

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) ACT & RULES, 2010



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Table of Contents

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) ACT, 2010

1. Short title and commencement.
2. Definitions.
3. Removal of encroachment and structures.
4. Review.
5. Eviction.
6. Cost of demolition and removal of structure.
7. Recovery of arrears of rent.
8. Punishment.
9. Delegation of Powers.
10. Incentive for the Removal of Encroachment.
11. Bar of jurisdiction and abatement of suits.
12. Composition and Appointment of Presiding Officers of Tribunals.
13. Exclusive jurisdiction.
14. Procedure and Powers of the Tribunal.
15. Transfer of case.
17. Establishment of Anti-Encroachment Force.
18. Superintendence of Administration of Force.
19. Functions of the Force.
20. Power of the members of the Force.
21. Wearing of Uniform.
22. Requiring assistance from the Local Police.
23. Liabilities of officers and members.
24. Public Servant.
25. Establishment of Special Courts.
26. Composition and appointment of Presiding Officers of Special Courts.
27. Appeal.
28. Indemnity.
29. Power to make rules.
30. Repeal.

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) RULES, 2010

1. Short title and commencement.
2. Definitions.

3. Presentation of plaint or application.
4. Statements and pleadings to be brief.
5. Verification of plaint or application.
6. Registration of suit or application.
7. Hearing of the Case.
8. Specification of uniform.
9. Uniform to be worn on all duties.
10. · Terms and conditions of Services of the Members of the Force.
11. The powers and functions of the Members of the Force in conduct of inquiries and investigations.
12. Efficiency and Discipline.
13. Incentives and Rewards.

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT)
ACT, 1975.

- Preamble.
- Short title and commencement.
2. Definitions.
3. Removal of structures.
4. Review.
5. Eviction.
6. Cost of Demolition and removal of structure.
7. Recovery of arrears of rent.
8. Punishment.
9. Cognizance of offence and mode of trial.
10. Delegation of Powers.
11. Bar of Jurisdiction and abatement of suits.
12. Tribunal.
13. Exclusion of jurisdiction.
14. Procedure and Power of the Tribunal.
15. Transfer.
16. Indemnity.
17. Power to make rules.
18. Repeal.

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 26TH OCTOBER, 2010

NO.PAS/Legis-B-21/2010-The Sindh Public Property (Removal of Encroachment) Bill, 2010 having been passed by the Provincial Assembly of Sindh on 27th September, 2010 and assented to by the Governor of Sindh on 20th October, 2010 is hereby published as an Act of the Legislature of Sindh.

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) ACT, 2010

SINDH ACT NO: XVIII OF 2010

AN ACT

to provide measures for removal of encroachment from public property and to retrieve possession;

Preamble.

WHEREAS it is expedient to provide measures for removal of encroachment from public property and to retrieve possession and for matters ancillary thereto;

It is hereby enacted as follows :-

1. Short title and commencement.

(1) This Act may be called the *Sindh Public Property (Removal Encroachment) Act, 2010*.

(2) It shall come into force at once and shall be deemed to have taken effect on and from 8th September, 2010.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context-

- a) “**abetment**” means abetment as defined under section 107 of the Pakistan Penal Code (XLV of 1860);
- b) “**abettor**” means a person who abets an offence as described under section 108 of the Pakistan Penal Code (XLV of 1860);
- c) “**Act**” means the “Sindh Public Property (Removal of Encroachment) Act, 2010”;
- d) “**autonomous body**” means a board, corporation, institution, organization, authority or body established by Government or, by or under law, with the aid, wholly or partly of the revenues of the Province;
- e) “**building**” means a building or part thereof and includes plinth, wall, steps, platform, covered area of any kind, tent, jhuggi, enclosure and the land appurtenant thereto;
- f) “**Board**” means the Board of Revenue, Sindh;
- g) “**Council**” means a council as defined in the Sindh Local Government Ordinance, 2001;
- h) “**Director**” means an officer appointed by Government;
- i) “**Director General**” means the Senior Member of the Board;
- j) “**encroachment**” means unauthorized occupation of or undue interference with public property;
- k) “**Force**” means the Anti-Encroachment Force established under [section 17](#);
- l) “**Government**” means the Government of Sindh;
- m) “**Land**” means State Land and it includes benefits arising out of land and things attached to earth or permanently fastened to anything attached to the earth and land under water, well, footpath, road, tunnel, culvert, nala, bridge and street;

