

The Gazette  of Pakistan

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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY OF PAKISTAN

Islamabad, the 14th January, 1976

The following Acts of Parliament received the assent of the President on the 10th January, 1976, and are hereby published for general information:—

ACT No. VII OF 1976

An Act to repeal and re-enact the law relating to the preservation and protection of antiquities

WHEREAS it is expedient to repeal and re-enact the law relating to the preservation and protection of antiquities and to provide for matters connected therewith or ancillary thereto ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Antiquities Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) “ Advisory Committee ” means the Advisory Committee constituted under section 3 :

(b) “ ancient ” means belonging or relating to any period prior to May, 1857 ;

(c) “ antiquity ” means—

(i) any ancient product of human activity, movable or immovable, illustrative of art, architecture, craft, custom, literature, morals, politics, religion, warfare or science or of any aspect of civilization or culture,

(ii) any ancient object or site of historical, ethnographical, anthropological, military or scientific interest,

(iii) any national monument, and

(iv) any other object or class of such objects declared by the Federal Government, by notification in the official Gazette, to be an antiquity for the purposes of this Act ;

(d) “ dealer ” means a person engaged in the business of buying and selling antiquities ; and “ deal in antiquities ” means to carry on such business ;

(e) “ Director ” means the Director of Archaeology, Government of Pakistan, and includes an officer authorised by him to exercise or perform all or any of the powers or functions of the Director under this Act ;

(f) “ export ” means taking out of Pakistan by land, sea or air ;

(g) “ immovable antiquity ” means an antiquity of any of the following descriptions, namely :—

(i) any archaeological deposit on land or under water,

- (ii) any archaeological mound, tumulus, burial place or place of internment, or any ancient garden, structure, building, erection or other work of historical, archaeological, military or scientific interest,
- (iii) any rock, cave or other natural object of historical, archaeological, artistic or scientific interest or containing sculpture, engraving, inscription or painting of such interest, and includes—
- (1) any gate, door, window, panelling, dado, ceiling, inscription, wall-painting, wood work, metal work or sculpture or any other thing which is attached or fastened to an immovable antiquity ;
 - (2) the remains of an immovable antiquity ;
 - (3) the site of an immovable antiquity ;
 - (4) such portions of land or water adjoining the site of an immovable antiquity as are reasonably required for fencing or covering or otherwise preserving such antiquity ;
 - (5) the reasonable means of access to, and convenient inspection of an immovable antiquity ; and
 - (6) any urban site, street, group of buildings or public square of special value which the Federal Government, being of the opinion that its preservation is a matter of public interest by reason of its arrangement, architecture or materials of construction, by notification in the official Gazette, declares to be an immovable antiquity for the purposes of this Act ;
- (h) “ national monument ” means any building, structure, erection, place of internment, garden, portion of land or any other place or thing of national importance as may be determined and notified as such from time to time by the Federal Government in consultation with the Advisory Committee ;
- (i) “ owner ” includes—
- (i) any person legally competent to act on behalf of the owner, when by reason of infancy or other disability the owner is unable to act ;
 - (ii) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor in interest of such owner ; and
 - (iii) any manager or trustee exercising the powers of management and the successor in office of such manager or trustee ;
- (j) “ protected antiquity ” means an antiquity which is declared under section 10 to be a protected antiquity ; and
- (k) “ rules ” means rules made under this Act.

3. Advisory Committee.—(1) For the purposes of this Act, the Federal Government shall constitute an Advisory Committee consisting of the following members, namely :—

- (a) the Director, who shall also be its Chairman ;
- (b) one representative each of the Education Division and the Tourism Division ;
- (c) three other persons having special knowledge of antiquities, to be nominated by the Federal Government.

(2) No act or proceeding of the Advisory Committee shall be deemed to be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, the Committee.

4. Dispute as to whether any product, etc., is an antiquity.—If any question arises whether any product, object or site is an antiquity within the meaning of this Act it shall be referred to the Federal Government which shall, after consultation with the Advisory Committee, decide the same ; and the decision of the Federal Government shall be final.

5. Custody, preservation, etc., of certain antiquities.—(1) Where the Director receives any information or otherwise has the knowledge of the discovery or existence of an antiquity of which there is no owner, he shall, after satisfying himself as to the correctness of the information or knowledge, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

(2) Where the owner of an antiquity is not traceable, the Director may, with the approval of the Federal Government, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

6. Power of entry, inspection, etc.—(1) The Director may, after giving reasonable notice, enter into, inspect and examine any premises, place or area which or the sub-soil of which he may have reason to believe to be, or to contain an antiquity and may cause any site, building, object, or any antiquity or the remains of any antiquity in such premises, place or area to be photographed, copied or reproduced by any process suitable for the purpose.

(2) The owner or occupier of the premises, place or area shall afford all reasonable opportunity and assistance to the Director for the purposes of sub-section (1).

(3) No photograph, copy or reproduction taken or made under or for the purposes of sub-section (1) shall be sold or offered for sale except by or with the consent of the owner of the object of which the photograph, copy or reproduction has been taken or made.

(4) Where substantial damage is caused to any property as a result of the inspection under sub-section (1), the Director shall pay to the owner thereof reasonable compensation for the damage.

7. Acquisition of land containing antiquities.—If the Federal Government has reasonable grounds to believe that any land contains any antiquity it may direct the Provincial Government to acquire such land or any part thereof ; and the Provincial Government shall thereupon acquire such land or part under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

8. **Purchase, taking lease, etc., of antiquity.**—(1) The Director may, with the previous sanction of the Federal Government, purchase, or take lease or accept a gift or bequest of, an antiquity.

(2) The Director may receive voluntary contributions and donations for the acquisition, preservation or restoration of antiquities and may make suitable arrangements for the management and application of the fund created by such contributions and donations :

Provided that a contribution or donation made for any specified purpose shall not be applied to any purpose other than that for which it has been made.

9. **Right of pre-emption in case of a sale of antiquity.**—(1) Where the Director receives any information or otherwise has the knowledge that any antiquity or any immovable property containing an antiquity is offered for sale or is about to be sold, he may, with the approval of the Federal Government, exercise the right of pre-emption with respect to such antiquity or property and, if he intends to exercise the right, shall give to the person competent to sell a notice in writing accordingly.

