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PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

October 17, 2024

No. PAP/Legis-2(09)/2024/164. The Punjab Enforcement and Regulation Bill 2024, having been passed by the Provincial Assembly of the Punjab on October 11, 2024, and assented to by the Governor of the Punjab on October 16, 2024, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB ENFORCEMENT AND REGULATION ACT 2024

ACT XI OF 2024

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated October 17, 2024.]

An
Act

to provide for establishment of the Punjab Enforcement and Regulatory Authority and to prescribe procedures for efficient and effective implementation and enforcement of special laws throughout Punjab.

It is expedient, in the public interest, to establish overarching provincial enforcement authority and procedures in Punjab; to improve coordination and cooperation between existing regulatory agencies under special laws; to streamline regulatory measures across the Province for better and more effective enforcement of special laws; to designate a lead regulator in regulatory areas where existing enforcement is lacking or prone to jurisdictional overlap; to implement a uniform overarching strategy on regulatory compliance; to establish enforcement stations and empower authorized officers to carry out proceedings and hearings; to pursue administrative and non-judicial enforcement actions for violations under special laws; and, to provide for all matters connected therewith and ancillary thereto.

Be it enacted by the Provincial Assembly of the Punjab as follows:

Chapter I
PRELIMINARY

1. **Short title, extent, commencement and application.**– (1) This Act may be cited as the Punjab Enforcement and Regulation Act 2024.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force on such date and apply to such area as the Government may, by notification in the official Gazette, specify.

2. **Definitions.**– (1) In this Act:

(a) "Absolute Order" means the Absolute Order issued in furtherance of an EPO under the Act;

(b) "Act" means the Punjab Enforcement and Regulation Act 2024;

(c) "Authority" means the Punjab Enforcement and Regulatory Authority established under section 3 of the Act;

(d) "Authorized Officer" means the Authorized Officer appointed under section 10 of the Act;

(e) "Board" means the District Enforcement and Regulatory Board constituted under section 12 of the Act;

(f) "Chairperson" means the Chairperson of the Authority;

(g) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

(h) "Committee" means a committee constituted under the Act;

(i) "Court" means the Court of Session established under the Code and also includes the Court of an Additional Sessions Judge;

(j) "custodian of the State property" means such officer or such employee of the Government who is responsible for managing, **maintaining, and protecting the State property;**

(k) **"Department" means the Department as defined under the Punjab Government Rules of Business 2011 and also includes attached** departments, autonomous bodies, local government bodies and the semi-government entities;

(l) "Director General" means the Director General of the Authority appointed under the Act;

(m) "District" means a district notified under the Punjab Land Revenue Act, 1967 (XVII of 1967);

(n) "employee" means an officer, staff or any other person appointed by the Authority under section 10 of the Act;

(o) "encroachment" includes any interference with or intrusion into the State property, and includes any permanent or temporary structure raised thereon or moveable objects intruded thereupon;

(p) "enforcement" includes all acts or processes as may be required for compelling compliance with the provisions of the Act and Scheduled laws;

(q) "enforcement costs" means the costs determined by the Hearing Officer on an offender and includes any additional costs incurred by the Enforcement Station;

(r) "Enforcement Officer" means an Enforcement Officer appointed under the Act;

(s) "Enforcement Station" means any place or premises declared by the Government to be the Enforcement Station at the sub-division level under the Act;

(t) "EPO" means the Emergency Prohibition Order issued under the Act;

(u) "Fund" means the Punjab Enforcement and Regulatory Authority Fund established under the Act;

(v) "Government" means Government of the Punjab;

(w) "Grievance Redressal Commissioner" means any officer who may be appointed as the Grievance Redressal Commissioner by the Authority under the Act;

(x) "Hearing Officer" means the Hearing Officer appointed by the Authority under the Act;

(y) "illegal occupier" means any trespasser on the State property, including such lessee or licensee who, after the expiry of period of lease or license, continues to remain in the occupation of the State property or an allottee who after the expiry or cancellation of such allotment, continues to remain in the occupation of the State property;

(z) "independent member" means the member of the Authority at clause (l) of sub-section (1) of section 4 of the Act;

(aa) "initiating authority" means any officer or forum initiating an inquiry under the Act;

(bb) "Investigation Officer" means the Investigation Officer appointed by the Authority under the Act;

(cc) "Magistrate" means a Magistrate empowered under the Act and includes a Magistrate empowered under section 14-A of the Code;

(dd) "notice" means a notice including any summons or other communication or information required to be served under the Act;

(ee) "offence" means any offence or violation under the Act and includes any offence or violation under the Scheduled laws;

(ff) "offender" means a person who has committed or against whom there is reasonable belief or suspicion that he has committed a violation or offence under the Act or Scheduled laws;

(gg) "penalty" means the punishment or fine awarded to a person as provided under the Act or Scheduled laws;

(hh) "person" means a natural person, including partnership, firm, company, association, joint stock association, corporation or such like organization;

(ii) "prescribed" means prescribed by the rules or regulations made or framed under the Act;

(jj) "prosecutor" means the person appointed or deputed under section 30 of the Act;

(kk) "public nuisance" means any illegal act or omission which causes violation under the Act or Scheduled laws, or which may cause any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which shall cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right:

Provided that a common nuisance is not excused on the ground that it causes some convenience or advantage.

(ll) "public place" means any place, building or conveyance to which the public has or is permitted access, including but not limited to parks, streets, highways, common areas of schools, hospitals and public office buildings;

(mm) "reference" means a reference made by a Department wherein any violation or offence is reported to the Authority or to the Enforcement Station for enforcement of the Act or Scheduled laws;

(nn) "regulations" means the regulations framed under the Act;

(oo) "requisition" means a requisition sent under section 20 of the Act;

(pp) "rules" means the rules made under the Act;

(qq) "Selection Panel" means the Selection Panel constituted under the Act;

(rr) "Schedule" means the Schedule appended with the Act;

(ss) "Scheduled laws" means the laws mentioned in the Schedule;

(tt) "Sergeant" means a Sergeant appointed by the Authority under the Act;

(uu) "Services" includes all services that are required to be provided by the Government in the public interest;

(vv) "State property" means the property in the name of or under the control of the Government or Department or any entity owned or controlled by the Government;

(ww) "Sub-division" means a sub-division notified as such under the Punjab Land Revenue Act, 1967 (XVII of 1967);

(xx) "Sub Divisional Enforcement Officer" means the Sub Divisional Enforcement Officer appointed under the Act;

(yy) "supplies" includes all supplies that are required to be maintained by the Government in the public interest;

(zz) "support staff" means the staff of the Authority performing clerical, technical or other ministerial jobs for the maintenance and operations of its offices; and

(aaa) "Whistle-blower" means the person who, in the public interest, discloses an actual or suspected violation or offence under the Act.

(2) Any expression or word used but not defined in the Act, shall have the same meaning as assigned to it in the Constitution of the Islamic Republic of Pakistan, the Punjab Government Rules of Business 2011, the Code or the Scheduled laws.

Chapter II
ESTABLISHMENT OF THE PUNJAB ENFORCEMENT AND REGULATORY AUTHORITY

3. **Establishment of Authority.**– (1) The Government shall, by notification in the official Gazette, establish an Authority to be known as the Punjab Enforcement and Regulatory Authority for carrying out the purposes of the Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into contract, acquire or dispose of property, and may, by its name, sue or be sued.

(3) The headquarters of the Authority shall be at Lahore with such offices in such other areas, as the Authority may deem appropriate.

4. **Composition of Authority.**– (1) The Authority shall consist as follows:

(a)	Chief Minister, Punjab	Chairperson
(b)	Chief Secretary, Punjab	Vice Chairperson
(c)	Senior Member, Board of Revenue, Punjab	Member
(d)	Secretary to the Government, Home Department	Member
(e)	Provincial Police Officer	Member
(f)	Secretary to the Government, Finance Department	Member
(g)	Secretary, Services Wing, Services and General Administration Department	Member
(h)	Secretary to the Government, Local Government and Community Development Department	Member
(i)	Secretary to the Government, Public Prosecution Department	Member
(j)	Secretary to the Government, Price Control and Commodities Management Department	Member
(k)	three Members, including one female Member, of the Provincial Assembly of the Punjab to be nominated by the Chief Minister	Members
(l)	four independent members, including one female member, to be appointed on the recommendation of the Selection Panel	Members
(m)	Director General	Member/ Secretary

(2) The Chairperson may delegate his authority to the Vice Chairperson for performance of all or any of his functions under the Act.