n) “**prescribed**” means prescribed by rules made under this Act;

o) “**Public Property**” means a building, land, place or premises vesting, in or under the management or control of Government, local council, autonomous body or registered cooperative society or such other authority;

(oo) “**Special Court**” mean a Special Court established under [Section 25](#);

(p) “**Tribunal**” means a Tribunal established under [section 12](#).

3. Removal of encroachment and structures.

(1) Government or any authority or officer authorized by Government in this behalf may require the person directly or indirectly responsible for encroachment to remove such encroachment together with the structure, if any, raised by him on the public property, within the period not less than two days as may be specified in the order.

Explanation: Lessee or licensee who after the expiry of the period of lease or licence or on determination of such lease or licence, continues to retain unlawfully possession of any public property shall, for the purpose of this sub-section, be deemed to be responsible for encroachment.

(2) The order under sub-section (1) may be served by-

(a) giving or tendering it to the person responsible for encroachment or any adult male person residing with him; or

(b) affixing it at a conspicuous place on or near the public property to which it relates or sending it by Registered post, UMS, TCS, or publication.

(3) If Government or any authority or officer authorized by Government under this Act is satisfied that un-authorized construction over the state land or public property is being carried out, it or he may direct the person or persons who raised or are raising the un-authorized construction, to stop the construction and the later shall stop the unauthorized construction forthwith.

(4) Whosoever including abettor disobeys the directives given to him under sub-section(3) shall be punished with imprisonment of either description for a period

of six months or with fine not less than fifty thousand rupees or with both.

4. Review.

(1) Any person dissatisfied by the order passed under sub-section (1) of [section 3](#) may, within three days from the service thereof, prefer a review petition to Government or any authority or officer who has passed such order.

(2) Government or, as the case may be, the authority or officer as aforesaid may, after perusing the review petition filed under sub-section(1) and giving an opportunity to the petitioner or his duly authorized agent of being heard, confirm, modify or vacate the order within fifteen days on receipt of petition.

5. Eviction.

(1) If any person refuses or fails to vacate the public property or remove the structure raised thereon after three days from the order under section 3 duly served on him, or if review petition is filed against such order, after such review petition is dismissed, he shall be evicted by such force as may be necessary, by an officer authorized by Government in this behalf and the structure, if any, raised by such person on the public property shall vest in Government, Council, autonomous body, or registered Cooperative Society as the case may be.

(2) If any officer authorized to take action under [sub-section \(1\)](#) requires police assistance, he may send such requisition to the officer incharge of a police station within the local limits of which the public property is situated and such police officer shall on such requisition render the required assistance.

6. Cost of demolition and removal of structure.

Where any structure is demolished or removed on eviction under [section 5](#) the cost of demolition or removal of such structure shall be recovered as arrears of land revenue from the person responsible for the encroachment.

7. Recovery of arrears of rent.

If arrears of rent are payable in respect of any public property by the person evicted there from, the amount of such arrears with mark-up if any accrued

thereon shall be recovered from such person as arrears of land revenue.

8. Punishment.

(1) Any person responsible for encroachment may be punished with imprisonment of either description for a term which may extend to ten years but not less than one year and with fine of rupees equivalent to the market value of the property encroached upon or with both.

Explanation: The market price for the purpose of this section shall be determined by a committee comprising Member Board of Revenue as its convener and Commissioner, Collector, Assistant Commissioner, , Sub-Registrar and Mukhtiarkar (Revenue) of the concerned area as Members.