(2) If the Director does not exercise with respect to any antiquity or property the right of pre-emption within a period of three months from the date of notice given under sub-section (1), the antiquity or property may be sold to any person after the expiry of the said period and a notice of such sale shall be given to the Director.

(3) Save as provided in sub-section (2), no antiquity or property in respect of which a notice under sub-section (1) has been given shall be sold to any person.

(4) All sales in contravention of sub-section (3) shall be void and the antiquity or property so sold shall be forfeited to the Federal Government.

10. **Declaration of protected antiquities.**—(1) The Federal Government may, by notification in the official Gazette, declare any antiquity to be a protected antiquity for the purposes of this Act.

(2) A copy of a notification under sub-section (1) shall be served on the owner of the antiquity and ; in the case of an immovable antiquity, shall also be fixed up in a conspicuous place of or near the antiquity.

(3) A notification under sub-section (1) shall, unless it is cancelled by the Federal Government, be conclusive evidence of the fact that the antiquity to which it relates is a protected antiquity for the purposes of this Act.

(4) Antiquities declared to be protected antiquities under the Antiquities Act, 1968 (XIV of 1968), and ancient monuments deemed to be protected antiquities for the purposes of that Act, shall be deemed to be protected antiquities for the purposes of this Act.

11. **Representation against declaration of protected antiquities.**—(1) The owner of an antiquity to which a notification under section 10 relates, or any person having any right or interest in the antiquity, may, within three months of the service of a copy of the notification, make a representation in writing to the Federal Government against the notification.

(2) Upon the receipt of a representation under sub-section (1) against a notification, the Federal Government, after giving the person making it an opportunity of being heard and after consultation with the Advisory Committee, may, if it is satisfied that there are good and sufficient reasons for objection to the notification, cancel it.

12. The guardianship of antiquity by agreement.—(1) The owner of any immovable antiquity or protected antiquity may, by an agreement in writing constitute the Director the guardian of such antiquity and the Director may, with the previous sanction of the Federal Government, accept such guardianship.

(2) Where the Director has accepted the guardianship of an antiquity in pursuance of an agreement under sub-section (1), the owner shall, except as expressly provided in this Act and in the agreement, have the same right, title and interest in and to the antiquity as if the Director had not been constituted the guardian thereof.

(3) An agreement under this section in relation to an antiquity may provide for all or any of the following matters, namely :—

- (a) the maintenance of the antiquity ;
- (b) the custody of the antiquity and the duties of any person who may be employed to watch it ;
- (c) the restrictions upon the right of the owner to alienate, destroy, remove, alter or deface the antiquity or to build on or near the site of the antiquity ;
- (d) the facilities of access to be allowed to the public ;
- (e) the facilities to be allowed to persons deputed by the owner or the Director for inspection and maintenance of the antiquity ;
- (f) the expenses to be incurred in connection with the preservation of the antiquity and payment of such expenses if incurred by the owner ;
- (g) compensation to be paid for any loss sustained by the owner or occupier or any other person as a result of the enforcement or observance of the agreement ; and
- (h) any other matter connected with the custody, management and preservation of the antiquity.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Federal Government and with the consent of the owner.

(5) An agreement under this section in relation to an antiquity may be terminated upon six months' notice in writing given by the Director, with the previous sanction of the Federal Government, to the owner or by the owner to the Director.

13. Purchasers at certain sales and persons claiming through owner bound by agreement entered into by owner.—Notwithstanding anything contained in any other law for the time being in force, every person who, at a sale for the recovery of arrears of land revenue or any other public demand, purchases any land or property, or any right or interest in land or property, which contains, or in which is situated an antiquity in respect of which an agreement under section 12 subsists, and every person claiming any title to any antiquity from, through or under an owner who entered into such agreement, shall be bound by such agreement.

14. Application of endowment for maintenance and preservation of antiquity.—(1) Where any endowment has been created for the maintenance and preservation of any protected antiquity, or for that purpose among others, and the owner or other person competent in this behalf fails in the proper application of such endowment and, when proposed to him by the Director, refuses or fails to enter into an agreement under section 12, the Director may, for the proper application of such endowment or part thereof, institute a suit in the Court of the District Judge, or, where the estimated cost of maintaining and preserving the antiquity does not exceed one thousand rupees, make an application to the District Judge.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

15. Compulsory acquisition of protected immovable antiquity.—(1) If the Federal Government apprehends that a protected immovable antiquity is in danger of being destroyed, injured or allowed to fall into decay, it may, ~~after consultation with the Advisory Committee~~, direct the Provincial Government to acquire such antiquity or any part thereof; and the Provincial Government shall thereupon acquire such antiquity or part under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

(2) The power of compulsory acquisition under sub-section (1) shall not be exercised in the case of—

- (a) any antiquity which or any part of which is periodically used for religious observances; or
- (b) any antiquity which is the subject of a subsisting agreement under section 12 ~~or 7~~;
- (c) any other antiquity unless the owner or other person competent in this behalf has, when proposed to him by the Director, failed to enter into an agreement under section 12 within such period, not being less than six months, as the Director may fix.

16. Compulsory acquisition of movable antiquities.—(1) If the Federal Government is of the opinion that any movable antiquity should, by reason of its cultural, historical or archaeological importance, be acquired for the purpose of preservation, the Federal Government may, by order in writing addressed to the owner, acquire such antiquity:

Provided that the power to acquire under this sub-section shall not extend to—

- (a) any image or symbol in actual use for the purpose of any religious observance; or
- (b) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

(2) When an order under sub-section (1) has been served upon the owner, the antiquity to which the order relates shall immediately vest in the Federal Government free from all encumbrances and the owner shall be entitled to compensation,

1. omitted by Act VI of 1977.
2. Subs by Ord

the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,—

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;
- (b) where no such agreement can be reached, the Federal Government shall appoint as arbitrator a person who has been, or is qualified for appointment as, a Judge of a High Court ;
- (c) at the commencement of the proceedings before the arbitrator, the Federal Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation ;
- (d) the arbitrator in making his award shall have regard to the price which the antiquity is likely to fetch on a sale in open market between a buyer and a seller independent of each other ;
- (e) an appeal shall lie to the High Court against any award of an arbitrator except in case where the amount thereof does not exceed an amount prescribed in this behalf by rules ; and
- (f) save as provided in this sub-section and in any rules made in this behalf, nothing in any law for the time being in force shall apply to arbitrations under this sub-section.

