



GOVERNMENT OF THE PUNJAB
RAVI URBAN DEVELOPMENT AUTHORITY
151, Abubakar Block, Garden Town Lahore

Dated, 05th June, 2024

NOTIFICATION

No. RUDA/LW/Notifications/10-24: The CEO of Ravi Urban Development Authority (RUDA) in exercise of the powers conferred under Section 9(6) read with Section 6(xxvi) of RUDA Act 2020 (Amended and updated) being the Competent Authority has been pleased to notify/approve the “**Enforcement Mechanisms Handbook for RUDA Employees**”. The handbook of Enforcement Mechanisms for RUDA Employees is attached as **Annexure A**.

By the Order of Chief Executive Officer
Ravi Urban Development Authority

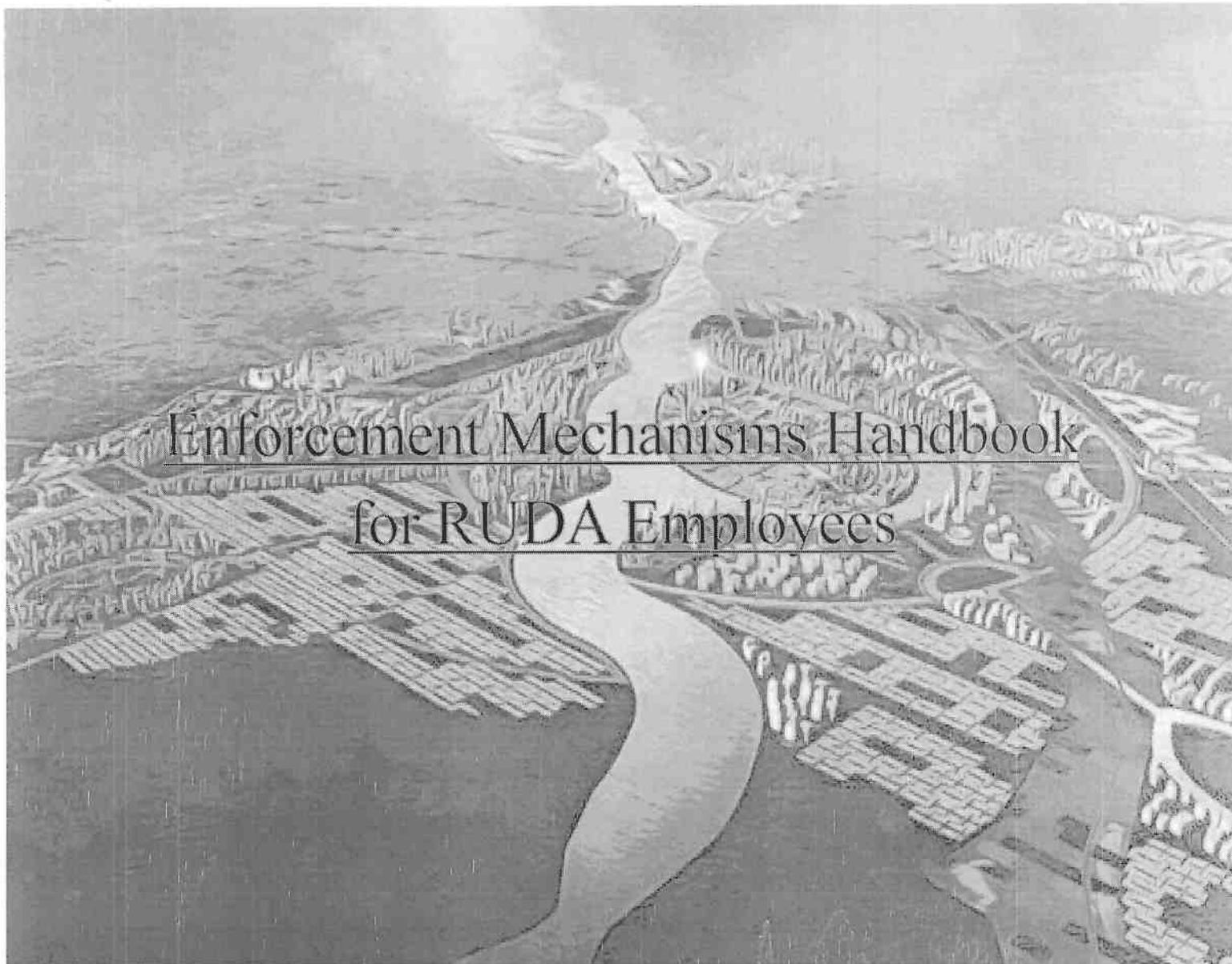
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A Copy is forwarded for information and necessary action to