(3) The appointment of the Members at clauses (k) and (l) of sub-section (1), shall be notified in the official Gazette.

(4) Notwithstanding anything contained in sub-section (1), the Authority may co-opt in any meeting, the Administrative Secretary of the relevant Department responsible for the enforcement and implementation of the Scheduled laws.

(5) The independent members shall be appointed by the Government for a period of three years but they shall serve during the pleasure of the Government.

(6) The independent member may resign at any time subject to service of one month notice to the Government.

5. **Selection Panel.**– (1) There shall be a Selection Panel consisting of three persons, other than serving public servants or elected representatives, to be nominated by the Chief Minister for the selection of independent members.

(2) The selection of independent members shall be by majority of selection panel, and the selection shall be completed within thirty days of commencement of such selection process.

(3) The Selection Panel shall invite applications from the public for selection of independent members and shall, after interviewing eligible candidates, forward its recommendations to the Government for their appointment as independent members.

(4) The Director General shall provide the secretarial support to the Selection Panel to carry out their official business.

6. **Qualification and disqualification of an independent member.**– (1) An independent member shall be of impeccable integrity and proven professional competence in the fields of social work, law, administration, education or corporate.

(2) A person shall be disqualified from becoming an independent member, if he:

(a) has held any public representative office or has remained a public servant in the six months immediately preceding his appointment as independent member;
(b) is found suffering from any physical or mental incapacity or illness;
(c) is declared bankrupt or a loan or tax defaulter;
(d) holds an office in the service of Pakistan;
(e) is in the service of any statutory body or any other body which is owned or controlled by the Government or in which the Government has a controlling share or interest;
(f) has been dismissed, removed or compulsorily retired from the service of Pakistan on grounds of corruption or any other form of misconduct;
(g) has been convicted of a criminal offence; or
(h) has any conflict of interest.

7. **Meetings of the Authority.**– (1) The Authority shall meet at such time and place and shall observe such procedure with regard to transaction of its business and meetings as may be prescribed and, until so prescribed, as the Authority may determine.

(2) The meetings of the Authority shall be presided over by the Chairperson or, in his absence, by the Vice Chairperson or when the Vice Chairperson is also absent, by the Member nominated by the Chairperson.

(3) The quorum for a meeting of the Authority shall be one half of the total members.

(4) The Director General, on the direction of the Chairperson, shall call a meeting of the Authority.

(5) The decisions of the Authority shall be taken by majority of its members present and voting and, in the event of equality of votes, the Chairperson or, in his absence, the person presiding over the meeting, as the case may be, shall have a casting vote.

(6) The Director General shall maintain a complete record of the minutes and decisions of the Authority.

(7) No act, decision, order or proceedings of the Authority or a committee constituted by the Authority shall be invalid merely by reason of any vacancy or defect in the constitution of the Authority or the committee.

8. **Director General.**– (1) The Chief Minister may appoint a Director General who shall be an officer of Basic Scale 19 or above from the Pakistan Administrative Service or Provincial Management Service, in such manner and on such terms and conditions as may be prescribed and, until so prescribed, as the Chief Minister may determine.

(2) The Director General, subject to the general supervision and direction of the Authority, shall be responsible for carrying out the purposes of the Act.

(3) The Director General shall be responsible for performing secretarial functions and providing support to the Authority.

(4) The Director General shall exercise such powers as are mentioned in the Act or as may be prescribed or delegated to him by the Authority.

9. **Committees.**– (1) The Authority may constitute such committees as it may deem necessary for carrying out the purposes of the Act, and such committees shall exercise such powers and perform such functions as may be assigned to them by the Authority.

(2) Subject to sub-section (1), the committee may co-opt any person, other than a member of the Authority, to attend a meeting of the committee.

10. **Powers and functions of the Authority.**– (1) Subject to the provisions of the Act and the rules or regulations framed thereunder, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purposes of the Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority shall:

(a) oversee, spearhead and monitor the implementation of the policy guidelines issued by the Government for the purposes of the Act;
(b) appoint Hearing Officer for the purposes of the Act;
(c) appoint Authorized Officer, not below the rank of Basic Scale 18, for the purposes of the Act;
(d) conduct a situational assessment, systematically gather and analyse relevant data for decision-making and effective planning;
(e) conduct such inquiry as is required for carrying out the purposes of the Act or Scheduled laws;
(f) appoint and train the employees for the performance of their duties in such manner and on such terms and conditions as may be prescribed and, until so prescribed, as may be determined by the Government;
(g) establish roles, jurisdictions and job descriptions of the employees;
(h) devise the mechanism of performance appraisal of employees;
(i) take measures to establish and maintain discipline in the employees;
(j) hire and determine the terms and conditions of engagement of such experts, consultants or advisors as may be required and in such manner as may be prescribed and, until so prescribed, as may be determined by the Government;
(k) administer the Enforcement Stations;
(l) provide guidelines to the District Enforcement and Regulatory Boards and Enforcement Stations for carrying out the purposes of the Act;

(m) supervise, monitor and review the progress and performance of the District Enforcement and Regulatory Boards and Enforcement Stations;
(n) assign any of its employees to provide assistance to the Enforcement Stations;
(o) take all necessary measures for implementing the enforcement mechanism provided under the Act, the rules and the regulations as well as the Scheduled laws;
(p) recommend budget estimates to the Government for the purposes of implementation of the Act;
(q) define the pecuniary limitations of the employees to impose fines;
(r) sanction payment of reward to any person, including any employee, who has made an exceptional effort towards accomplishing the objective of the Act; and
(s) exercise such other functions and powers as may be notified by the Government from time to time for carrying out the purposes of the Act.

(3) The Authority may delegate any of its powers and functions to the Director General or Chairperson of the Board or its Authorized Officer.

11. **Employees of the Authority.**– (1) The Authority may, on its own or through Director General or its Authorized Officer, appoint such employees, as may be considered necessary for the efficient performance of its functions, in such manner and on such terms and conditions as may be prescribed and, until so prescribed, as may be determined by the Government.

(2) The Authority may, by regulations, provide for efficiency, discipline and accountability of its employees.

(3) The Authority may lend or borrow any of its employee or employee of any other Department, on deputation basis as per the policy of the Government.

Chapter III
DISTRICT ENFORCEMENT AND REGULATORY BOARD

12. **District Enforcement and Regulatory Board.**– (1) The Authority may, by an order, constitute the District Enforcement and Regulatory Board at the district level with following composition:

(a)	Deputy Commissioner	Chairperson
(b)	District Police Officer	Member
(c)	District Heads of the Departments of Scheduled laws	Members
(d)	District Public Prosecutor	Member
(e)	District Attorney	Member
(f)	Additional Deputy Commissioner (General)	Member/ Secretary
(g)	any other expert co-opted from public or private sector	Member

(2) The Board shall be housed at the District Headquarters.

(3) The Board shall meet at such date, time and place and shall observe such procedure with regard to transaction of its business and meetings, as the Authority may determine.

(4) The meetings of the Board shall be presided over by its Chairperson or, in his absence, by a member nominated by him.

(5) The quorum for a meeting of the Board shall be one half of the total members.

(6) The Secretary, on the direction of the Chairperson, shall call a meeting of the Board.

(7) The decisions of the Board shall be taken by majority of the members present and voting and, in the event of equality of votes, the Chairperson or, in his absence, the member presiding over that meeting, as the case may be, shall have a casting vote.

(8) The Secretary shall maintain a complete record of the minutes and decisions of the Board.

(9) No act, decision, order or proceedings of the Board or a committee constituted by the Board shall be invalid merely by reason of any vacancy or defect in the constitution of the Board or committee.

(10) The Secretary shall be responsible for performing secretariat functions and providing secretarial support to the Board.

(11) The Secretary shall exercise such powers as are mentioned in the Act or as may be prescribed or delegated to him by the Board.

13. **Committees.**– The Board may constitute such committees as may be deemed necessary for carrying out the purposes of the Act, and such committees shall exercise such powers and perform such functions as may be assigned to them by the Board.