17. Protection of place of worship from misuse, etc.—(1) A place of worship or shrine, being an antiquity maintained by the Federal Government, shall not be used for any purpose inconsistent with its character.

(2) A place of worship or shrine in respect of which the Director has accepted guardianship in pursuance of an agreement under section 12 shall, unless the agreement otherwise provides, be maintained by the person in whom it is vested or, if there is no such person, by the Federal Government.

(3) Where any antiquity in respect of which the Federal Government has acquired any right under this Act or the Director has accepted guardianship is periodically used for religious worship or observances by any community, the Director shall provide for the protection of such antiquity from pollution or desecration—

- (a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the person in charge of the antiquity, of any person not entitled so to enter by the religious usages of the community by which the antiquity is used ; and
- (b) by taking with the concurrence of the person in charge of the antiquity such other action as he may think necessary for the purpose.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

18. Restriction on use of protected immovable antiquity.—A protected immovable antiquity shall not be used for any purpose inconsistent with its character or for a purpose other than that directly related to its administration and preservation.

19. Prohibition of destruction, damage, etc., of protected antiquities.—(1) No person shall, except for carrying out the purposes of this Act, destroy,

break, damage, alter, injure, deface or mutilate or scribble, write or engrave any inscription or sign on, any antiquity or take manure from any protected antiquity,

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) The court trying an offence under sub-section (2) may direct that the whole or any part of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commission of the offence.

20. Restriction on repairs, renovation, etc., of protected immovable antiquity.—(1) The owner of a protected immovable antiquity shall not make any alteration or renovation in, or addition to, the antiquity :

Provided that he may, with the permission of the Director, make minor adjustments considered necessary for the day to day use of the antiquity :

Provided further that the work for which permission has been given shall be carried out under the supervision of the Director or a person authorised by him in this behalf.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

21. Direction to the owner to take measures for preservation of antiquity.—(1) Where the Director considers that any antiquity is not being preserved or conserved properly by its owner, the Director may, by order in writing, direct the owner to take such measures for its proper preservation and conservation, and within such time, as may be specified in the order.

(2) If the owner fails to take the measures specified in the order referred to in sub-section (1), the Director may take all such measures in respect of the antiquity and the expenses incurred for the purpose shall be recoverable from the owner as an arrear of land revenue.

22. Execution of development schemes and new constructions in proximity to immovable antiquity.—Notwithstanding anything contained in any other law for the time being in force, no development plan or scheme or new construction on, or within a distance of two hundred feet of, a protected immovable antiquity shall be undertaken or executed except with the approval of the Director.

23. Prohibition of bill posting, neon signs, other kinds of advertisements, etc.—(1) No person shall put any neon signs or other kinds of advertisement, including bill posting, commercial signs, poles or pylons, electricity or telephone cables and television aerials, on or near any protected immovable antiquity.

(2) Whoever contravenes the provision of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(3) The court trying an offence under sub-section (2) may direct that the whole or any part of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commission of the offence.

24. Penalty for counterfeiting etc., of antiquity.—(1) Whoever counterfeits, or commits forgery in respect of any antiquity with intent to commit fraud or knowing to be likely that fraud will thereby be committed, or causes anything to appear like, or to be believed to be, an antiquity with intent to cause wrongful gain to one person or wrongful loss to another person shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

(2) The court trying an offence under sub-section (1) may direct that anything the making or forging of which has constituted such offence shall stand forfeited to the Federal Government.

25. Dealing in antiquities.—(1) No person shall deal in antiquities except under, and in accordance with, a licence granted by the Director.

(2) Every dealers shall maintain a register in such manner and form as the Director may prescribe from time to time.

(3) A licence granted under sub-section (1) may be cancelled by the Director for the breach of any condition of the licence.

(4) The Director may, with a view to securing compliance with the provisions of this section,—

- (a) require any person dealing in antiquities to give such information in his possession with respect to any business carried on by him as the Director may demand ;
- (b) inspect or cause to be inspected any book, register or other document belonging to or under the control of any person dealing in antiquities ; and
- (c) enter and search, or authorise any officer subordinate to him to enter and search, any premises and seize, or authorised any such officer or a police officer, to seize, any antiquity in respect of which he has reason to believe that a contravention of any provision of this section or a breach of any condition of the licence has been committed.

(5) Whoever contravenes the provisions of this section shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(6) The court trying an offence under sub-section (5) may direct that any antiquity in respect of which the offence has been committed shall stand forfeited to the Federal Government.

26. Export of antiquities.—(1) No person shall export any antiquity except under a licence to be granted by the Director—

- (a) for the temporary export of antiquities for the purpose of exhibition, examination or treatment for preservation ; or
- (b) in accordance with agreements with foreign licences for archaeological exploration and excavations within the term of their licences ; or
- (c) for the export of antiquities which are not of a unique nature in exchange for antiquities of any foreign country

(2) All antiquities the export of which is prohibited under sub-section (1) shall be deemed to be goods of which the export has been prohibited under section 16 of the Customs Act, 1969 (IV of 1969), and all the provisions of that Act shall have effect accordingly, except that the antiquity in respect of which the provisions of that Act have been contravened shall be confiscated where confiscation is authorised under that Act.

27. Traffic in movable antiquities.—(1) If the Federal Government apprehends that movable antiquities in any place in Pakistan are being sold or removed to the detriment of Pakistan, it may, by notification in the official Gazette, prohibit or restrict the movement of any such antiquity or any class of such antiquities for such period and between such places in Pakistan as may be specified in the notification, except with, and in accordance with the terms of, the written permission of the Director.

(2) Whoever contravenes the provisions of a notification under sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) The court trying an offence under sub-section (2) may direct that any antiquity in respect of which the offence has been committed shall stand forfeited to the Federal Government.

28. Regulation of mining, quarrying, etc.—(1) If the Federal Government is of the opinion that for the purpose of protecting or preserving any immovable antiquity it is necessary so to do, it may, by notification in the official Gazette, prohibit or restrict, within such area as may be specified therein, mining, quarrying, excavating, blasting and other operations of a like nature, or the movement of heavy vehicles, except under and in accordance with the terms of a licence granted by the Director and rules, if any, made in this behalf.