(2) An abettor including a public servant who is directly or indirectly involved in assisting or abetting the offence of encroachment, shall be punished with imprisonment for a term which may extend to five years but not less than one year, or with fine which may extend to five lac rupees or with both.

(3) If the officer incharge of police station willfully fails, to avoid to provide the necessary police assistance under [sub-section\(2\) of section 5](#) the matter shall be reported to the Provincial Police Officer Sindh for his suspension with immediate effect and removal from service.

9. Delegation of Powers.

Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act may be exercised by any officer sub-ordinate to it or council, autonomous body or such other authority.

10. Incentive for the Removal of Encroachment.

Out of the fines recovered under section 8 of this Act, any Member of the Force, or any officer or official, who has shown outstanding performance in detecting and removing the encroachments, may be given reward as may be fixed by Government.

11. Bar of jurisdiction and abatement of suits.

(1) No Civil Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to a dispute that any property is not a public property, or that any lease or licence in respect of such public property has not been determined, for the purpose of this Act, or anything done or intended to be done under this Act.

(2) All suits, appeals and applications relating to, encroachment and dispute that any property is not a public property or, that any lease or licence in respect of such property has been determined, for the purpose of this Act, shall abate on coming into force of this Act.

Provided that a party to such suit, appeal or application may; within seven days of the coming into force of this Act, file a suit before a Tribunal in case of a dispute that any property is not a public property or that any lease or licence in respect of such public property has not been determined.

12. Composition and Appointment of Presiding Officers of Tribunals.

(1) Government may by notification in the official gazette, establish a Tribunal for each district.

(2) A Tribunal Shall consist of a president Officer, being a person who-

- (i) is or has been District Judge or an additional District Judge: or
- (ii) has for a period of not less than ten years been an advocate of the High Court.

(3) Government Shall, after consultation with the Chief Justice of High Court, appoint a Presiding Officer of the Tribunal.

(4) A Presiding Officer shall hold office for a period of two and half years but may be appointed for such further term as Government may determine.

(5) A presiding Officer may be removed from his office prior to the completion of the period for which he has been appointed after consultation with the Chief Justice of High Court

13. Exclusive jurisdiction.

A Tribunal shall have exclusive jurisdiction to adjudicate upon a dispute that any property is not a public property or that any lease or licence in respect of such public property has not been determined for the purpose of this Act.

14. Procedure and Powers of the Tribunal.

(1) Tribunal shall decide any suit or application in such manner and in accordance with such procedure as may be prescribed.

(2) Any order made by the Tribunal which conclusively determines the rights of the parties with regard to all or any of the matters in controversy shall be final and binding on the parties.

(3) The Tribunal shall have power of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) as to-

(a) summoning and enforcing the attendance of any person and examining him on the oath;

(b) receiving evidence on affidavit;

(c) compelling the production of documents;

(d) issuing commission for examination of witnesses or documents.

(4) The proceedings before the Tribunal shall be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act No. XLV of 1860).

15. Transfer of case.

Government may transfer any case from one Tribunal to the other.

16. The orders passed under sections [3](#), [4](#), [5](#) and [13](#) of this Act shall, if necessary, be got executed through the Force.

17. Establishment of Anti-Encroachment Force.

Government may for the prevention of encroachment on public property, to

retrieve the possession from the land grabbers and trespassers and to enforce the provisions of this Act, establish an Anti-Encroachment Force which shall comprise of the following Senior and junior ranks officers, notified by Government:-

SENIOR RANK

- i. Director General of Anti-Encroachment Force.
- ii. Director of Anti-Encroachment Force in each district who is preferably a law graduate.