14. **Powers and functions of Board.**– (1) Subject to the provisions of the Act, rules or regulations framed thereunder, the Board may exercise such powers and take such measures as may be necessary for carrying out the purposes of the Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall:

(a) oversee, spearhead and monitor the implementation of the guidelines issued by Authority under the Act;

(b) supervise, monitor and review the progress and performance of the Enforcement Stations;

(c) conduct a situational assessment, systematically gather and analyse relevant data for decision-making and effective planning;

(d) take all necessary measures for implementing the enforcement mechanism provided under the Act, rules and regulations, as well as, Scheduled laws;

(e) recommend budget estimates to the Authority for the purposes of implementation of the Act;

(f) seek reports from concerned quarter for data analysis and better decision making;

(g) propose or sanction, as may be prescribed, payment of reward to any person, including any officer, employee and Whistle-blower, who has made an exceptional effort towards accomplishing the objective of the Act; and

(h) such other functions and exercise such other powers as may be assigned to it by the Authority from time to time, for carrying out the purposes of the Act.

15. **Powers and functions of Chairperson of the Board.**- (1) The Chairperson of the Board shall exercise such powers as are provided in the Act or as may be prescribed or delegated to him by the Authority or Board.

(2) The Chairperson of the Board shall responsible to execute the directions of the Authority for the purposes of the Act and shall:

(a) monitor and ensure implementation of the Act at district level;

(b) conduct performance reviews of Enforcement Stations and its employees;
(c) seek reports and record from Enforcement Stations;
(d) initiate and conduct such inquiry by himself or through any of the officer as may be required for carrying out the purposes of the Act or Scheduled laws;
(e) provide assistance on a requisition received under section 20 of the Act;
(f) redressal of grievance on the complaint filed by any aggrieved person against the transgressions of any employee in the district;
(g) decide the reference sent by the Hearing Officer;
(h) administer the Enforcement Stations and employees in the district as may be prescribed; and
(i) exercise such powers and perform such functions as may be ancillary to the above and for carrying out the purposes of the Act or Scheduled laws.

Chapter IV
HEARING OFFICER

16. **Hearing Officer.**– (1) The Authority shall appoint or authorize an officer of Pakistan Administrative Service or Provincial Management Service of Basic Scale 17 or above in the Sub-division as the Hearing Officer, who shall be competent to hear and decide representations for the purposes of the Act.

(2) Any offender or an aggrieved person may file a representation before the Hearing Officer, within thirty days from accruing of cause of action, in the following matters:

(a) against the fine imposed by Enforcement Officer under the Act or the Scheduled laws;
(b) confiscation of articles, carts or vehicles;
(c) sealing of any premises;
(d) removal of encroachments or public nuisance;
(e) any ancillary matters arising out of actions by the Enforcement Officer; and
(f) any other matter as may be prescribed.

(3) The filing of representation and process of hearing shall be such as may be prescribed.

(4) The powers of the Hearing Officer shall include, but are not limited to:

(a) determine whether the offence occurred;
(b) determine whether the fine imposed by Enforcement Officer is reasonable and within the limits prescribed under the Act and the Scheduled laws;
(c) impose additional fine upon failure of representation and to recover the same;
(d) refund the fine imposed by Enforcement Officer in case of successful representation, in such manner as may be prescribed;
(e) impose fine in case the amount of fine proposed by Enforcement Officer exceeds his pecuniary limits but he has sent a report to the Hearing Officer in this regard keeping in view the severity of offence;
(f) determine the enforcement costs, rents or other ancillary costs or penalties on the report of Sub Divisional Enforcement Officer as may be prescribed;
(g) decide about the disposal of confiscated articles or items;
(h) decide about the sealed premises;

(i) decide about auction of confiscated articles from the sealed premises as may be prescribed;
(j) decide about the matters with regard to encroachments under the Act;
(k) decide about the matters with regard to public nuisance and the reasonability of EPO issued by Enforcement Officer;
(l) issue Absolute Order in furtherance of an EPO;
(m) issue removal orders under the Act;
(n) get securities and bonds with or without sureties as may be prescribed;
(o) analyze the requisition sent by Enforcement Station and forward the same to the Board;
(p) inspect any site or record, seek reports and summon the attendance of any concerned person;
(q) issue notices to the offender and concerned persons under the Act or Scheduled laws;
(r) initiate, conduct and facilitate the inquiries to ascertain the facts regarding an offence or the complaints regarding the employees;
(s) take into account any mitigating or aggravating factor;
(t) decide the representation filed by the offender or aggrieved person in such manner and within such time as may be prescribed;
(u) redress grievance on the complaint filed by any aggrieved person against the transgression of any employee in the concerned Sub-division;
(v) provide interim relief to the aggrieved person in such manner as may be prescribed;
(w) supervise, monitor and review the progress and performance of Enforcement Station; and
(x) perform such other functions and exercise such other powers as may be notified or delegated by the Authority or Board from time to time for carrying out the purposes of the Act.

(5) For the purposes of this section, the Hearing Officer shall consider any aggravating or mitigating factors that warrant deviation from the penalty determined by the Enforcement Officer, including but not limited to:

(a) the gravity and duration of the offence;
(b) any efforts made by the offender to correct the offence or mitigate its impact;
(c) the adverse impact of the offence on the public;
(d) any habitual nature of the offender;
(e) any instances in which the offender has previously been involved in offences of the same nature;
(f) gender and age of the offender; and
(g) any other factor that the Hearing Officer may deem fit.

17. **Procedure at hearing.**– (1) Save as may be expressly provided in the Act, hearings shall be conducted summarily and Qanun-e-Shahadat, 1984 shall not apply.

(2) All proceedings may be audio-video recorded by the Hearing Officer to ensure transparency and for purposes of maintaining record of all proceedings.

(3) The Enforcement Officer may attend the hearing but is not required to do so, unless specifically asked to attend by the Hearing Officer.

(4) Written and oral evidence shall be submitted by any person at the hearing.

18. **Recording of evidence.**– (1) Any evidence under the Act shall be taken on oath or affirmation, except as may be otherwise provided, be recorded, kept and maintained in the prescribed manner.

(2) Any document that is required or authorized to be filed, given or delivered to the Hearing Officer under the Act may be filed, given or delivered electronically in the manner as may be prescribed.

Chapter V
ESTABLISHMENT OF ENFORCEMENT STATIONS

19. **Enforcement Stations.**– (1) The Government shall, by notification, establish or declare any place or premises, not including a police station, generally or specially, to be an Enforcement Station for the purposes of the Act.

(2) There may be one or more Enforcement Stations for each Sub-division having such territorial jurisdiction as may be specified by the Government.

(3) Each Enforcement Station shall consist of:

(a) one Sub Divisional Enforcement Officer, not below the rank of Basic Scale 16;
(b) Enforcement Officers, not below the rank of Basic Scale 14;
(c) Investigation Officers, not below the rank of Basic Scale 11;
(d) Sergeants, not below the rank of Basic Scale 07; and
(e) Support Staff.

(4) The Authority may also appoint such additional persons at each Enforcement Station as may be required for carrying out the purposes of the Act, in such manner and on such terms and conditions as may be prescribed.

(5) The employees of Enforcement Stations shall wear such uniform, carry such weapons and shall display such identification cards or badges with their uniform as may be prescribed.

(6) Each Enforcement Station shall be provided marked vehicles and motorbikes.

(7) The Authority may frame regulations for supervision and administration of Enforcement Stations and its employees.

20. **Requisition by the Enforcement Station.**– (1) The incharge of the Enforcement Station, through concerned Hearing Officer, may send a requisition to the Secretary of the Board, for support or assistance in the enforcement and implementation of the Act or Scheduled laws, as the case may be.

(2) Upon being satisfied on the requisition that such a necessity reasonably exists, the Secretary of the Board, after getting consent of the Chairperson of Board, shall provide such support or assistance to the requisitioning incharge of the Enforcement Station.

21. **Record keeping at the Enforcement Station.**– The Sub Divisional Enforcement Officer shall be responsible for record keeping at the Enforcement Station, in such manner as may be prescribed.

22. **Sub Divisional Enforcement Officer.**– (1) The Authority shall, by notification, appoint the Sub Divisional Enforcement Officer for every Enforcement Station in the prescribed manner.

(2) The Sub Divisional Enforcement Officer shall possess such qualifications and perform such powers and functions as may be prescribed.

(3) The Sub Divisional Enforcement Officer shall be incharge of the Enforcement Station and shall be responsible for the purposes of enforcement and implementation of the Act and Scheduled laws.