(2) Any owner or occupier of land who sustains any loss by reason of any prohibition or restriction by a notification under sub-section (1) shall be paid reasonable compensation for such loss.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

29. Prohibition of archaeological excavation or exploration without licence.—

(1) No person shall make on any land any excavation or exploration for archaeological purposes, or unearth or attempt to unearth or make any digging in any land or site for taking out antiquities, except under, and in accordance with, a licence granted by the Director.

(2) A licence under sub-section (1) in respect of any land shall not be granted to any person other than the owner of the land except in accordance with the term of an agreement with the owner, and any such agreement may provide for—

- (a) the restriction of the owner's rights in respect of the use and occupation of such land ;
- (b) the compensation or any other consideration to be paid to the owner ;
and
- (c) any other matter connected with the use of the land for the purpose of such excavation.

(3) A licence under sub-section (1) shall not be refused to an owner if he undertakes to carry on the excavation in such manner that it will not result in the loss of archaeological or historical material which in the national interest should be preserved.

(4) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(5) The court trying an offence under sub-section (4) may direct that any object found in the course of an excavation, exploration, unearthing or digging constituting such offence shall stand forfeited to the Federal Government.

30. Prohibition of making copies of protected antiquities without licence.—No person shall, for any commercial purpose, make a cinematograph film of any protected antiquity or any part thereof except under, and in accordance with, a licence granted by the Director.

31. Right of access to protected immovable antiquities.—Subject to the provisions of this Act and the rules, the public shall have a right of access to any immovable protected antiquity maintained by the Federal Government under this Act.

32. Penalty.—A contravention of any provision of this Act or the rules shall, where no punishment has been specifically provided, be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

33. Jurisdiction to try offences.—No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by an officer generally or specially empowered in this behalf by the Federal Government and no court inferior to that of a magistrate of the first class shall try any such offence.

34. Power to arrest without warrant.—(1) The Director or any officer duly empowered by him in this behalf may arrest without warrant any person against whom reasonable suspicion exists of his having committed any offence under section 19, 25, 26, 27 or 29.

(2) Subject to sub-section (3), every person arrested under sub-section (1) shall be taken forthwith to the officer-in-charge of the nearest police station.

(3) The Director or the officer arresting any person, or the officer-in-charge of a police station to whom any person is taken under sub-section (2), shall either admit him to bail to appear before the Magistrate having jurisdiction or have him taken in custody before such Magistrate.

35. Confiscated antiquities to be made over to Director.—Any antiquity which is confiscated or forfeited under this Act shall be made over to the Director for custody, preservation and protection.

36. Indemnity.—No suit, prosecution or other legal proceeding shall lie against Government or any person for any thing which is in good faith done or intended to be done under this Act.

37.
37. Power to make rules.—(1) The Federal Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the form and the conditions of any licence granted under this Act ;
- (b) regulation of admission of the public to any immovable protected antiquity ;
- (c) the levy of fees for the grant of any licence under this Act and for admission of the public to an immovable protected antiquity ;
- (d) the procedure to be followed in arbitrations, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal, and the maximum amount of an award against which no appeal shall lie, under sub-section (2) of section 16 ;
- (e) such other matters as are or may be required for carrying into effect the provisions of this Act.

(3) Rules made under this section may provide that the contravention of any of the provisions thereof or of any condition of a licence granted under this Act shall be punishable with fine which may extend to five hundred rupees.

38. Repeal.—The Antiquities Act, 1968 (XIV of 1968), and the Antiquities Ordinance, 1975 (XX of 1975), are hereby repealed.

M. A. HAQ,
Secretary.

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 14th January, 1976

No. F. 24(1)/76-Pub.—The following Ordinance made by the President on the 10th January, 1976 is hereby published for general information :—

ORDINANCE No. II of 1976

AN

ORDINANCE

to repeal and, with certain modifications, re-enact the Emigration Act, 1922

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Emigration Act, 1922 (VII of 1922) ;

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

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance :—

CHAPTER I

PRELIMINARY

1. **Short title, extent, application and commencement.**—(1) This Ordinance may be called the Emigration Ordinance, 1976.

(2) It extends to the whole of Pakistan and also applies to all citizens of Pakistan, wherever they may be.

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “ dependant ” with reference to an emigrant means,—
- (i) the spouse and un-married daughters of the emigrant ;
 - (ii) his sons who have not attained the age of twenty-one years ;
 - (iii) his parents, brothers under the age of eighteen years, divorced or widowed daughters and unmarried, divorced or widowed sisters, if living with and dependant upon him ; and
 - (iv) widowed daughters of the emigrant’s widowed or divorced daughter or sister if living with and dependant upon him.
- (b) “ Director-General ” means Director-General of Emigration and Overseas Employment appointed under section 3 ;
- (c) “ emigrate ” and “ emigration ” mean the departure by sea, air or land out of Pakistan of any person for the purpose, or with the intention, of working for hire or engaging in any trade, profession or calling in any country beyond the limits of Pakistan ;
- (d) “ emigration agent ” means a person licensed as such under section 25 ;
- (e) “ emigrant ” means any person who emigrates or has emigrated or who has been registered as an emigrant under this Ordinance and includes any dependant of an emigrant ;
- (f) “ emigrant ship, aircraft or vehicle ” means any ship, aircraft or vehicle specially chartered for the conveyance of emigrants, or conveying emigrants exceeding a number to be prescribed ;
- Provided that the Federal Government may, by notification in the official Gazette, declare that ships, aircraft or vehicles conveying emigrants to any specified port or place shall not be deemed to be emigrant ships, aircraft or vehicles ;
- (g) “ prescribed ” means prescribed by rules made under this Ordinance ;
- (h) “ professional and technical person ” includes—
- (i) a person who is, or has been, a member of the Armed Forces of Pakistan ;

- (ii) a person in the service of Pakistan or in the service of a local authority or a corporation owned or controlled by the Federal Government or a Provincial Government ;
- (iii) an engineer ;
- (iv) a technologist and a technician ;
- (v) a scientist ;
- (vi) a person qualified to practise the allopathic system of medicine; a surgeon ; a radiologist ; an ophthalmologist ; an optician ; a dentist ; a nurse ; a nursing-aid ;
- (vii) an economist ;
- (viii) a teacher ; an educationist ;
- (ix) an aircraft pilot ; a marine pilot ;
- (x) a machinist ;
- (xi) a person trained in banking ;
- (xii) a chartered accountant, a cost accountant and a works accountant ; and such other categories of persons as the Federal Government may, by notification in the official Gazette, specify in this behalf, but does not include a skilled worker or an unskilled worker ;
- (i) " skilled worker " means a person who is—
 - (i) an artisan, including an electrician, a plumber, a welder, a motor mechanic, a mason and a tailor ; and
 - (ii) such other category of persons as the Federal Government may, by notification in the official Gazette, specify in this behalf ;
- (j) " unskilled worker " means a person who is not a technical person or a skilled worker ;
- (k) " work " with its grammatical variations, means skilled or unskilled work ;

(2) In case of any doubt or dispute arising otherwise than in the course of any legal proceedings as to whether—

- (a) any person is an emigrant, or
- (b) any person is a professional and technical person or skilled worker or an unskilled worker,

within the meaning of this Ordinance, the question shall be determined by such person and in such manner as the Federal Government may prescribe, and such determination shall be final.