- 1) PS to CEO, RUDA
- 2) COO, RUDA
- 3) All ED's/HOD's RUDA
- 4) Office Copy



Executive Director (Legal Affairs)
(Legal Affairs Department)
Ravi Urban Development Authority



Enforcement Mechanisms Handbook
for RUDA Employees



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INTRODUCTION:

This handbook serves as a comprehensive guide outlining the different enforcement provisions and mechanisms available to the employees of Ravi Urban Development Authority (“RUDA”) under its law. It outlines the various rights, powers, and modes of enforcement related to the commission of a criminal offence, enforcement of administrative functions and the payment of dues to the Authority. These powers are derived from the Ravi Urban Development Authority Act 2020 (“RUDA Act”) and other enabling provisions of law.

This document serves as a practical reference for RUDA employees tasked with implementing the RUDA Act, specifically those working within the field like D&BC Department, LA&EM Departments and all employees of RUDA who are working in the field for official duties. It aims to provide guidance and support in their day-to-day responsibilities related to their duties regarding enforcement of the RUDA Act, rules and regulations framed thereunder and contracts entered into by RUDA.

Please note that this handbook has been prepared in light of the law that exists on the date of its submission. It should be periodically updated and revised by the Legal Directorate from time to time in accordance with evolving legislative developments and organizational requirements.



EXECUTIVE SUMMARY:

The handbook serves as a comprehensive guide to understanding the enforcement mechanisms established under the RUDA Act. It is structured to provide a comprehensive view of the powers granted to RUDA Employees. It begins by listing the acts declared as offences under the RUDA Act, along with other relevant statutes. This provides a holistic understanding of the regulatory framework within which RUDA operates.

Subsequently, the handbook elaborates on enforcement mechanisms categorized under three distinct headings: acts or omissions punishable, unpaid dues owed to authority, and failure to comply with administrative functions. This ensures that employees gain a thorough understanding of the actions deemed punishable under the law and the corresponding enforcement procedures.

Key Content Overview:

1. Acts Declared as Offences: The handbook begins by identifying and enumerating the acts deemed as offences according to the provisions outlined in the RUDA Act. These acts serve as the foundation for understanding the subsequent enforcement measures.

2. Enforcement Mechanisms:

a. Criminal Acts: This section lists down the enforcement mechanisms applicable to offences categorized as criminal acts under the RUDA Act. It elucidates the legal procedures and consequences associated with such violations.

b. Unpaid Dues: This part of the Handbook relates to the enforcement mechanisms pertaining to instances of unpaid dues as stipulated by the RUDA Act. It outlines the procedures for debt recovery and the measures available for recourse.

c. Failure to Comply with Administrative Functions: This segment elucidates the enforcement mechanisms triggered by non-compliance with administrative functions mandated by the RUDA Act. It outlines the administrative penalties and corrective actions enforced in such cases.

Conclusion:

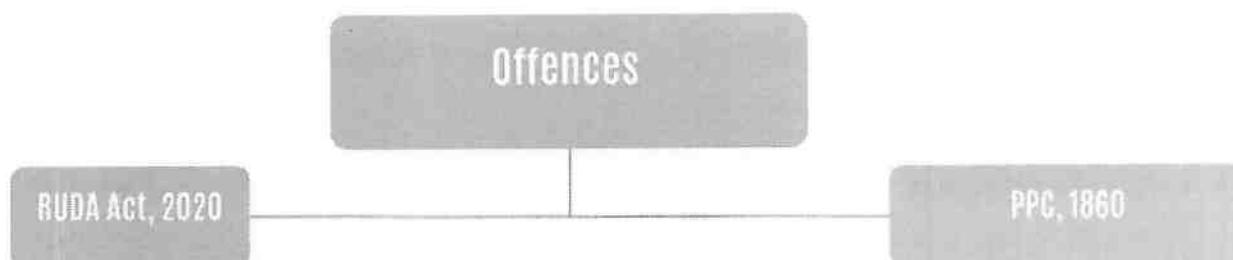
The "Enforcement Mechanisms Handbook" provides RUDA employees with a comprehensive understanding of the enforcement mechanisms provided under the RUDA Act. By familiarizing themselves with the acts declared as offences and the corresponding enforcement measures, employees can ensure compliance and contribute to the effective implementation of the regulatory framework.