(4) Without prejudice to the generality of the provisions of sub-section (3), and in addition to any other power or function conferred by the Act, a Sub Divisional Enforcement officer shall:

(a) enforce and execute decisions of the Authority and Board;
(b) enforce the provisions of the Act and Scheduled laws;
(c) supervise inspections by the Enforcement Officer;
(d) issue notices or summons to offenders and concerned persons under the Act or Scheduled laws;
(e) initiate, conduct and facilitate inquiries;
(f) register FIRs and conduct investigations as provided in the Code;
(g) make arrest;
(h) submit reports to the Magistrate;
(i) recover enforcement costs and penalties;
(j) assign inquiries and investigations to subordinate officers;
(k) administer the Enforcement Station and its employees;
(l) ensure discipline of the Enforcement Station;
(m) keep record of all registers as may be prescribed;
(n) issue certified copies of record;
(o) conduct performance appraisal of Enforcement Officers, Investigation Officers, Sergeants and any other official of the Enforcement Station, as may be prescribed;
(p) upon receipt of references from Department, act and proceed as per provisions of the Act and Scheduled laws;
(q) submit reports to the Hearing Officer, Authorized Officer, Board and the Authority as may be required by them;
(r) assist the Hearing Officer for disposal of the work under the Act and Scheduled laws;
(s) act as Drawing and Disbursing Officer for the Enforcement Station;
(t) obey and promptly execute the orders issued by the Hearing Officer;
(u) perform such functions of the Enforcement Officer in whole of the area of jurisdiction of the Enforcement Station, if specifically empowered in this regard, by the Authority;
(v) exercise such other powers and perform such other functions as may be delegated to him by the Authority; and
(w) exercise such powers and perform such functions as may be ancillary to the above and as provided through regulations framed by the Authority.

23. Enforcement Officer.– (1) The Authority shall, by notification, appoint as many Enforcement Officers for each Enforcement Station as deemed appropriate from time to time, who shall perform all field operations for enforcement and implementation under the Act and Scheduled laws.

(2) The Enforcement Officer shall possess such qualifications as may be prescribed.

(3) Each Enforcement Officer shall be assigned an area of jurisdiction by the Authority or Authorized Officer.

(4) The Enforcement Officer shall have the following powers and functions:

(a) power to enter, inspect, search and seal any public property, building, place or any premises where he has reason to believe that an offence has occurred or there is apprehension of so happening;
(b) power to enter, inspect, search and seal any private property, building or place, subject to warrant or order of the Magistrate in whose jurisdiction such premises is situated; and

(c) power to undertake any of the following acts and inspections, subject to recording and reporting the same in the register of inspections:

(i) inspection on reasonable suspicion of an offence during routine patrol;

(ii) inspection to ascertain compliance of any order issued under the Act;

(iii) special inspection on the direction of the Authority or Board, in order to collect any electronic evidence for investigation;

(iv) inspection on the reasonable or credible information by the Whistle-blower;

(v) inspection on reference from the Department;

(vi) power to stop, inspect and search any vehicle or person on suspicion or information of any offence under the Act and Scheduled laws;

(vii) seizure of any item, goods, article or property that is used in or relevant to prove the commission of a violation or offence, provided that every such item shall be listed in the register of seized items in the prescribed manner and receipt issued to the offender;

(viii) power to arrest an offender as provided under the Act and in the Code;

(ix) power to use reasonable force, in case of retaliation or obstruction while performing functions under the Act and Scheduled laws;

(x) evidence collection through electronic means and modern devices;

(xi) power to file complaints and get the FIRs registered at the Enforcement Station;

(xii) exercise any or all powers entrusted to an inspector, designated officer, authorized officer or any other enforcement officer by whatsoever name called under the Scheduled laws;

(xiii) issue notices or summons to the offender or the concerned persons under the Act and Scheduled laws;

(xiv) power to initiate and conduct inquiry under the Act and Scheduled laws;

(xv) impose fine on the offenders as provided under the Act and Scheduled laws, subject to prescribed pecuniary limitations;

(xvi) power to issue EPO under the Act; and

(xvii) any other power or function conferred or delegated under the Act and Scheduled laws or as may be prescribed.

(5) The Enforcement Officer may exercise all powers and functions while wearing a body camera or similar wearable audio-video recording device.

24. **Conferment of additional powers by the Government.**– The Government may, by notification, confer any other power of a police officer, not being the powers mentioned in this Chapter, on Sub Divisional Enforcement Officer, Enforcement Officer or Investigation Officer under the Act or Scheduled laws, as may be necessary for the enforcement and implementation of the Act.

25. **Duties of Enforcement Officer.**– In exercise of powers and functions under the Act, it shall be the duty of every Enforcement Officer to:

(a) enforce laws specified in the Schedule, and prevent the commission of violations or offences;

(b) apprehend any person whom he is legally authorized to apprehend and for whose apprehension sufficient grounds exist;

(c) obey and promptly execute all orders issued by the Sub Divisional Enforcement Officer; and

(d) aid and co-operate with other agencies for the prevention of offences:

Provided that all actions taken by the Enforcement Officer, especially involving the arrest of a person, shall be promptly reported to the Hearing Officer through Sub Divisional Enforcement Officer of the Enforcement Station for further action in accordance with law.

26. **Investigation Officer.**– (1) The Authority shall, by notification, appoint as many Investigation Officers for each Enforcement Station as it may deem appropriate, from time to time.

(2) The Investigation Officer shall possess such qualifications as may be prescribed.

(3) The Investigation Officer shall have the following powers and functions for the purposes of investigation:

(a) power to enter, inspect, search and seal any public property, building, place or any premises where he has reason to believe that an offence has occurred or there is apprehension of so happening;

(b) power to enter, inspect, search and seal any private property, building or place, subject to warrant or order of the Magistrate in whose jurisdiction such premises is situated;

(c) power to stop, inspect, search and confiscate any vehicle for the purposes of the Act and Scheduled laws;

(d) issue notices or summons to offenders and concerned persons under the Act and Scheduled laws;

(e) seizure of any item, goods, article or property that is used in or relevant to prove the commission of a violation or offence, provided that every such item shall be listed in the register of seized items in the prescribed manner;

(f) power to arrest an offender as provided under the Act and in the Code;

(g) power to search a person on reasonable grounds of suspicion of that person being involved in an offence, or being an accomplice to such offender, or being in possession of any article that may likely be used in the commission of such offence:

provided that the article may only be seized if it reasonably appears to be suspicious;

provided further that the details of the article and grounds for seizure shall be listed in a register in the prescribed form and receipt issued to the person.

(h) power to use reasonable force, in case of retaliation or obstruction in performing the functions under the Act or Scheduled laws;

(i) power to collect evidence through electronic means and modern device;

(j) power to file complaints and get the FIRs registered at the Enforcement Station under the Code; and

(k) conduct inquiries on the direction of initiating authority.

(4) The Investigation Officer may exercise any other power or perform such other function as conferred or delegated by the Authority under Act or Scheduled laws.

27. **Sergeants.**– (1) The Authority shall, by notification, appoint as many Sergeants for each Enforcement Station as it may deem appropriate, from time to time.

(2) The Sergeants shall possess such qualifications, as may be prescribed.

(3) The Sergeants shall have the following powers and functions:

(a) assist the officers and employees for enforcement of the Act or Scheduled laws;

(b) carry weapons as prescribed under the rules; and

(c) perform any other function as may be prescribed.

28. **Enforcement Squad.**– There shall be one or more Enforcement Squads in each Sub-division, comprising of the Sub Divisional Enforcement Officer, Enforcement Officers, Investigation Officers, Sergeants and such other employees as may be notified by the Authority.

29. **Administration of the Squad.**– (1) The administration of the Squad shall vest in the Authority.

(2) The Director General shall exercise in respect of the Squad such powers as may be prescribed by the Authority.

(3) Members of the Squad shall exercise such powers and perform such functions as may be prescribed by the Authority.

30. **Prosecutor.**– (1) Every Enforcement Station shall have a prosecutor appointed under the Act, in such manner as may be prescribed, or deputed from the Public Prosecution Department of the Government.

(2) The Prosecutor shall perform such functions as may be prescribed.

Chapter VI
ARREST

31. **Power to arrest.**– (1) The power of arrest by the Sub Divisional Enforcement Officer, Enforcement Officer and Investigation Officer under the Act shall only be exercised if any person:

(a) is involved in any offence under the Act or Scheduled laws; or

(b) against whom a reasonable reference has been sent by the Department; or

(c) credible information has been received, or a reasonable suspicion otherwise exists of his having been so involved in an offence under the Act or Scheduled laws; or

(d) in whose possession any article is found which may reasonably be suspected to be used or linked with the commission of an offence, and who may reasonably be suspected of having committed a violation with reference to such article; or

(e) has obstructed the Enforcement Officer or any employee in the performance of his duty; or

(f) has escaped or attempts to escape from lawful custody; or

(g) was served an order, but he chose not to abide by it.