CHAPTER II

DIRECTOR-GENERAL, PROTECTOR OF EMIGRANTS AND MEDICAL INSPECTORS

3. **Director-General of Emigration and Overseas Employment.**—(1) The Federal Government may appoint a person to be the Director-General of Emigration and Overseas Employment for the whole of Pakistan and may appoint, or authorise the Director General to appoint, such other officers as may be necessary or expedient to assist the Director-General.

(2) The Director-General and every other officer appointed under sub-section (1) shall be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

4. Functions of Director-General.—Subject to the other provisions of this Act and the over-all supervision and control of the Federal Government, the Director-General shall take such measures as may be necessary—

- (a) to promote emigration of citizens of Pakistan ; and
- (b) to control and regulate such emigration.

5. Appointment of Protectors of Emigrants.—(1) The Federal Government may appoint a person to be the Protector of Emigrants for any port or other place from which emigration is lawful.

(2) The Federal Government may define the area to which the authority of a Protector of Emigrants so appointed shall extend.

(3) Every Protector of Emigrants shall be a public servant within the meaning of the Pakistan Penal Code (Act XLV of 1860).

6. General duties of Protector.—Every Protector of Emigrants, in addition to the special duties assigned to him by or under this Ordinance shall—

- (a) protect and aid with his advice all emigrants ;
- (b) cause, so far as he can, all the provisions of this Ordinance and of the rules made thereunder to be complied with ;
- (c) inspect, at the time of arrival, to such extent and in such manner as may be prescribed, vessels, aircraft and vehicles bringing return emigrants to the port or place for which he is Protector ;
- (d) inquire into the treatment received by return emigrants both during the period of their residence in the country to which they emigrated and also during the return journey and report thereon to the Federal Government ;
- (e) aid and advise return emigrants so far as he reasonably can ; and
- (f) submit reports to the Director-General on the conduct of emigration agents.

7. Power to appoint persons to exercise functions of a Protector.—(1) In any specified area where there is not a Protector of Emigrants, the Federal Government may appoint any person to perform all or any of the duties of a Protector of Emigrants under this Ordinance.

(2) Every person so appointed shall be a public servant within the meaning of the Pakistan Penal Code (Act XLV of 1860).

8. Appointment of Medical Inspectors.—(1) The Federal Government may appoint one or more Medical Inspectors of Emigrants at any port or other place from which emigration is lawful or at any other place, and, where more than one are appointed, may apportion their respective duties.

(2) Every Medical Inspector of Emigrants shall be a public servant, within the meaning of the Pakistan Penal Code (Act XLV of 1860).

9. **Agents in foreign countries.**—The Federal Government may, for the purpose of safeguarding the interests of emigrants in any place outside Pakistan, appoint persons to be agents in such places and may define their powers and duties.

10. **Advisory Committee.**—The Federal Government may, for the purpose of assisting any Protector of Emigrants appointed by it or any person appointed by it under section 7, constitute an Advisory Committee in such manner as it may think fit, and may prescribe the procedure to be followed and the functions to be performed by such Committee.

CHAPTER III

EMIGRATION OF UNSKILLED WORKERS

11. **Ports from which emigration of unskilled workers is lawful.**—(1) Emigration of unskilled workers shall not be lawful except from the port of Karachi, and from such other ports or other places as the Federal Government may, by notification in the official Gazette, declare to be ports or other places from which such emigration is lawful.

(2) The Federal Government may, by notification in the official Gazette, fix for the purpose of this Ordinance the limits of any port or other place from which such emigration is lawful.

12. **Countries to which emigration of unskilled workers is lawful.**—Emigration of unskilled workers shall not be lawful except to such countries and on such terms and conditions as the Federal Government may, by notification in the official Gazette, specify in this behalf.

13. **Power to suspend emigration of unskilled workers.**—(1) Where the Federal Government has reason to believe that, in any country to which emigration of unskilled workers is lawful, plague or any other epidemic disease dangerous to human life has broken out and that emigrants if allowed to emigrate to that country would be exposed to serious risk to life on arrival there, it may, by notification in the official Gazette, declare that emigration of unskilled workers to that country shall cease to be lawful.

(2) Where the Protector of Emigrants for any port or other place has reason to believe that such a state of affairs as is described in sub-section (1) exists in any country to which emigration of unskilled workers is lawful, he may, by notification in such manner as he thinks fit, declare that emigration of unskilled workers to that country from that port or place shall cease to be lawful pending a reference to the Federal Government.

(3) The Protector of Emigrants publishing a notification under sub-section (2) shall forthwith report such notification with the reason for it to the Federal Government, which shall thereupon publish a notification in the official Gazette confirming or cancelling the notification published by the Protector of Emigrants.

14. **Revocation of prohibition.**—Where the Federal Government is satisfied that the ground on which a notification under sub-section (1) of section 13, or a notification under sub-section (3) of that section, confirming a notification of a Protector of Emigrants, has been made with respect to any country has ceased to exist, it may, by notification in the official Gazette, declare that emigration of unskilled workers to that country shall again be lawful from a date to be specified in the notification.

15. Power of Federal Government to prohibit emigration to specified country.—The Federal Government may, by notification in the official Gazette, prohibit, from a date, and for reasons, to be specified in the notification, all unskilled workers or any specified class of such workers from emigrating to any specified country from the Federal Capital or the territories under the administration of any Provincial Government or any specified part thereof.

16. Saving.—A notification under section 12, section 13, section 14, or section 15 shall not affect any act done, offence committed, or legal proceedings commenced before the date on which such notification takes effect.