JUNIOR RANK IN EACH DISTRICT

- i. Inspector of Anti Encroachment Force, who is atleast a graduate.
- ii. Sub-Inspector of Anti-Encroachment Force;
- iii. Ten Constables who are atleast matriculate, provided that in the City District Karachi there shall be three Anti-Encroachment Forces.

18. Superintendence of Administration of Force.

- (1) The Superintendence of the Force shall vest in Government.
- (2) The Director General, who shall exercise in respect of the force all powers of Provincial Police Officer under the Police Order 2002 and this Act.

19. Functions of the Force.

The force shall-

- (a) lodge F.I.R., inquire into, investigate and prosecute all offenders relating to, encroachments, unauthorized occupation of any public property including an attempt or conspiracy to commit, or an abetment of any such offence or any offence committed under this Act;
- (b) retrieve possession from the encroachers and trespassers;

- (c) arrange and coordinate training of staff;
- (d) perform any other related functions which may be assigned to it by Government;
- (e) use such arms, ammunition and equipments as are supplied to them by Government through the Director General or Director for the purpose of this Act.

20. Power of the members of the Force.

(1) The officers of the Force shall for the purpose of any inquiry or investigation under this Act, have within his jurisdiction, such powers, including the powers relating to search, arrest of persons, seizures of property and such duties, privileges and liabilities as a police officer has in respect of offences under the code or any other law for the time being in force.

(2) Save when the Director General otherwise directs, an officer of the Force not below the rank of an Inspector may, for the purpose of any inquiry or investigation under this Act, exercise all the powers of an officer-in-charge of the Police station in any area in which he is for the time being and, when so exercising such powers, shall be deemed to be the officer-in-charge of police station discharging his functions as such within the limits of his station including the lodging of the First Information report.

(3) Without prejudice to the generality of the provisions of sub-section (1) and sub-section (2), any officer of the Force not below the rank of Inspector authorized by the Director General in this behalf, may arrest without warrant, any person who has committed or against whom a reasonable suspicion exists that he has committed any of the offences relating to the encroachment referred to in this Ordinance or any other law for the time being in force relating to the offences of encroachment and trespass provided no person shall be kept in police custody for more than 24 hours, unless a remand is obtained from a Judicial Magistrate.

(4) An officer of the Force not below the rank of Inspector, authorized by the Director General may inquire and investigate and trace the person or persons responsible for the encroachment.

(5) Government may, in respect of any case registered by, or under investigation, of police or any other investigation agency or authority, by order in writing, entrust inquiry or such investigation to the Force, and thereupon the Police or other investigation agency or authority shall transfer the record of the case to the force.

(6) Government may establish, as many anti-encroachment force stations, as are required for the efficient functioning for carrying out the purpose of this Act.

21. Wearing of Uniform.

All officers excluding ministerial staff of the force, employed on enforcement duties shall wear such uniform as may be prescribed.

22. Requiring assistance from the Local Police.

Any Member of the force, not below the rank of Inspector, may in performance of his functions, powers and duties, seek assistance from the concerned police and the concerned police shall render all possible assistance.

23. Liabilities of officers and members.

(1) It shall be the duty of every officer promptly to obey and to execute all orders and instructions issued to him by the Director General and the Director of the concerned district.

(2) Every officer shall be liable to serve wherever he is required to serve by the Director General.

(3) Every officer who is guilty of any violation of duty or willful breach or neglect of any of the provision of this Act or of any rule or regulation or lawful order made by a competent authority, or who withdraws from his duties without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, or on being recalled to duty earlier or who is engaged without authority in any employment other than his duty under this Act, or who is guilty of cowardice, or who applies any unwarrantable personal violence to any person in his custody, shall be liable to be proceeded against departmentally, or, on conviction before a Judicial

Magistrate, to imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

(4) Any person convicted, under sub-section (3) may within thirty days from the date of his conviction file an appeal to the High Court whose decision thereon shall be final.

24 Public Servant.

Every officer of the Force shall be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act No. XLV of 1860).