(2) The record of the arrests shall be maintained by the Sub Divisional Enforcement Officer and reported to the Magistrate as well as the Hearing Officer, in the prescribed manner.

32. **Procedure to be followed after arrest.**– (1) The Enforcement Officer or the Investigation Officer making an arrest shall, without unnecessary delay, present the person arrested at the Enforcement Station, and bring in the knowledge of the Sub Divisional Enforcement Officer of such arrest and submit a written report for further action.

(2) The Sub Divisional Enforcement Officer shall proceed for registration of FIR immediately and produce such person before the Magistrate within twenty-four hours of arrest through the Investigation Officer.

33. **Application of the Code to arrests under the Act.**– The provisions of the Code, in relation to the arrest, security of Bond and detention of a person, search of persons and premises, and investigation of offences shall, in so far as they are not inconsistent with the Act, apply to an arrest, detention, search or investigation made under the Act.

Chapter VII
PUBLIC NUISANCE AND ENCROACHMENTS

34. **Procedure for removal of public nuisance.**– (1) Any person aggrieved by the public nuisance directly or indirectly or perceives to be aggrieved due to such nuisance in near future, may submit a complaint to the Enforcement Officer, Sub Divisional Enforcement Officer, Hearing Officer, Board or the Authority.

(2) Any Department, Whistle-blower or any employee may also report public nuisance to the Enforcement Officer, Sub Divisional Enforcement Officer, Hearing Officer, Board or the Authority.

35. **Action by Enforcement Officer.**– (1) On receipt of complaint or information through any manner as provided in section 34, the Enforcement Officer on his own or on the direction of Sub Divisional Enforcement Officer, Hearing Officer, Board or the Authority, as the case may be, shall visit the site of occurrence of public nuisance, inspect and take the stance of the persons concerned.

(2) If the Enforcement Officer gets convinced that there exists a public nuisance then he shall issue an EPO in such manner as may be prescribed.

(3) The EPO shall contain short details of public nuisance, reasons, directions to the offender creating such nuisance to remove the nuisance within a prescribed time period and manner and the penalty that may be imposed in case of disobedience.

(4) The offender shall either comply with the EPO or prefer a representation before the Hearing Officer, within fifteen days of receipt of such EPO and in such manner as may be prescribed.

(5) If the offender neither complies with the EPO nor prefers a representation within the given time period, the Enforcement Officer shall proceed to enforce the EPO and may take any one or more of the following actions against the offender:

(a) remove or cause to be removed the public nuisance, using such means and with such force as may be reasonably necessary; or
(b) impose and recover the fine as provided under the Act or as may be prescribed; or
(c) confiscate the articles or the goods, as the case may be, deposit the same in the Enforcement Station along with a seizure memo to the Sub Divisional Enforcement Officer and a copy thereof to the offender; or
(d) seal the premises; or
(e) arrest the offender in default of the fine, repeated offences or creating obstruction for the Enforcement Officer in discharge of his official duties; or
(f) submit a complaint before the Sub Divisional Enforcement Officer and get the FIR registered; or
(g) submit a report before the Sub Divisional Enforcement Officer for determination of cost of enforcement by Hearing Officer, if any.

(6) The Hearing Officer shall be authorized to dispose of the confiscated articles of goods, decide the fate of sealed premises, and determination of cost of enforcement in such manner as may be prescribed.

(7) The cost of enforcement determined under sub-section (6) shall be payable by the offender and, if such cost is not paid, the Hearing Officer may cause it to be recovered as arrears of land revenue and the articles or goods confiscated by the Enforcement Officer shall be sold in auction in such manner, as may be prescribed, for recovery of such cost of enforcement.

(8) If the proceeds of sale are not sufficient to cover the cost of enforcement, the balance shall be recoverable as arrears of land revenue; however, if such proceeds exceed the cost, the excess shall be paid to the offender.

(9) The Enforcement Officer shall submit daily report of information received and actions taken against the public nuisance matters to the Sub Divisional Enforcement Officer, in such manner as may be prescribed.

36. Action by Hearing Officer.– (1) On receipt of a representation filed by the offender or the complainant, the Hearing Officer shall issue notices to all concerned and conduct the hearing proceedings as provided under the Act or as may be prescribed.

(2) The Hearing Officer may cancel, modify or convert the EPO into an Absolute Order.

(3) The Absolute Order shall contain detail of the public nuisance, reasons of passing an Absolute Order, direction to the offender creating such nuisance to remove the nuisance within a prescribed time period and manner and any further penalty that may be imposed on the offender if Absolute Order is not complied with.

(4) On expiry of time period mentioned in the Absolute Order, if the offender has not removed public nuisance, the Hearing Officer shall direct the Sub Divisional Enforcement Officer to get the Absolute Order enforced through the Enforcement Officer.

(5) On receipt of direction under sub-section (4), the Enforcement Officer shall enforce the Absolute Order and may, take any one or more actions against the offender:

(a) remove or cause to be removed public nuisance, using such means and with such force as may be reasonably necessary; or
(b) recover the fine as imposed by the Hearing Officer; or
(c) confiscate the articles or goods, as the case may be, deposit the same in the Enforcement Station along with a seizure memo to the Sub Divisional Enforcement Officer and a copy thereof to the offender; or
(d) seal the premises; or
(e) arrest the offender in default of fine, repeated offences or creating obstruction for the Enforcement Officer in discharge of his official duties, as may be prescribed; or
(f) submit a complaint before the Sub Divisional Enforcement Officer and get the FIR registered; or
(g) submit a report before the Sub Divisional Enforcement Officer for determination of cost of enforcement by the Hearing Officer, if any.

(6) The Hearing Officer shall be authorized to dispose of the confiscated articles or goods, decide the fate of sealed premises, and determine the cost of enforcement in such manner as may be prescribed.

(7) The cost of enforcement determined under sub-section (6) shall be payable by the offender and, if such cost is not paid, the Hearing Officer may cause it to be recovered as arrears of land revenue and the articles or goods confiscated by the Enforcement Officer shall be sold in auction in such manner, as may be prescribed, for recovery of such cost of enforcement.

(8) If the proceeds of sale are not sufficient to cover the cost of enforcement, the balance shall be recoverable as arrears of land revenue; however, if such proceeds exceed the cost, the excess shall be paid to the offender.

37. Prohibition to encroachment.– No person shall make any encroachment, moveable or immovable, on any State property.

38. Procedure for removal of moveable encroachment.– (1) The Enforcement Officer on his own motion, complaint or reference from the Department or custodian of State property, information from Whistle-blower or any direction from Authority, Board, Hearing Officer or Sub Divisional Enforcement Officer, in such manner as may be prescribed, shall, inspect the site, take the stance of the concerned persons and if satisfied that the encroachment needs removal under the law, he shall serve notice or Removal Order to the illegal occupier to vacate the State property within specified time period as may be prescribed, through any of the means as provided under the Act.

(2) After, expiry of prescribed time period, the Enforcement Officer shall be authorized to take any one or more of the following actions:

(a) remove or cause to be removed the encroachment using such means and with such force as may be reasonably necessary; or
(b) impose and recover the fine as provided under the Act or Scheduled laws or as may be prescribed; or
(c) confiscate the article, cart or vehicle, as the case may be, deposit the same in the Enforcement Station along with a seizure memo to the Sub Divisional Enforcement Officer and a copy thereof to the illegal occupier; or
(d) seal the premises; or
(e) arrest the offender in default of fine, repeated offences or creating obstruction for the Sub Divisional Enforcement Officer in discharge of his official duties, as may be prescribed; or
(f) submit a complaint before the Sub Divisional Enforcement Officer and get the FIR registered; or
(g) submit a report before the Sub Divisional Enforcement Officer for determination of cost of enforcement and rents by the Hearing Officer, if any.

(3) The Hearing Officer shall be authorized to dispose of the confiscated article, cart or vehicle, decide the fate of sealed premises, and determination of cost of enforcement and rents, in such manner as may be prescribed.

(4) The cost of enforcement determined under sub-section (3) shall be payable by the illegal occupier and, if such cost is not paid, the Hearing Officer may cause it to be recovered as arrears of land revenue and the article, cart or vehicle confiscated by the Enforcement Officer shall be sold in auction in such manner, as may be prescribed, for recovery of such cost of enforcement.

(5) If the proceeds of sale are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue, but if such proceeds exceed the cost, the excess shall be paid to the illegal occupier.