CHAPTER IV

EMIGRATION OF SKILLED WORKERS

17. Ports from which emigration of skilled workers is lawful.—Emigration of skilled workers shall not be lawful except from a port or other place from which emigration of unskilled workers is lawful and from such other ports or places as the Federal Government may, by notification in the official Gazette, specify in this behalf.

18. Power to regulate or prohibit emigration of skilled workers.—Where the Federal Government has reason to believe that sufficient grounds exist for regulating or prohibiting emigration of skilled workers or any category thereof, it may, by notification in the official Gazette, declare that such emigration shall be regulated in the manner specified in the notification or prohibited from a date so specified; and from that date such emigration shall accordingly be regulated or prohibited.

CHAPTER V

GENERAL

19. Regulation of departure of certain classes of persons out of Pakistan.—

(1) No professional and technical persons shall depart by sea, air or land out of Pakistan, unless he is in possession of a no objection certificate issued under section 21, nor otherwise than in accordance with such condition, if any, as may be prescribed.

(2) The provisions of sub-section (1) shall not apply to any person departing out of Pakistan in pursuance of an agreement entered into by the Federal Government with a foreign employer; and such agreement may, among other matters, provide for—

- (a) the remuneration payable to such person for his service under the foreign employer being paid, in the currency of the country where he is to be employed, to the Federal Government; and
- (b) such person being paid by the Federal Government such remuneration, partly in the currency of the foreign country where he is employed and partly in Pakistan currency, or wholly in the currency of that foreign country, as the Federal Government may deem fit, having regard to the cost of living in that country.

20. Prohibition of advertisement, etc.—No person shall recruit a citizen of Pakistan or issue an advertisement or hold an examination for such recruitment for the purpose of his emigration or studies or employment abroad, except with the prior permission of the Federal Government and in accordance with such conditions, if any, as the Federal Government may impose.

21. **No-objection certificate.**—(1) Any professional and technical person who proposes to depart out of Pakistan may make an application to the prescribed authority, in such form as may be prescribed, for the issue of a no-objection certificate.

(2) An application under sub-section (1) shall be accompanied by such fees and such documents as may be prescribed.

(3) On receiving an application under sub-section (1), the prescribed authority may, in such circumstances and subject to such conditions as the Federal Government may, from time to time specify, issue a no-objection certificate to the applicant.

22. **Capitation fee.**—(1) There shall be paid to the Federal Government by every professional and technical person who departs out of Pakistan after the commencement of this Ordinance for exercising or following any profession, occupation or employment, a capitation fee at such monthly, quarterly or annual rate, not exceeding twenty per cent of the income earned by him outside Pakistan, as may be prescribed having regard to such income and the country in which he is employed.

(2) The capitation fee shall be payable in the currency of the country in which the person by whom it is payable is exercising or following any profession, occupation or employment to such authority and in such manner as may be prescribed.

(3) Every professional and technical person who—

(a) is exercising or following in any country outside Pakistan at the commencement of this Ordinance any profession, occupation or employment shall, within ninety days of such commencement, or

(b) departs out of Pakistan for exercising or following any profession, occupation or employment after such commencement shall, within ninety days of his arrival in the country in which he is exercising or following, or proposes to exercise or follow, any profession, occupation or employment,

apply for registration to the Pakistan Mission in that country, in such form as may be prescribed.

(4) The provisions of this section shall not apply to any person emigrating or departing out of Pakistan in pursuance of an agreement entered into by the Federal Government with a foreign employer.

23. **Finality of order, etc.**—(1) An order made by the prescribed authority under this Ordinance shall, subject to the provisions of sub-section (2) and sub-section (3), be final.

(2) The Federal Government may, on an application made by any person aggrieved by an order of the prescribed authority within thirty days from the date of the order, pass such order in relation thereto as it thinks fit ; and such order of the Federal Government shall be final.

(3) Where the Federal Government is of opinion that a no-objection certificate has been issued to any person in contravention of a general or special direction issued by it, the Federal Government may, after affording such person an opportunity of showing cause against the action proposed to be taken, revoke such certificate.

24. Applications by persons desiring to engage, etc. any person to emigrate.—Whoever desires to engage, or to assist, any person to emigrate shall apply for a licence to the Federal Government and shall with his application, furnish such information and documents; pay such fee, and furnish such security and at such time, as may be prescribed.

25. Applications how to be disposed of.—(1) On receiving an application under section 24, the Federal Government may, after such inquiry as it may deem necessary, grant the licence applied for on such terms and conditions, if any, and on payment of such fees, if any, as it thinks fit, or withhold such licence ; and the decision of the Federal Government shall be final.

(2) The Director-General shall maintain, in such form as may be prescribed, a register of the names of all persons to whom licences have been granted under sub-section (1).

26. Appearance of engaged persons before, and registration of names by, Protector of Emigrants.—(1) Before any person emigrates, the emigration agent by whom he has been engaged or assisted shall appear in person or by his duly authorised agent before the Protector of Emigrants at the port of embarkation or the place of departure with such first mentioned person and with any persons intending to accompany him as his dependants.

(2) On such appearance before the Protector of Emigrants concerned, the emigration agent or his authorised sub-agent shall furnish to the Protector information as to—

- (a) the place beyond the limits of Pakistan to which the person whom he proposes so to engage or assist and his dependants are to proceed ;
- (b) the accommodation to be provided for such person and his dependants until their departure out of Pakistan and during the journey ;
- (c) the provision to be made for the health and well being of such person and his dependants during the period of the proposed engagement and for their repatriation at the end of such period ;
- (d) the terms of the agreement under which such person is to be engaged ; and
- (e) the security in Pakistan which he proposes to furnish for the due observance of such agreement and for the proper treatment of the person to be engaged and his dependants.

(3) If it appears to the Protector of Emigrants—

- (a) that a licence under sub-section (1) of section 25 has been duly granted to the emigration agent,
- (b) in the case of an engagement, that the terms of the agreement under which such person has been engaged are in accordance with the terms of the licence granted and are understood by him,
- (c) that the conditions on which the licence was granted have been complied with, and
- (d) that satisfactory arrangements have been made by the emigration agent or his authorised sub-agent in respect of matters specified in sub-section (2),

he shall grant the necessary permission and register in a book kept for the purpose such particulars concerning the person engaged or assisted and his dependants, if any, and concerning the emigration agent engaging or assisting him, and in such form, as may be prescribed.