For detailed insights and guidance on specific enforcement scenarios, employees are encouraged to refer to the respective sections within the handbook.

1. OFFENCES AGAINST RUDA EMPLOYEES

OFFENCES UNDER THE RUDA ACT, 2020

The **RUDA Act** serves to empower RUDA's employees in fulfilling their objectives by establishing penalties for actions that hinder their ability to carry out their duties. This part of the Handbook lists the offences provided in the RUDA Act and the PPC along with their summary.



In addition to the offences provided in the RUDA Act, 2020, the offences provided under the PPC fall under three categories i.e. (i) offences related to enforcement, (ii) protections against harm or threats and (iii) protections against other offences.

Section 40 – Penalty for contravention of RUDA Act where no other penalty is provided and summary procedure before Magistrate. -

Section 40 of the RUDA Act expedites the enforcement process by stipulating that summary proceedings must be conducted before a Magistrate. However, it is pertinent to mention that this summary procedure is only available in circumstances where no other offence is provided in the Act.

“40. Penalty. – (1) If a person contravenes any provision of this Act, or any rules or regulations made thereunder, he shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two hundred thousand rupees or with both. (2) The Magistrate competent to try an offence under subsection (1) may try the offence in a summary manner in accordance with the provisions of sections 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).”

Section 41 – Categorization of offences. -

This section categorizes offences into two distinct parts: Part A and Part B. Part A delineates offences that carry severe penalties, including the possibility of life imprisonment or a substantial fine of five hundred thousand units. On the other hand, Part B outlines offences punishable by imprisonment for three years.





alongside a fine of one hundred thousand units. Sub-section 2 further provides that the offence shall become cognizable on the complaint filed by Authority or its employees. Below is the statute and a comprehensive list of the offences falling under each category for reference and enforcement purposes:

“41. Offences and Cognizance.

(1) If a person commits an offence specified in:

(a) Part-A of the SECOND SCHEDULE, such person shall be liable to imprisonment for a term which may extend to seven years or fine which may extend to five hundred thousand rupees or with both. Where an accused continues the offence despite being directed by the Authority for immediate discontinuance, the Court may impose a further fine which may extend to fifty thousand rupees for every day for the period the accused has continued the offence from the date of its commission; and

(b) Part-B of the SECOND SCHEDULE, he shall be liable to imprisonment for a term which may extend to three years or fine which may extend to one hundred thousand rupees or with both. Where an accused continues the offence despite being directed by the Authority for immediate discontinuance, the Court may impose a further fine which may extend to ten thousand rupees for every day for the period the accused has the offence from the date of its commission.

(2) An offence punishable under subsection (1) shall be cognizable on a complaint in writing of an employee authorized by the Authority.

“Part- A

1. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in, managed, or controlled by Authority or an Agency in such manner as causes or is likely to cause danger to persons passing by or living or working in neighborhood, or risk or injury to property or causing harm to the environment.

2. Failure of industrial or commercial concerns or such property holders to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.

Part-B

1. Willfully obstructing any [employee] or servant of Authority or any person authorized to exercise power conferred under this Act.

2. Failure to deliver back possession of property to the Authority on expiration and cancellation of lease or allotment or exemption of plot.



3. *Doing an Act without license, approval or permission when the doing of such Act requires a license or permission under any of the provisions of this Act, the rules or regulations.*
4. *Violation of the Master Plan, building plan or sanctioned site development scheme including the plans and schemes sanctioned under the repealed enactments, allotting, selling or using the land for the purpose other than the approved layout plan.*
5. *Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules or bylaws for using such space for any purpose which is not approved.*
6. *Changing or converting into any other use any portion of a commercial or residential building or area specified or earmarked for public parking or amenities.*
7. *Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by the Authority or an Agency.*
8. *Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden Khokhas or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority.*
9. *Obstructing or tampering with any road, street, drain or sewer line or pavement or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system or laying out a drain or altering any drain in a street or road.*
10. *Connecting any house drain with a drain in a public street without approval of the Authority.*
11. *Drawing off, diverting or taking any water except with the permission required under this Act, rules or regulations.*
12. *Willfully causing damage, or allowing damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converting it to his own or any other person's use.*
13. *Refusal or willfully neglecting to provide any [employee] or servant of the Authority with the means necessary for entering into any premises for the purpose of collecting any information or making an examination or enquiry in relation to any water works.*
14. *Failure or neglect of the sponsor to abide by or fulfil the commitment made to a person regarding allotment of a plot, housing unit or price of the same in any scheme.*
15. *Without lawful excuse, failing or refusing to comply with any direction or order issued by the Authority under this Act.*



