

331
15/11/94
To
All DML&Cs.

All MEOs.

All CEOs.

Subject:- UN-AUTHORISED CONSTRUCTIONS ; CHANGE OF PURPOSE ETC
IN CANTONMENT AREAS.

Certain instances of un-authorized construction and change of purposes have come to the notice of the ML&C Department and the Ministry of Defence. The tendency of un-authorized construction and change of purpose is increasing day by day, which not only is highly irregular, but also embarrasses the Government due to lack of supervision and failure in taking timely action.

2. The power of the Board to sanction the erection or re-erection of buildings is defined in Section 181 of the Cantonments Act, 1924. Section 183 provides that sanction for the erection or re-erection of a building accorded under Section 181 or deemed to have been accorded is valid for one year from the date on which it is given, and if the building so sanctioned, is not begun within one year of the date of sanction, construction cannot be started unless the Board on an application extends the sanction.

3. Under Section 185, of the Cantonments, Act, 1924, a Board may, at any time, by notice in writing, direct the owner, lessee or occupant of any land in the cantonment to stop erection or re-erection or demolish, as it thinks necessary, of the building or part thereof., if such erection or re-erection is considered an offence under Section 184. This power is available upto twelve months of completion of the building. Instead of requiring the demolition of any such building the Board is also

permitted to accept by way of composition such amount as it thinks reasonable subject to the previous concurrence of DMI&C in respect of any ~~building on~~ land which is not under the management of the Board.

4. There may be certain simple and technical offences which are generally ~~due to~~ the ignorance of rules. These may be treated leniently. In case of offences where the offender deliberately flouts the authority of the Cantonment Board, the amount of composition fee should be on the higher side so that the imposition becomes deterrent.

5. Under the provisions of Cantonments Act, 1924, there is no limit of the amount of the composition fee to be imposed by the Cantonment Board. The Board can impose any amount of composition fee keeping in view the gravity of the offence but the action of the Board should always be guided by principle of equity, justice and fair play in dealing with all such cases.

6. In order to arrest the increasing tendency of un-authorized construction/change of purposes, the MEO/CEO and Station Commander should adopt the following decision respectively:-

- i) An independent town planning cell may be set up in the Rawalpindi Cantonment Board.
- ii) The serious violations of Building Bye-Laws shall not be compounded. In case it is compounded, the following composition fee shall be charged by the Cantonment Boards:-

a. Residential:

<u>Plot Size</u>	<u>Composition fee</u>
i) 400 Sq.Yds and above.	minimum of 2 lacs to 25% of assessed cost of construction.
ii) Less than 400 Sq.Yds.	minimum of 5% of assessed cost of construction.

b. Commercial:

Minimum of 10% of assessed capital cost of land and building.

iii) Action shall be taken by the ~~President~~ ~~Cantonment~~ ~~Boards~~, for taking appropriate measures to discourage opening of Schools for example disallowing parking of vehicles around such premises. The persons who have still not come to the Station Headquarters for permission/shall be issued an other notice for closing the Schools and action shall be initiated for determination of their leases. Cantonment Board shall also assess such premises at double rate to discourage these activities.

iv) MEO/CEO, shall initiate action for determination of lease for violations of any type i.e. change of purpose and causing nuisance etc.

7. This supercedes all previous instructions on the subject.

8. Please acknowledge receipt.

Nazir Ahmad Nasim
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Copy to:-

1. D-Qtg, QMG's Branch - for further circulation to
G.H.Q., RAWALPINDI. the local formations

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