27. **Provisions as to security.**—Where such security as is referred to in section 24 has been furnished, the Federal Government may, at any time, if satisfied, after making such inquiry as it may deem necessary, that there has been failure to duly observe the terms of the agreement in respect of which such security was furnished or want of proper treatment of the person engaged or any of his dependants, pass orders in regard to the forfeiture of the security in whole or in part and the application of the same or any part thereof, and on the expiry of the period to which the agreement relates and on being satisfied that no ground exists for forfeiting the security in whole or in part, order the return of the security or of any part thereof to the person by whom it was furnished or to his representative.

28. **Delegation to Protector of Emigrants of authority to receive or dispose of applications.**—The Federal Government may, by notification in the official Gazette, authorise a Protector of Emigrants or any other officer subordinate to it to receive and dispose of applications made under section 24 :

Provided that an appeal shall lie to the Federal Government from every order passed by a Protector of Emigrants or such other officer in exercise of the authority so conferred.

29. **Power to cancel licences, etc.**—Notwithstanding anything contained in this Ordinance, if, at any time, it appears to the Federal Government that, in the public interest, it is necessary to discontinue the practice of granting licences to emigration agents, to cancel all licences granted to emigration agents and to make alternate arrangements in respect of the functions performed by the emigration agents, it may, by notification in the official Gazette, cancel all such licences and make such arrangements in respect of the functions aforesaid as may appear to it to be best suited to the needs of persons desiring to emigrate.

30. **Power to prohibit departure by sea, air or land from Pakistan.**—The Federal Government may, by notification in the official Gazette, from a date and for reasons to be specified in the notification prohibit all persons or any class or persons from departing by sea, air or land out of Pakistan to any specified country beyond the limits of Pakistan unless possessed of a prescribed permit or otherwise exempted by general or special order of the Federal Government from the provisions of the notification.

31. **Power to make rules.**—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

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

(a) The powers and duties of the several officers appointed by the Federal Government under this Ordinance ;

(b) the person by whom any doubt or dispute referred to in sub-section (2) of section 2 shall be determined and the procedure to be followed and the proof to be required in such cases ;

- (c) the licensing, supervision and control of emigration agents and the prohibition of unlicensed persons from being engaged in causing or assisting persons to emigrate and in the conveyance and accommodation of emigrants ;
- (d) the establishment, supervision and regulation of any places of accommodation provided for emigrants and for their medical care while resident there ;
- (e) the forms to be maintained and the returns to be submitted by emigration agents ;
- (f) the information to be furnished by emigration agents to emigrants and the language in which such information is to be furnished ;
- (g) the production and examination of emigrants before District Magistrates or such other authorities as may be appointed in this behalf ;
- (h) the age below which persons of either sex may not emigrate except as dependants ;
- (i) the accommodation, the provisions, fuel and other necessaries, the medical stores and staff, the life-saving and sanitary arrangements, and the records to be maintained on emigrant ships ;
- (j) the reception and the despatch to their homes of return emigrants ;
- (k) the fees, if any, payable by emigration agents to the Protectors of Emigrants for each emigrant departing from Pakistan ;
- (l) the issue of the permits referred to in section 30 ;
- (m) execution of a bond by an emigrant, or person proceeding abroad for education, studies or training, in which he undertakes to return to Pakistan after a specified period and to pay the capitation fee payable by him, if any ;
- (n) the rate of capitation fee and the authority to which, and the manner in which, it shall be paid ; and
- (o) generally, the security, well being and protection of emigrants up to the date of their departure from Pakistan, during a journey on an emigrant ship, aircraft or vehicle, and on their return to Pakistan.

CHAPTER VI

OFFENCES

32. **Unlawful emigration, etc.**—(1) Whoever, except in conformity with the provisions of this Ordinance and the rules made thereunder, emigrates or departs out of Pakistan, or attempts to emigrate or depart out of Pakistan or fails to comply with the provisions of sub-section (3) of section 22, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to twenty thousand rupees.

(2) Whoever, except in conformity with the provisions of this Ordinance or of the rules made under this Ordinance,

- (a) makes, or attempts to make, any agreement with any person purporting to bind that person, or any other person, to emigrate or depart out of Pakistan, or

- (b) causes or assists, or attempts to cause or assist, any person to emigrate or depart out of Pakistan or to attempt to emigrate or depart out of Pakistan or to leave any place for the purpose of emigrating or departing out of Pakistan, or
- (c) causes any person engaged or assisted by him, after grant of the licence referred to in section 25, to depart by sea, air or land out of Pakistan without registration of the particulars required by sub-section (2) of section 26, shall be punishable—
- (i) for a first offence, with imprisonment for a term which may extend to three years and with fine which may extend to twenty thousand rupees ; and
- (ii) for a second or subsequent offence, with imprisonment for a term which shall not be less than one year or more than three years and with fine.

(3) When in the course of any proceeding in connection with emigration in which an emigration agent is concerned, a breach of the provisions of this Ordinance or of the rules made under this Ordinance is committed, such person shall be liable to the punishment provided by sub-section (2), unless he shows that he was not responsible for and could not have prevented the commission of the breach.

(4) Whoever, in contravention of the provisions of section 20, recruits a citizen of Pakistan or holds an examination or issues an advertisement for such recruitment, and the editor, printer and publisher of a newspaper in which such advertisement is published, shall be liable to the punishment provided by sub-section (2).

(5) If any person commits an offence under this section, any police officer may arrest him without warrant.

33. Certain amount recoverable as arrear of land revenue.—The amount of any expenditure incurred by the Federal Government for the repatriation to Pakistan of a person who is convicted of an offence punishable under sub-section (1) of section 32, and the amount payable by any person in pursuance of an agreement or bond executed in pursuance of this Ordinance or the rules made thereunder, or as capitation fee under section 22, shall be recoverable from such person as an arrear of land revenue.

34. Fraudulently inducing to emigrate.—Whoever, by means of intoxication, coercion, fraud or wilful misrepresentation, causes or induces or attempts to cause or induce, any person to emigrate, or enter into any agreement to emigrate, or leave any place with a view to emigrating, shall be punishable—

- (a) for a first offence, with imprisonment for a term which may extend to three years and with fine ; and
- (b) for a second or subsequent offence, with imprisonment for a term which shall not be less than one year or more than three years and with fine.