25. Establishment of Special Courts.

For the purpose of providing for speedy trial of offences committed under this Act, Government may establish, by notification, a Special Court in each district and a special court for each group of six towns of the City District.

26. Composition and appointment of Presiding Officers of Special Courts.

(1) A Special Court shall consist of a Presiding Officer, being a person who -

(i) is or has been Sessions Judge or an Additional Session Judge; or

(ii) has for a period of not less than ten years been an advocate of High Court.

(2) Government shall, after consultation with the Chief Justice of the High Court, appoint a Judge for each Special Court.

(3) A Judge shall hold office for a period of two and half years but may be appointed for such further term or part of term as Government may determine.

(4) A Judge may be removed from his office prior to the completion of the period for which he has appointed after consultation with the Chief Justice of High Court.

(5) No Court other than the Special Court constituted under section 25 shall take cognizance of an offence punishable under this Act except upon complaint

in writing made by a person authorized in this behalf by the Director General or the Director.

27. Appeal.

An appeal against the order passed by a Special Court shall lie to the High Court of Sindh.

28. Indemnity.

No suit, prosecution, or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

29. Power to make rules.

(1) Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

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

(a) the terms and conditions of service of the members of the Force and the qualifications for recruitment to various posts;

(b) the powers and functions of the members of the Force in relation to the conduct of inquiries and investigations; and

(c) the manner in which rewards may be given to the members of the Force or to the public or rendering commendable service.

30. Repeal.

The Sindh Public Property (Removal of Encroachment) Act, 1975, is hereby repealed.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

HADI BUX BURIRO
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) RULES, 2010

(Karachi, dated The 9th December , 2010)

Notification No. **PS/SMBR/2010/947**.-- In exercise of Powers conferred by section 29 of the Sindh Public Property (Removal of Encroachment) Ordinance 2010, the Government of Sindh are pleased to make the following rules:-

1. Short title and commencement.

- (1) These rules may be called the Sindh Public Property (Removal of Encroachment) Rules. 2010.
- (2) They shall come into force at once.

2. Definitions.

In these rules, unless the context otherwise required --

- (a) “ **Members of the Force**”, means the senior and junior rank officers appointed under the Ordinance.
- (b) "**Ordinance**" means Sindh Public Property (Removal of Encroachment) Ordinance, 2010.

3. Presentation of plaint or application.

A plaint or an application, as the case may be, shall be presented to the Superintendent of the Tribunal during office hours personally by the plaintiff or applicant or their counsel, as the case may be.

4. Statements and pleadings to be brief.

The statements and pleadings made by or on behalf of parties to any proceedings before a Tribunal whether oral or written, shall be as brief as the nature of the case admits and shall not be argumentative, but shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case and which he either admits or believes that he will be able to prove.

5. Verification of plaint or application.

Every plaint, application or statement filed by a party to a proceeding before a Tribunal shall be drawn up and verified in the in manner as provided in the Civil Procedure Code for written statement in suits.

6. Registration of suit or application.

(1) The Superintendent of the Tribunal shall scrutinize every plaint or application received by him, and shall f it is drawn up in accordance with the foregoing provisions and is also in order, cause it to be registered in the Register of suits and applications and thereafter the same shall be placed before the Presiding Officer of the Tribunal.

(2) The suit or application shall be admitted to regular hearing unless the Tribunal wishes the plaintiff or the applicant or their counsel to be heard before its admission and in the latter case, the date, time and place for preliminary hearing shall be notified to the plaintiff or applicant or their counsel.

(3) After preliminary hearing the Tribunal may, for reasons to be recorded, dismiss the suit or application in limine.

(4) If the suit or application is not dismissed in limine, It shall be admitted to regular hearing.

(5) When the suit or application is admitted, the Presiding Officer shall immediately commence the proceedings and shall hear the parties.

