been completed received within \*03 years may be considered by imposing current auction / market price as restoration charges, in case of cancellation due to non-payment of premium.

**4. Payment for Restoration of Plots Cancelled due to non-Payment of Premium**

- a. Plots cancelled due to non-payment of premium shall be restored on payment of current auction / market price.

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\* In case of previously cancelled plots this period will commence after the announcement of this policy.

- b. Any amount remitted by the allottee will be adjusted in the *same percentage ratio that has been paid already.*
- c. In case the current market price is less than the original bid, the original bid will be re-calculated as per GPI and which ever price is higher shall be applied.

**Full Payment Option:**

- d. The entire payment shall be made within 30 days from the day of intimation to the allottee without delayed charges.

**Installment Payment Option:**

- e. In case the allottee opts to pay the Restoration Charges in installments the amount shall be payable in 03 installments of 40%, 30% and 30% respectively. The first installment of 40% shall be payable by the allottee within 30 days of intimation of the Board's decision.
- f. The remaining 60% shall be payable in two equal quarterly installments of 30% each alongwith delayed charges as notified by Finance Wing of CDA, to be levied *w.e.f.* 31st day of issuance of letter for restoration to the allottee.
- g. If the payment of either 100% or 40% as specified in d. & e. is not made within 30 days of the intimation of Board's decision, the decision of Restoration would become ineffective and treated as withdrawn automatically.

**5. Cancellation Due to Reasons Other Than Non-Payment of Premium:-**

Plots cancelled due to reasons other than non-payment of premium may be considered for restoration after all those reasons, which necessitated cancellation, have been removed. If the case for restoration is duly approved then the rates notified by Finance Wing of CDA shall be charged.

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**6. Cancellation of Plots more than Once.**

Those plots which are cancelled **more than once for one reason**, other than, payment of premium or where CDA could not deliver possession or provide infrastructure, may be considered for restoration provided that each successive restoration shall be approved by charging 5% additional restoration charges over and above those notified by Finance Wing of CDA for each successive restoration. The plots cancelled for same reason will not be considered for restoration 2nd time.

**7. Non-Conforming Use: Plots cancelled due to non-conforming use will be restored after taking following steps:-**

- a. The Non-conforming use has been removed.
- b. All balance recoveries from the allottee have been received.
- c. The CDA Board has approved restoration.

**8. Price Determination Committee:**

Following Committee may be constituted to determine the Prevailing / present Auction Price, Standard Auction Price and other Pricing related to those cancelled plots that are being considered for restoration:-

- a. FA/ Member
- b. Director EM (Concerned).
- c. DDG(Finance)
- d. Director Planning (Concerned).

**9. Possession and non-provision of infrastructure issues:-**

In all those cases of cancelled plots where the Authority either could not hand over the possession of plots or required infrastructure was not developed following policy will be followed:-

- a. The present status of possession and infrastructure will be determined by following Committee before the case is placed for approval to the CDA Board:—
- (1) Member (Estate)
  - (2) Director FM-II.
  - (3) Director UP/ RP
  - (4) Director Enforcement.
  - (5) Director (L&R).
  - (6) One Director from Engineering Wing.
- b. In case the plot is in adverse possession and infrastructure is not available the plot will be recommended for restoration on Standard Charges of the particular area.

**10. Competent Authority:**

- a. *The cancellation of all plots shall be approved by Chairman CDA.*
- b. *The cases for Restoration of all plots shall be submitted for approval to the CDA Board.*

**Note: This shall come into force w.e.f 07-03-2014**

**<sup>1</sup>ISLAMABAD HIGH COURT,  
AMENDMENT IN THE CODE OF CIVIL  
PROCEDURE, 1908**

[18th June, 2014]

**S.R.O. 579(I)/2014.-** In the exercise of the powers conferred under Section 122 of the Code of Civil Procedure, 1908 and all other enabling powers in this behalf, the Islamabad High Court, Islamabad hereby makes the following amendments in Order VII Rule 21 & Order VIII Rule 12 of the Code of Civil Procedure, 1908.

**AMENDMENTS**

1. In Order VII Rule 21 of Code of Civil Procedure, 1908 after the word "**Service**," and before the word "**he**" the following phrase/words shall be added;

*"the court may direct him to file such address and if he fails to do so after giving him opportunity,"*

2. In Order VIII Rule 12 of Code of Civil Procedure, 1908 after the word "**rule**", and before the word "**he**" the following phrase/words shall be added.

*"the court may direct him to file such address and if he fails to do so after giving him opportunity to file the address"*

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<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 27th June, 2014, at page 2081.

