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Pakistan (Punjab) Legislation

You are here: [CommonLII](#) >> [Databases](#) >> [Pakistan \(Punjab\) Legislation](#) >> Punjab Special Premises (Preservation) Ordinance 1985

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Punjab Special Premises (Preservation) Ordinance 1985

THE PUNJAB SPECIAL PREMISES (PRESERVATION), ORDINANCE, 1985

(Pb. Ord. XXXIV of 1985)

C O N T E N T S

SECTIONS

1. Short title and commencement.
2. Definition.
3. Constitution of Committees.
4. Ordinance to override other laws.
5. Prohibition of destruction etc: of Special Premises.
6. Restriction on sanctioning of plan.
7. Prohibition of destruction etc. of Special Premises.
8. Direction for restoration of original position.
9. Direction to the owner to take measures for preservation of Special Premises.
10. Compulsory acquisition of Special Premises.
11. Execution of development schemes and new constructions in proximity to Special Premises.
12. Prohibition of bill posting, neon signs, other kinds of advertisements, etc.
13. Voluntary contributions.
14. Penalty.
15. Jurisdiction to try offences.
16. Rules.

^uTHE PUNJAB SPECIAL PREMISES (PRESERVATION), ORDINANCE, 1985

(Pb. Ord. XXXIV of 1985)

[27 February 1985]

An Ordinance to provide for the preservation
of certain premises in the Punjab

Preamble.— Whereas it is expedient to preserve certain premises of historical, cultural and architectural value in the Punjab and to control and regulate alterations therein and demolition and re-erection thereof and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and the Provisional Constitution Order, 1981 (C.M.L.A. Order No. 1 of 1981), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.— (1) This Ordinance may be called the Punjab Special Premises (Preservation) Ordinance, 1985;

(2) It shall extended to the whole of the Punjab;

(3) It shall come into force at once.

2. Definition.— In this Ordinance unless the subject or context otherwise requires—

(a) “Special Premises” means any premises of historical, cultural or architectural value declared as such by the Government by notification and includes the land externally appurtenant thereto and the outer walls thereof;

(b) “Committee” means a Committee constituted under section 3(1) of this Ordinance.

3. Constitution of Committees.— (1) The Government may by notification appoint one or more Committees for the purposes of this Ordinance which shall perform such functions as the Government may determine.

(2) The Government or a Committee may appoint a Committee of Experts to advise the Government or a Committee with regard to matters relating to this Ordinance.

4. Ordinance to override other laws.— The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

5. Prohibition of destruction etc. of Special Premises.— No alteration in or renovation, demolition or re-erection of such portion of a Special Premises as is visible from outside, or any part of such portion, shall be effected without the prior permission in writing of the Government or a Committee.

6. Restriction on sanctioning of plan.— No authority or local body shall approve any plan in relation to a Special Premises without the prior permission of the Government or a Committee and any such plan sanctioned before the coming into force of this Ordinance shall be of no effect unless approved by the Government or a Committee.

7. Prohibition of destruction etc. of Special Premises.— No person shall, except for carrying out the purposes of this Ordinance destroy, break, damage, injure, deface or mutilate or scribble, write or engrave any inscription or sign on such portion of a Special Building as is mentioned in section 5.

8. Direction for restoration of original position.— (1) If such work as is mentioned in section 5 has been carried out in relation to a Special Premises before the coming into force of this Ordinance

or in contravention of section 5,7 or 8 the Government or a Committee may by order direct the owner thereof to restore it to its original position within such time as may be specified in the order.

(2) If the owner fails to comply with the order the Government or a Committee may take all necessary measures to give effect to it and the expenses incurred for the purpose shall be recoverable from the owner as arrears of land revenue.

9. Direction to the owner to take measures for preservation of Special Premises.— (1) Where the Government or a Committee considers that any Special Premises is not being preserved or conserved properly by its owner, the Government or a Committee may, by order in writing, direct the owner to take such measures for its proper preservation and conservation, and within such time and on such terms and conditions 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 Government or a Committee may take all such measures in respect of the Special Premises and the expenses incurred for the purposes shall be recoverable from the owner as arrears of land revenue unless the Government directs otherwise.

10. Compulsory acquisition of Special Premises.— If the Government apprehends that a Special Premises is in danger of being destroyed, injured or allowed to fall into decay, it may, acquire it or a part thereof under the Land Acquisition Act, 1894 (1 of 1894), as for a public purpose.

11. Execution of development schemes and new constructions in proximity to Special Premises.— No development plan or scheme or new construction on, or within a distance of two hundred feet of a Special Premises shall be undertaken or executed except with the approval of the Government or a Committee.

12. Prohibition of bill posting, neon signs, other kinds of advertisements, etc.— No person shall put any neon signs or other kinds of advertisement, including hoardings, bill postings, commercial signs, poles or pylons electricity or telephone cables and television aerials, on or near any Special Premises without the prior permission in writing of the Government or a Committee.

13. Voluntary contributions.— The Government may receive voluntary contributions and donations for the acquisition, preservation or restoration of Special Premises and may make suitable arrangements for the management and application of the money so received:

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.

14. Penalty.— (1) Whoever contravenes the provisions of this Ordinance or the rules shall be liable to imprisonment which may extend to one year or with fine or with both.

(2) The Court trying an offence under sub-section (1) may direct that the whole or any part of the fine recovered shall be applied for defraying the expenses of restoring the Special Premises to the condition in which it was before the commission of an offence relating thereto.

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

16. Rules.— The Government may frame rules to carry out the purposes of this Ordinance.

[1]

This Ordinance was promulgated by the Governor of the Punjab on 25th February, 1985; and, published in the Punjab Gazette (Extraordinary) dated 27th February, 1985;

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