7. Hearing of the Case.

The case shall be heard on day to day basis and the Tribunal shall not adjourn the case unless such adjournment is, in its opinion necessary in the interest of Justice and no adjournment shall, in any case, be granted for more than two working days.

8. Specification of uniform.

(1) Uniform for all ranks of Members of the Force shall be dark blue trouser and light blue shirt and the Members of the Force of the Senior Rank, shall wear barret as approved by the Director General ·

(2) The Director General may, by notification, make any change in the uniform from time to time.

9. Uniform to be worn on all duties.

The Members of the Force of all ranks shall wear uniform on all duties including appearance in a court of law.

10. · Terms and conditions of Services of the Members of the Force.

A Member of the Force shall be governed by the rules as are applicable to the Police Force.

11. The powers and functions of the Members of the Force in conduct of inquiries and investigations.

For conducting the enquirers and investigations, the Members of the Force shall exercise the powers of a Police Officer as provided in the Code of Criminal Procedure, 1898.

12. Efficiency and Discipline.

All Members of the Force shall be governed by the Sindh Police (Efficiency and Discipline) Rules. 1988.

13. Incentives and Rewards.

In giving incentives and awards to the Members of the Force to encourage them to perform the duties efficiently the provisions of Chapter VIII of Police Rules, 1934, shall apply mutatis mutandis.

SINDH ACT NO. V OF 1975

THE SINDH PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) ACT, 1975.

[8th April 1975]

An Act to provide measure for removal of encroachment from public property.

Preamble.

WHEREAS it is expedient to provide measures for removal of encroachment from public property and for matters ancillary thereto;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Sind Public Property (Removal of Encroachment) Act, 1975.

(2) It shall come into force at once.

2. Definitions.

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

(a)“autonomous body” means a board, corporation, institution, organization, authority or body established, by Government or, by or under law, with the aid, wholly or partly, of the revenues of the Province;

(b)“building” means a building or part thereof and includes plinth, wall, steps, platform, covered area of any kind, tent, Jhuggi, enclosure and the land appurtenant thereto;

(c) “encroachment” means unauthorized occupation of or undue interference with public property;

- (d)“Government” means the Government of Sind;
- (e) “land” includes land under water, well, foot-path, road, tunnel, culvert, nala, bridge and street;
- (f) “local council” means a council under the Sind People’s Local Government Ordinance, 1972 (Sind Ordinance II of 1972);
- (g)“prescribed” means prescribed by rules made under this Act;
- (h)“public property” means a building, land, place or premises vesting in, or under the management or control of, Government, local council, autonomous body, or such other authority;
- (i) “Tribunal” means a Tribunal established under section 12.

3. Removal of structures.

(1) Government or any authority or officer authorized by Government in this behalf may require the person directly or indirectly responsible for encroachment to remove such encroachment together with the structure, if any, raised by him on the public property, within the period not less than three days as

Explanation.—Lessee or licensee who after the expiry of the period of lease or licence or on determination of such lease or licence, continues to retain possession of any public property shall, for the purpose of this sub-section, be deemed to be responsible for encroachment.

(2) The order under sub-section (1) may be served by—

(a) giving or tendering it to the person responsible for the encroachment or any adult male person residing with him; or

(b) affixing it at a conspicuous place on or near the public property to which it relates.

4.Review.

(1) Any person dis-satisfied by the order passed under section 3 may, within

seven days from the service thereof, prefer a review petition to Government or any authority or officer who has passed such order.

(2) Government or, as the case may be, the authority or officer as aforesaid may, after perusing the review petition filed under sub-section (1) and giving an opportunity to the petitioner or his duly authorized agent of being heard, confirm, modify or vacate the order.

5. Eviction.

(1) If any person refuses or fails to vacate the public property or, remove the structure raised thereon after seven days from the order under section 3 is duly served on him, or if review petition is filed against such order, after such review petition is dismissed, he shall be evicted by force as may be necessary by an officer authorized by Government in this behalf and the structure, if any, raised by such person on the public property shall vest in Government, Local Council or autonomous body, as the case may be;

(2) If any officer authorized to take action under sub-section (1) requires police assistance he may send such requisition to the officer incharge of a police-station within the local limits of which the public property is situate and such police officer shall on such requisition render the required assistance.