# **<sup>1</sup>REVISION OF RATES OF FEE/CHARGES REGARDING PETROL PUMPS/CNG STATIONS ON PRIVATE LAND ALONG MAJOR ROADS IN ICT, ISLAMABAD.**

[8th December, 2014]

**S.R.O. 1104(I)/2014.-** In exercise of the powers conferred by Clause (36-B) of the Capital Development Authority Ordinance, 1960 (Ord. No. XXIII of 1960), the Capital Development Authority is pleased to make the following notification of "REVISION OF RATES OF FEE/CHARGES REGARDING PETROL PUMPS/CNG STATIONS ON PRIVATE LAND ALONG MAJOR ROADS IN ICT, ISLAMABAD." Approved in its Board meeting held on 07-07-2014:—

Sr. No.	Fee/Charges	Rate	
1.	Land use conversion fee	Urban Area	Rs. 2500/- per sq. yd
		Rural Area	Rs. 1250/- per sq. yd
2.	Scrutiny fee at the time of submission of application	Rs. 125,000/-	
3.	Annual Departmental Charges (after NOC)	Rs. 25,000/- per year	
4.	Charges for permission of additional facility on already petrol pumps or CNG station.	Rs. 500,000/-	
5.	Charges for Area Deficit than standard size required for petrol pump/CNG station (max. upto 15%)	Rs. 3,750/- per sq.yd	

Directorate of Municipal Administration, CDA has been allowed to collect Annual Departmental Charges for petrol pump/CNG stations. The above rates would be charged/applicable *w.e.f.* 07.07.2014.

2. This issues with the approval of CDA Board.

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 10th December, 2014, at pages 3473-3474.

**<sup>1</sup>REVISION OF RATES OF FEE/CHARGES  
OF PLOTS BIFURCATING THE  
BUILDING INTO UNITS SHOPS IN  
RELAXATION OF TERMS OF  
ALLOTMENT/LEASE.**

[22nd September, 2015]

**S.R.O. 955(I)/2015.-** In exercise of the powers conferred by Clause (36-B) of the Capital Development Authority Ordinance, 1960 (Ord. No. XXIII of 1960), the Capital Development Authority is pleased to make the following notification of "REVISION OF RATES OF TRANSFER FEE/CHARGES REGARDING PLOTS BIFURCATING THE BUILDING INTO UNITS SHOPS IN RELAXATION OF TERMS OF ALLOTMENT/LEASE" approved in its Board meeting held on 24-9-2007.

Sr. No.	Fee/Charges
i.	Sale Deeds registered in the office of Sub Registrar, Islamabad after execution of lease deed, conveyance deed with CDA and their further mutation in CDA's records is made on payment fee for change of title which is presently Rs.10,000/- for commercial properties.
ii.	Sale Deeds executed in portion after obtaining NOC from CDA.
iii.	Case wherein lease deed has not been executed and sale deeds have been registered in portion by Registrar Office without obtaining NOC from CDA. In such cases double transfer fee on carpet area was being charged which was excessive as it becomes about eight time of normal transfer fee for four stories buildings.

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 28th September, 2015, at pages 3353-3354.

**Following proposals placed before the CDA Board for approval**

a.	Normal Change of title fee <i>i.e.</i> Rs.10,000/- for commercial purposes may be charged for category-i above.
b.	Double Change of title fee be charged for category-ii above.
c.	Single transfer fee on carpet area given in the registry may be charges for category-iii

**Decision:- The board approved the proposals.**

CDA, has been allowed to collect change of title fee/transfer fee from plots bifurcating the building into units shops. The above rates would be charged/applicable w.e.f. 24-9-2007.

2. This issues with the approval of CDA Board.



# **<sup>1</sup>DIRECT ACCESS AND ROW CHARGES FROM MAJOR ROADS OF ISLAMABAD TO PETROL PUMP/CNG STATIONS, ISLAMABAD**

[9th June, 2015]

**S.R.O. 576(I)/2015.-** In exercise of powers conferred by Section 51 of the Capital Development Authority Ordinance, 1960 (No. XXIII of 1960), read with section 15 A thereof, the Capital Development Authority has been pleased to notify with immediate effect till further orders following access and ROW charges from Major Roads of Islamabad to Petrol Pumps/CNG Stations:—

<b>S. No.</b>	<b>Category</b>	<b>Rate/Amount</b>
1.	Petrol Pump/CNG Station/ Amenities.	0.5% of Market Value up to a Maximum of Rs.50,000/- per month.
2.	Housing Societies up to 400 kanals.	Rs. 266,000/- per month.
3.	Housing Societies from 401 to 800 kanals.	Rs. 562,000/- per month.
4.	Housing societies with 801 + kanals.	Rs. 800,000/- per month.

2. This notification shall be applicable along following roads:—

- i. G.T. Road
- ii. Islamabad Highway

<sup>1</sup> Published in the Gazette of Pakistan, Extraordinary, Part II, Islamabad, dated 10th June, 2015, at pages 2249-2250.

- iii. Kashmir Highway
- iv. IJP Road
- v. Park Road

3. The Right of Way will be allowed from nearest highway where no CDA Service Road is available.

4. In case where Service Road is available the Right of Way will be allowed upto CDA Service Road.

5. The ROW charges will also be applicable with effect from 24-12-2014, on cases already approved.

6. The said charges are to be claimed from the owners/sponsors/operators in advance for first 05 years and after 05 years with the mutual consent in writing the NOC of ROW will be extended/renewed, the owner shall deposit the charges on yearly basis in advance on revised rates as approved by the Board.

7. The permission of ROW would be purely on temporary basis subject to usual terms and conditions *vide* CDA Board decision dated 24-12-2014 & the Board decisions revised from time to time.

8. The design of access road would be prepared by qualified structure engineer and got approved from Director Traffic Engineering and Transportation Planning, CDA.

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