(6) The Enforcement Officer shall submit daily report of information received and actions taken against the moveable encroachments to the Sub Divisional Enforcement Officer.

39. Procedure for removal of immoveable encroachment.– (1) The Enforcement Officer on his own motion, complaint or reference from the Department or custodian of State property, information from Whistle-blower or any direction from the Authority, Board, Hearing Officer or Sub Divisional Enforcement Officer, shall inspect the site, take

the stance of the concerned persons and if satisfied that the encroachment needs removal under the law, he shall submit a report to the Hearing Officer.

(2) The Hearing Officer shall conduct the hearing as provided under the Act or as may be prescribed.

(3) After the hearing, if the Hearing Officer is satisfied that the encroachment needs removal under the law, he shall issue a Removal Order, in writing, specifying the prescribed time period and the manner in which the encroachment be removed.

(4) The order of the Hearing Officer shall be served upon the illegal occupier as provided under the Act.

(5) On the expiry of time period provided in the Removal Order, if encroachment is not removed by the illegal occupier, the Hearing Officer shall direct the Sub Divisional Enforcement Officer to get it removed in such manner as may be prescribed, and upon such direction, the Enforcement Officer shall be authorized to take any one or more of the following actions:

(a) remove or cause to be removed the encroachment using such means and with such force as may be reasonably necessary; or

(b) impose and recover the fine as provided under the Act or as may be prescribed; or

(c) confiscate the articles, goods, machinery and the building materials, as the case may be, deposit the same in the Enforcement Station along with a seizure memo to the Sub Divisional Enforcement Officer and a copy thereof to the illegal occupier; or

(d) seal the premises; or

(e) arrest the offender in default of fine, repeated offences or creating obstruction for the Enforcement Officer in discharge of his official duties, as may be prescribed; or

(f) submit a complaint before the Sub Divisional Enforcement Officer and get the FIR registered; or

(g) submit a report before the Sub Divisional Enforcement Officer for determination of cost of enforcement and rents by the Hearing Officer, if any.

(6) The Hearing Officer shall be authorized to dispose of the confiscated articles, goods, machinery or the building material, decide the fate of sealed premises, and determination of cost of enforcement and rents, as may be prescribed.

(7) The cost of enforcement determined under sub-section (6) shall be payable by the illegal occupier and, if such cost is not paid, the Hearing Officer may cause it to be recovered as arrears of land revenue and the articles, goods, machinery or the building material confiscated by the Enforcement Officer shall be sold in auction in such manner, as may be prescribed, for recovery of such cost of enforcement.

(8) If the proceeds of sale are not sufficient to cover the cost of enforcement, the balance shall be recoverable as arrears of land revenue; however, if such proceeds exceed cost of enforcement, the excess shall be paid to the illegal occupier.

(9) The Enforcement Officer shall submit daily report of information received and actions taken against the immoveable encroachments to the Sub Divisional Enforcement Officer.

Chapter VIII
ISSUANCE AND DELIVERY OF NOTICE

40. Issuance and delivery of notice.– (1) The notice may be issued and delivered in one or more of the following modes:

(a) Personal service: The notice shall be served on the offender, through any employee, subject to receiving given by such offender; provided that refusal to receive the notice shall not affect the validity

of the notice or subsequent proceedings, and footage from the bodycam shall be sufficient proof of personal service; or

(b) Service at premises: If the offender cannot be located for his personal service, the notice shall be served through courier service:
   (i) if the offender is the owner of a property where the offence has occurred but is not in possession thereof, the notice shall be sent at the last known address of the offender; or
   (ii) if the offender is the occupying owner, tenant or otherwise in occupation or possession of the property where the offence has occurred, the notice shall be sent at the said property address; or

(c) Affixing of notice: If service for any reason is not possible or expedient in the manner set out above, the notice shall be affixed at a conspicuous part of the house, if any, in which the offender is known to have last resided or carried on business or personally worked for gain; or

(d) Public notice in newspaper: If service for any reason is not possible or expedient in the manner set out above, the publication in the daily national Urdu newspaper of wide circulation, shall be made; or

(e) Local Proclamation: If the notice is of general nature and related to many persons of same locality, a proclamation or announcement may be made through a loud speaker in the locality.

(2) Where service is made by the employee, he shall certify on the duplicate of notice that he has served the notice on the required person.

Chapter IX
PENALTIES

41. **Penalties under the Act.**– Save as may be expressly provided in the Act, for the purposes of the enforcement of Scheduled laws, only those penalties may be imposed which are permitted under such relevant laws whose enforcement and regulatory compliance is sought to be achieved under the Act:

Provided that no penalty under the Act shall be imposed save in the manner as may be prescribed.

42. **Pecuniary limits for penalties.**– The pecuniary jurisdiction for the purposes of imposition of penalties shall apply to all the officers of Authority as may be prescribed.

Chapter X
PREVENTIVE MEASURES

43. **Security and Bonds.**- The Hearing Officer on his own motion or on receipt of information in any manner, may proceed under Chapter VIII of the Code and require a person to execute a bond of certain amount or the sureties as provided in the Code or as may be prescribed.

Chapter XI
OFFENCES

44. **Offences.**– Whosoever intentionally or without cause:

(a) refuses to receive the notice or prevents the service of notice by absconding or averting proclamation or affixation or removal of such affixation;

(b) disobeys any order issued under the Act or Scheduled laws;

(c) fails to appear in person or by an agent before the concerned officer, if so directed;

(d) fails to produce any document or article required to be produced before the concerned officer;
(e) fails to furnish such information in the manner and at the time as required by the concerned officer;
(f) offers resistance in taking of any property or suspected article by the lawful authority of the concerned officer;
(g) refuses to provide assistance to the concerned officer as required under the Act or Scheduled laws;
(h) obstructs in any other manner in discharge of functions by the concerned officer;
(i) encroaches upon State property;
(j) removes any moveable State property without lawful authority;
(k) fails to obey EPO or Absolute Order; or
(l) attempts to commit or abets the commission of any offence under the Act or Scheduled laws:

he shall be guilty of an offence punishable with imprisonment which may extend up to six months or fine which may extend up to rupees three hundred thousand or both.

45. **Offences by companies.**– (1) Where an offence under the Act has been committed by a company, such company shall be liable to punishment of fine, costs or other compensation specified for the offence.

(2) Notwithstanding anything contained in sub-section (1), where it is proved that the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be liable to punishment for the offence.

Explanation.– In this section, "company" means a body corporate and includes a firm or any other association of persons.

46. **Personating a member, officer or employee.**– Whosoever pretends to hold any particular post or office as a member, officer or employee under the Act, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be liable to be punished under section 170 of the Pakistan Penal Code, 1860 (XLV of 1860).

47. **Misuse of authority.**– Any officer or employee responsible for enforcement and regulatory compliance under the Act, who:

(a) exercises powers beyond his authority;
(b) enters or searches any premises without lawful authority or reasonable cause, or vexatiously and unnecessarily seizes the property of any person, or vexatiously and unnecessarily detains, searches or arrests any person;
(c) vexatiously and unnecessarily delays the forwarding to a court or to any other authority to whom he is legally bound to forward any arrested person;
(d) conducts faulty or defective inspection or investigation;
(e) makes a statement which is false or misleading in material particulars or uses a false document for the purpose;
(f) is guilty of any wilful breach or neglect of any provision of law, or of any rule or regulation, or any order or instruction which he is bound to observe or obey;
(g) is guilty of any dereliction of duty, including but not limited to, insubordination or bribery; or

(h) engages himself in any manner or participates in any way in any action which has the result of thwarting the enforcement or regulatory compliance sought to be achieved under the Act:

he shall be guilty of an offence punishable with imprisonment which may extend up to six months or with fine which may extend up to rupees one hundred thousand or with both.

Chapter XII
CONDUCT OF INQUIRY

48. Conduct of inquiry.- In order to ascertain facts, an inquiry may be conducted as provided below:

(a) Initiating Authority: The Authority, Board, Hearing officer, Sub Divisional Enforcement Officer or Enforcement Officer, as the case may be, upon own motion; upon receipt of information from a complainant; a Whistle-blower disclosure; or, on a reference from a Department regarding any offence under the Act or Scheduled laws, may initiate an inquiry.

(b) Inquiry Officer: Upon initiation of inquiry, the initiating authority may conduct inquiry itself or appoint an inquiry officer subordinate to it and senior to the person under inquiry to conduct such inquiry.