6. Cost of Demolition and removal of structure.

Where any structure is demolished or removed on eviction under section 5 the cost of demolition or removal of such structure may be recovered as arrears of land revenue from the person responsible for the encroachment.

7. Recovery of arrears of rent.

If arrears of rent are payable in respect of any public property by the person evicted therefrom, the amount of such arrears with interest, if any, accrued thereon shall be recovered from such person as arrears of land revenue.

8. Punishment.

(1) Any person responsible for encroachment, may be punished with

imprisonment of either description for a term which may extend to six months or with fine which may extend to three thousand rupees or with both.

(2) The officer appointed for preventing encroachment in any area who directly or indirectly connives at, or assists in, the commission of the offence of encroachment or persistence of such offence or due to whose negligence of duty such offence is committed or persists shall be punished as an abettor.

(3) If the officer-in-charge of police station wilfully fails or avoids to provide the necessary police assistance under subsection (2) of section 5 he shall be punished as an abettor of the offence of encroachment.

9. Cognizance of offence and mode of trial.

(1) No court shall take cognizance of an offence under this Act, except on a complaint made by an officer authorized by Government in this behalf.

(2) Government may by notification direct that an offence under this Act, shall be tried in summary way in accordance with the procedure prescribed by Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898).

10. Delegation of Powers.

Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act, may be exercised by any officer subordinate to it or any local council, autonomous body or such other authority.

11. Bar of Jurisdiction and abatement of suits.

(1) No Civil Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to a dispute that any property is not a public property, or that any lease or license in respect of such public property has not been determined, for the purpose of this Act, or anything done or intended to be done under this Act.

(2) All suits, appeals and applications relating to, encroachment and dispute that any property is not a public property or, that any lease or license in respect of such property has not been determined, for the purpose of this Act, shall abate on

coming into force of this Act:

Provided that a party to such suit, appeal or application may, within thirty days of the coming into force of this Act, file a suit before a Tribunal in case of a dispute that any property is not a public property or that any lease or license in respect of such public property has not been determined.

12. Tribunal.

(1) Government may by notification in the official gazette, establish a Tribunal and specify the area in which such Tribunal shall exercise its jurisdiction.

(2) Government may appoint a District Judge, Additional District Judge or District Magistrate or Additional District Magistrate with experience of not less than three years as such Magistrate as a Tribunal.

13. Exclusion jurisdiction.

A Tribunal shall have exclusive jurisdiction to adjudicate upon a dispute that any property is not a public property or that any lease or license in respect of such public property has not been determined, for the purpose of this Act.

14. Procedure and Power of the Tribunal.

(1) A Tribunal shall decide any suit or application in such manner and in accordance with such procedure as may be prescribed.

(2) Any order made by the Tribunal which conclusively determines the rights of the parties with regard to all or any of the matters in controversy shall be final and binding on the parties;

(3) The Tribunal shall have powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), as to—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) receiving evidence on affidavits;

(c) compelling the production of documents;

(d) issuing commission for examination of witnesses or documents.

(4) The proceedings before the Tribunal shall be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

15. Transfer.

Government may transfer any case from one Tribunal to the other.

16. Indemine

No suit or legal proceeding shall lie against Government or any authority or person in respect or anything which is intended to be, or has been, done under this Act.

17. Power to make rules.

Government may make rules for carrying out the purposes of this Act.

18. Repeal.

The West Pakistan Government Lands and Buildings (Recovery of Possession) Ordinance, 1966 and the West Pakistan Autonomous Bodies Immovable Property (Ejectment of Unauthorized Occupants) Ordinance, 1965, are hereby repealed.