35. False representation of Government authority.—Whoever falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

36. **Sanction to prosecutions.**—No prosecution shall be instituted for any offence under this Chapter except with the sanction of the Director-General or an officer authorised by him in this behalf:

Provided that no sanction shall be required when an offence has been committed in respect of an emigrant or an intended emigrant and the complaint is filed by such emigrant, or intended emigrant or, on behalf of such emigrant or intended emigrant, by the father, mother, husband, wife or guardian of such emigrant or intended emigrant or, if such emigrant or intended emigrant is a member of a joint Hindu family, by the manager of the family.

37. **Power for Customs Officer to search and detain for purposes of Ordinance.**—All the powers for the time being conferred by law on officers of customs with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised, for the prevention of offences against this Ordinance by any such officer, or by a Protector of Emigrants, or a person appointed under section 7.

CHAPTER VII

VALIDATION, SAVINGS, ETC.

38. **Validation.**—Any power or function of the Federal Government or a Protector of Emigrants under the Emigration Act, 1922 (VII of 1922), or the rules made thereunder exercised or performed, before the commencement of this Ordinance by any officer subordinate to the Federal Government shall be deemed to have been validly exercised or performed.

39. **Saving.**—Nothing in this Ordinance shall be deemed to apply to the departure out of Pakistan of a person—

- (i) who is not a citizen of Pakistan ;
- (ii) who is in the service of Pakistan, or in the service of a local authority or a Corporation owned or controlled by the Federal Government or a Provincial Government ; and is proceeding on duty or for employment with any international organization or for training or on leave, with the permission of the Federal Government :

Provided that the provisions of section 22 shall apply in the case of any such person who is proceeding for employment with any international organization ;

- (iii) who is proceeding under a foreign scholarship or training scheme approved by the Federal Government ;
- (iv) who is engaged as crew on board a foreign-going vessel in accordance with the provisions of the Merchant Shipping Act, 1923 (XXI of 1923);
- (v) who is engaged as crew on board a foreign-going aircraft in accordance with the provisions of the Civil Aviation Ordinance, 1960 (XXXII of 1960), and the rules made thereunder ;

- (vi) who is proceeding abroad for Hajj or Ziarat and is certified by the Federal Government or an officer authorised by it in this behalf to be so proceeding ; or
- (vii) who is a dependant of a citizen of Pakistan who is already settled or employed in a foreign country.

40. **Repeal.**—The Emigration Act, 1922 (VII of 1922), is hereby repealed.

No. F. 24(1)/76-Pub.—The following Ordinance made by the President on the 12th January, 1976 is hereby published for general information :—

ORDINANCE No. III of 1976

AN

ORDINANCE

to amend the Defence of Pakistan Ordinance, 1971

WHEREAS it is expedient to amend the Defence of Pakistan Ordinance, 1971 (XXX of 1971), for the purposes hereinafter appearing ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan is in force ;

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

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Defence of Pakistan (Amendment) Ordinance, 1976.

(2) It shall come into force at once.

2. **Amendment of section 8, Ordinance XXX of 1971.**—In the Defence of Pakistan Ordinance, 1971 (XXX of 1971), hereinafter referred to as the said Ordinance, in section 8, in sub-section (1),—

(i) after the word and comma “Pakistan,” the words and commas “and a Provincial Government may, if so authorised by the Federal Government, for the whole or any part of its Province” shall be inserted ; and

(ii) the words “appointed by the Federal Government” shall be omitted.

3. **Substitution of section 9, Ordinance XXX of 1971.**—In the said Ordinance, for section 9 the following shall be substituted, namely :—

“9. **Jurisdiction of Special Tribunals.**—Where the Federal or a Provincial Government constitutes a Special Tribunal for any area, it shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), have exclusive jurisdiction to try all offences under any rule made under section 3 specified in the notification constituting the Tribunal which are committed within the local limits of the jurisdiction of the Tribunal.”

FAZAL ELAHI CHAUDHRY,
President.

Countersigned.

ZULFIKAR ALI BHUTTO,
Prime Minister.

ZIAUL HAQ CHANA,
Secretary.

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 21st December, 1975, containing Ordinance, No. XXIV of 1975].

Page 611 † In line 16 from the bottom, for “ words ” read “ word ”.

Page 613 : In line 13, for “ polce-station, ” read “ police-station, ”.

Page 614 : In line 11, for “ made, or ” read “ made or ”.

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 22nd December, 1975, containing Ordinance No. XXV of 1975].

Page 632 : In line 20, for “ set up ” read “ set up, ”.

Page 633 : In lines 36 and 37, for “ per-quisities, ” read “ per-quisites, ”.

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 23rd December, 1975, containing Ordinances Nos. XXVI and XXVII of 1975].

- Page 639 : In the third column, against entry 5, in lines 5 and 6, for "Ordinance" read "Ordinance".
- Page 639 : In the fourth column, against entry 5, in para 2, in sub-para (b), in line 1, for "shall" read "shall".
- Page 639 : In the second column, against entry 6, for "XII" read "XXIII".
- Page 640 : In the fourth column, in para 6, in line 3, for "Junior Labour Court," read "Junior Labour Court,".
- Page 641 : In the fourth column, in line 15, for "efficiency;" read "efficiency;".
- Page 641 : In the fourth column, in line 16, for "piecerates" read "piecerates".
- Page 641 : In the fourth column, in lines 19 and 20, for "lying" and "remunerations" read "laying" and "remuneration" respectively.
- Page 642 : In the fourth column, in line 35, for "figures" read "figure".
- Page 644 : In line 22, for "licence," read "licensee".
- Page 644 : In line 30, for "Benefit" read "Benefits".
- Page 646 : In line 15, for "Ordinance," read "Ordinance".
- Page 646 : In line 30, for "part for the" read "part of the".
- Page 648 : In line 10, for "under" read "under the".
- Page 650 : In line 14, for "fifty five" read "fifty-five".
- Page 653 : In line 10 from the bottom, for "proceedings for" read "proceedings of insolvency against a person or proceedings for".
- Page 654 : In line 15, for "any, officer" read "any officer".
- Page 655 : In line 17, for "emyloyers" read "employers".
- Page 656 : In line 30, for "(X 1972)," read "(X of 1972),".