(c) Procedure to conduct inquiry:

(i) the inquiry officer may inspect the site, peruse the record, get the statements recorded and take such other measures to ascertain the facts, occurrences, omissions and scenario, as may be prescribed; and

(ii) the inquiry officer shall for the purposes of the inquiry, have all the powers of a civil court under the Code of Civil Procedure, 1908 (V of 1908) in relation to summoning and enforcing the attendance of any person, examining him on oath, compelling the production of documents, receiving evidence on affidavit and issuing commission for the examination of witnesses.

(d) Fate of inquiry findings:

(i) if the allegations are not proved in the inquiry, the initiating authority shall file the inquiry;

(ii) if the allegations are proved, the initiating authority shall refer the matter to Sub Divisional Enforcement Officer with a recommendation for further proceedings to impose the proposed penalty as provided under the Act and Scheduled laws; and

(iii) the initiating authority, if not satisfied with the inquiry findings, may order a de-novo inquiry through any other inquiry officer.

(e) Time for inquiry proceedings: The initiating authority shall fix a time period within which the inquiry has to be completed.

Chapter XIII
JURISDICTION AND PROCEDURE

49. Cognizance of offences.– (1) Notwithstanding anything contained in the Code, all offences punishable under the Act shall be cognizable and non-bailable.

(2) The Sub Divisional Enforcement Officer may:

(a) conduct an inquiry himself or through an inquiry officer as provided under the Act or as may be prescribed; or

(b) convert the findings of an inquiry held under the Act into an FIR on the recommendations of initiating authority; or

(c) register an FIR on the complaint or report of the Enforcement Officer; or

(d) register an FIR directly if the circumstances are so glaring and commission of offence is evident.

(3) The Enforcement Officer and Hearing Officer shall be empowered to impose fines and take such other actions under the Act or Scheduled laws, as may be prescribed.

(4) An offence under the Act shall be triable by a Magistrate appointed under section 14-A of the Code.

50. Bar of jurisdiction.– No court other than the Court shall have jurisdiction to:

(a) question the validity of any action taken, or intended to be taken, or order made, or anything done or purported to have been done under the Act; and

(b) entertain any application or initiate proceedings or grant any injunction or stay or otherwise make any interim order, in respect of any order made or action taken under the Act, and no such order shall be called in question other than by way of appeal under the Act.

51. Representation.– Any offender or a complainant aggrieved by the action, order or any penalty imposed by an Enforcement Officer may submit a representation before the Hearing Officer in such manner as may be prescribed.

52. Appeals.– (1) Any offender who is aggrieved by any decision of the Hearing Officer on a representation filed by him, may, within thirty days of such decision, prefer an appeal to the Commissioner of the concerned Division.

(2) An appeal preferred under sub-section (1) shall be disposed of by the Commissioner within a period of forty-five days from filing of such appeal.

(3) Any person aggrieved by the decision of the Commissioner, may, within thirty days of the receipt of the decision, file second appeal before the Court and the Court shall decide such appeal within ninety days of its filing.

53. Redressal of grievance.– Any person aggrieved by any alleged misuse of authority by an officer or employee, may, in addition to any other remedy provided in the Act, file a complaint against such officer or employee before the Grievance Redressal Commissioner, or, if no officer is appointed so, before the Chairperson of the Board.

Chapter XIV
ENFORCEMENT AND REGULATORY COORDINATION

54. Authority to be lead regulator.– (1) Notwithstanding anything contained in any other law, where there exists a regulatory body or agency under Scheduled laws, the Authority shall be deemed to be the lead regulator and the regulatory body or agency under Scheduled laws shall be the secondary regulator and shall exercise enforcement and regulatory deference to the lead regulator:

Provided that the Government may, by notification, designate the regulatory body or agency under Scheduled laws to be the lead regulator instead of the Authority, if necessitated due to expediency and public interest:

Provided further that in respect of regulatory powers and functions that vest in the local governments, the Authority shall not be deemed to be the lead regulator, unless the concerned local government assigns its powers and functions to such extent and on such terms and conditions as may be mutually agreed.

Explanation.– Where the Authority is the lead regulator, or where the regulatory body or agency under Scheduled laws has been designated as the lead regulator, as the case may be, the secondary regulator shall not be permitted to take concurrent cognizance of the same violation.

(2) Without prejudice to sub-section (1), the Authority and a regulatory body or agency under Scheduled laws may enter into a memorandum of understanding or other arrangement for establishing distribution of powers and functions between themselves for better and more effective enforcement.

55. Directives by Government.– The Government may, as and when it considers necessary, issue policy directives to the Authority, not inconsistent with the Act or any other law for the time being in force, and the Authority shall comply with such directives.

56. Exchange of information.– (1) Every Department shall promptly share with the Authority all information and documents that the Authority has requested to provide to it for effective exercise of its powers and performance of its functions under the Act and which information and documents are in possession of such Department.

(2) In order to maintain an integrated information system related to violations, the obligation to exchange the information in sub-section (1) shall be reciprocated by the Authority.

(3) The Authority may enter into any arrangement with any other body or agency for the exchange of information and assistance in performance of its powers and functions under the Act.

Chapter XV
ASSISTANCE TO AUTHORITY AND WHISTLE-BLOWER DISCLOSURE

57. Assistance to Authority.– All executive authorities and law enforcement agencies of the Government, including the Punjab Police, and every person, shall act in aid of the Authority and render all possible assistance as may be required by the Authority or any of its members, including incharge of the Enforcement Station and Enforcement Squad, in discharging their duties under the Act.

58. Whistle-blower disclosure.– (1) Any person making any Whistle-blower disclosure shall make a personal declaration stating that he reasonably believes that the information disclosed by him and the allegations contained therein are true to the best of his knowledge and belief, and are not disclosed for any personal reason.

(2) Every Whistle-blower disclosure shall be made, in writing or electronic form, to the Authority or Board or Hearing Officer or Sub-Division Enforcement Officer or Enforcement Officer, in such manner and accompanied by such supporting documents or other material as may be prescribed.

(3) No action may be taken on a Whistle-blower disclosure, if the disclosure does not indicate the identity of the Whistle-blower, or if the identity of the Whistle-blower is found to be incorrect or false on verification.

(4) The Whistle-blower disclosure received under sub-section (2) shall be referred to the Hearing Officer who shall make an assessment of the information contained in the disclosure and verify the same to the extent as may be practicably possible, in such manner as may be prescribed.

(5) Upon assessment and verification under sub-section (4), if the Hearing Officer is of the view that the Whistle-blower disclosure warrants further probe, inquiry or investigation, he shall refer it to the Sub Divisional Enforcement Officer, not later than twenty-four hours from such assessment and verification, for further action.

59. Reward and punishment.– (1) If any violation or offence is successfully detected by the Authority under the Act as a result of the Whistle-blower disclosure, the person who made the Whistle-blower disclosure may be paid a reward from the Fund as may be prescribed and may be issued a certificate of appreciation by the Authority:

Provided that if more than one person made the Whistle-blower disclosure for the same violation or offence, the reward shall be equitably distributed amongst such persons based on their respective contribution, as determined and deemed fit by the Authority:

Provided further that no reward for any Whistle-blower disclosure shall be permitted if:

(a) the disclosure is of no value;
(b) the information in the Whistle-blower disclosure is already within the knowledge of the Authority or Board or employee;
(c) the information in the Whistle-blower disclosure is a matter of public record; or
(d) no collection or recovery is made from the Whistle-blower disclosure.

Explanation.– For the purpose of this section, the person making the Whistle-blower disclosure means a natural person.

(2) A person who is found to have made a false, frivolous or vexatious Whistle-blower disclosure, subject to being provided an opportunity of being heard, shall be liable to imprisonment which may extend up to one year or with fine which may extend up to rupees one hundred thousand or with both.

60. **Protection of person making Whistle-blower disclosure.**– (1) The identity of the person making the Whistle-blower disclosure, not being false, frivolous or vexatious disclosure, shall not be disclosed even after conclusion of the proceedings, except with the written consent of such person, and any unauthorized disclosure of identity of such person shall attract a fine or a penalty as may be prescribed.

(2) On the direction of the Authority, Board or of his own motion, the Hearing Officer may, in consultation with the person making the Whistle-blower disclosure, take any measure for the protection of such person and for such duration and in such manner as may be prescribed.

61. **Public to assist the Authority and its employees.**– Every person is bound to assist the Authority and its employees by:

(a) taking or preventing the escape of any person whom an employee is empowered to arrest and detain; and
(b) preventing a breach of any of the provisions of the Act and Scheduled laws.

62. **Public to give information of offences requiring enforcement by the Authority.**– (1) Every person, aware of the commission of or of the intention of any other person to commit any act which is an offence under the Act or Scheduled laws, shall forthwith give such information to the nearest Enforcement Station or any employee of the Authority.

(2) Without prejudice to the generality of sub-section (1), a person in the area of his residence or work, as the case may be, shall give the following information to the nearest Enforcement Station or any employee of the Authority:

(a) the permanent or temporary residence of any offender under the Act or Scheduled laws;
(b) any matter likely to affect the maintenance of supplies and services including essential commodities or the safety of the State property requiring enforcement under the Act or Scheduled laws; and
(c) any other matter as may be notified by the Authority.

63. **Local headman and *chaukidar* to assist.**– (1) The local headman, *chaukidar* and other village officials of each village, *Deh* or *Mauza*, as the case may be, appointed

under any law for the time being in force, shall assist the Authority and its employees with all means and shall provide required information to them.

(2) The local headman, *chaukidar* and other village officials of each village, *Deh* or *Mauza* appointed under any law for the time being in force, shall report in writing all offences under the Act or the Scheduled laws to the nearest Enforcement Station at the earliest.

Chapter XVI
COSTS, REWARDS AND REFUNDS

64. Cost of enforcement.– (1) The Enforcement Officer may send a report to the Hearing Officer through Sub Divisional Enforcement Officer, stating therein the cost incurred and the reasons for incurring the same, for the enforcement purposes under the Act.

(2) The Sub Divisional Enforcement Officer shall certify the cost of enforcement incurred under sub-section (1).

(3) The Hearing Officer may approve the cost of enforcement after giving an opportunity of hearing to the offender and after perusal of receipts presented before such Hearing Officer.

(4) The cost of enforcement shall be recovered from offender by the Enforcement Officer.

(5) In case, the offender does not pay the cost as determined, the same shall be recovered from auction or sale of confiscated articles or goods, if any.

(6) If the cost remains unsatisfied, the same shall be recovered as arrears of land revenue.

65. Cost of investigation.– The Investigation Officer may get the investigation cost in such manner as may be prescribed.

66. Reward for the employees.– (1) Any employee may be given reward in any form, on his meritorious services or achievements in performance of his duties, as may be prescribed.

(2) A compensation amount may also be sanctioned in favor of an employee in case of any loss of his health or life while performing his duties, as may be prescribed.

67. Refund of fine.– On successful representation or an appeal as the case may be, the Hearing Officer shall refund the fine deposited, in such manner as may be prescribed.

68. Rent of State property.– (1) Besides other cost and penalty, rent shall also be decided by the Hearing Officer against the illegal occupier on the reports submitted by Sub Divisional Enforcement Officer; provided that rate of such rent shall be applicable as may be prescribed from time to time.

(2) The rent shall be recovered from illegal occupier by the Enforcement Officer.

(3) If the rent or cost of enforcement remains unsatisfied, the same shall be recovered as arrears of land revenue.

Chapter XVII
FINANCE, ACCOUNTS AND AUDIT

69. Fund.– (1) There shall be a Fund established for the purposes of the Act, to be known as the Punjab Enforcement and Regulatory Authority Fund which shall vest in, be administered and controlled by the Authority.

(2) The Fund shall consist of and be credited with such sums of money received from:

(a) the Government as may be determined to be required for the purposes of the Act, including payment of reward to employees, reward for the Whistle-blower, cost of enforcement, refund of fine, any cost of welfare initiative and other ancillary cost as may be permitted by the Authority; and

(b) any receipt as may be approved by the Government.

(3) The Fund shall be maintained in such form and manner as may be prescribed.

(4) No sum shall be drawn by the Authorized Officer or Drawing and Disbursing Officer from the Fund without prior approval of the Authority.

(5) The Authority may authorize the Hearing Officer to withdraw the following and disburse as may be prescribed:

(a) reward to employees;
(b) reward for the Whistle-blower;
(c) advance for the cost of enforcement;
(d) refund of fine in case of successful representation or appeal;
(e) cost of any permitted welfare initiative by the Authority; and
(f) other ancillary cost as may be permitted by the Authority.

(6) In case of deficit revenue of the Authority, the Government shall provide, from its revenue or any other source, such sum as may be necessary for the performance of functions of the Authority.

70. Accounts.– The Authority shall maintain proper record relating to its financial affairs, including its income and expenditure and its assets and liabilities, in such form and manner as may be prescribed.

71. Budget.– The Authority, through its Authorized Officer, shall prepare, in such manner and at such time as may be prescribed, a budget in respect of next ensuing financial year showing estimated receipts and expenditure of the Authority, including the Enforcement Stations, and shall submit the budget to the Government for approval.

72. Audit.– The accounts of the Authority shall be audited annually by the Auditor General of Pakistan and such qualified auditor or audit agency, appointed with the approval of the Government.

73. Annual report.– (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual performance report and the Government shall lay it before the Provincial Assembly of the Punjab within ninety days of its receipt.

(2) The report shall consist of:

(a) the statement of accounts and audited reports of the Authority;
(b) a comprehensive statement of the work and activities of the Authority and the Enforcement Stations during the preceding financial year; and
(c) such other matters as may be prescribed or as the Authority may consider appropriate.

Chapter XVIII
MISCELLANEOUS

74. Delegation of powers.– The Authority may, by order, delegate any of its powers or functions to the Board or other body or agency or committee of the Government, or

any of its members or employees, as it considers appropriate for implementation of the provisions of the Act, subject to such conditions and restrictions as may be specified in the order, except the function to:

(a) frame, amend or repeal the regulations;
(b) formulate or grant approval for any policy, guideline or procedure under the Act;
(c) approve the annual report, annual budget and audited accounts of the Authority;
(d) grant powers to appoint a Drawing and Disbursing Officer;
(e) make any decision on audit reports;
(f) determine the terms and conditions of service of employees; and
(g) constitute a committee of the Authority, or fill any vacancy in a committee.

75. **Public servants.**– All persons acting or purporting to act under the Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

76. **Indemnity.**– No suit, prosecution or other legal proceedings shall lie against the Government, the Authority or its members or the Board or its members or employees for any damage caused or likely to be caused by any act or omission which is, in good faith, done or intended to be done under the Act, rules or regulations.

77. **Overriding effect.**– (1) The provisions of the Act shall be read in conjunction with Scheduled laws to the extent provided under the Act.

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, whether such law is mentioned in the Schedule or not, the provisions of the Act shall take precedence over the provisions of such other law.

(3) In the event of any conflict or inconsistency between provisions of the Act and provisions of any other law for the time being in force, the provisions of the Act shall, to the extent of such conflict or inconsistency, prevail.

(4) Any order, made under the Act, shall have effect, notwithstanding anything inconsistent therewith contained in any enactment other than the Act or any instrument having effect by virtue of any enactment other than the Act.

78. **Power to make rules.**– Subject to the provisions of the Act, the Government may, by notification in the official Gazette, make rules for the purposes of the Act.

79. **Power to frame regulations.**– (1) Subject to the provisions of the Act and the rules, the Authority may frame regulations as may be necessary to carry out the purposes of the Act.

(2) The Government may direct the Authority to modify or omit any regulation which, in its opinion, is repugnant to the provisions of the Act or the rules, or which is otherwise against public policy, and the Authority shall comply with such direction.

80. **Power to amend Schedule.**– The Government may, by notification in the official Gazette, amend the Schedule.

81. **Guidelines.**– (1) The Authority may, with prior approval of the Government, issue guidelines, including but not limited to a code of conduct, for the exercise of powers and performance of functions of its members and employees under the Act, rules or regulations.

(2) Any violation of guidelines or code of conduct issued under sub-section (1) shall be referred to the Authority or to such other authority as may be prescribed for the purposes of taking action in accordance with law.

82. Removal of difficulties.– If any difficulty arises in giving effect to any of the provisions of the Act, the Government may, by notification in the official Gazette, make such order, not inconsistent with the provisions of the Act, as it may deem necessary for the purposes of removing such difficulty.

SCHEDULE

[see section 2(1)(rr)]

1. The Colonization of Government Lands (Punjab) Act, 1912 (V of 1912).
2. The Punjab Prevention of Hoarding Act, 2020 (XV of 2020).
3. The Punjab Price Control of Essential Commodities Act 2024 (VII of 2024).
4. The Punjab Tenancy Act, 1887 (XVI of 1887).
5. The Punjab Land-Revenue Act 1967 (XVII of 1967).

Ch Amer Habib
Secretary General