16. Attempting to commit or abetting the commission of an offence punishable under this Act. ”

Section 44 – Conversion of property to a different use without prior approval of the Authority . -

Section 44 specifies that individuals who convert a property to a different use without obtaining prior written approval from the Authority will face punishment, which may include a fine of up to ten thousand rupees per day from the date of conversion until the default ceases, or imprisonment for a term of up to one year, or both. This provision aims to regulate and deter unauthorized changes in land use, ensuring compliance with schemes, Master Plans, or classification maps established by the Authority.

“44. Conversion of property to a different use. – If a person converts a property to a different use or purpose other than the one provided under a scheme, Master Plan or classification map without the previous approval in writing of the Authority, he shall be liable to punishment of fine which may extend to ten thousand rupees per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to one year or with both. ”

Sections 45 and 46 – Ejectment of unauthorized occupants and construction contravening RUDA guidelines . -

These sections relate to the ejectment of unauthorized occupants and construction in contravention of RUDA guidelines. Both of these sections provide for force to be used against those who breach these provisions but a pre-requisite of show-cause notice/providing an opportunity has to be complied with. The relevant sections are reproduced below for ease of reference:

“45. Ejectment of unauthorized occupants. –

(1) Subject to an opportunity of hearing, the CEO or any employee or person authorized by the CEO may summarily eject any person in unauthorized occupation of any land or property vested in the Authority and may for such ejectment use such force as may be necessary.

(2) Subject to an opportunity of hearing, the CEO or any employee or person authorized by the CEO may, on his own motion or on the application of the owner, summarily eject any person in unauthorized occupation of any land or plot in a housing scheme developed and controlled by the Authority and may, for such ejectment, use such force as may be necessary.

(3) Nothing contained in subsections (1) and (2) shall prohibit the CEO or any employee or person authorized by the CEO to proceed against such person on commission of an offence, as provided in the Act.

46. Removal of building, erected or used in contravention of this Act. –

(1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Act, rules, regulations or order made thereunder, the CEO or any employee or



person authorized by him or the Authority in this behalf, may, by an order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or alter the building, structure or work or to use it in such manner so as to bring such erection, construction or user in accordance with the provisions of this Act.

(2) If an order under subsection (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the CEO or any employee or person authorized by him or the Authority in this behalf, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land by sealing the premises or land and, in so doing, may use such force as may be necessary and may also recover the cost therefor, from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions of this Act.”

OFFENCES UNDER CHAPTER X OF THE PAKISTAN PENAL CODE, 1860

Besides the offenses listed under the RUDA Act, RUDA employees can also utilize the PPC for enforcement and protection against harm or threats. The PPC is applicable to RUDA employees because they are classified as public servants under section 47 of the RUDA Act, and the PPC provides specific protections for public servants facing harm or threats. For your convenience, the relevant section of the RUDA Act is provided below:

“Section 47. Members and employees to be Public Servants. – The [CEO], members, Director General, [employees], servants, experts and consultants of the Authority shall be deemed to be Public Servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).”

OFFENCES RELATED TO ENFORCEMENT:

Section 177 – Providing false information . -

Section 177 criminalizes the act of providing false information to a public servant when there is a legal obligation to furnish truthful information on the subject. This provision recognizes the importance of accurate information in the functioning of public services and the potential harm that can arise from deliberate misinformation. By punishing such acts, the law seeks to deter individuals from misleading public servants and ensure the integrity of information used in official decision-making.

The penalties for violating this section vary depending on the nature of the false information provided. If the information relates to the commission or prevention of an offense, or the apprehension of an offender, the punishment can be more severe, reflecting the greater potential for harm in such cases. The relevant provision is provided below for reference:



"Section 177. Furnishing false information. Whoever, being legally bound to furnish information on any subject to any Public Servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 183 – Resistance to lawful seizure of property. -

During the execution of certain functions under the RUDA Act, 2020, employees of the Authority may encounter undue resistance. This can impede duties of the Authority's employees or cause delays in the execution of specific functions. To mitigate such obstructions, section 183 of the PPC provides a legal safeguard for public servants acting within their lawful authority. It criminalizes resistance against a public servant's attempt to seize property, provided the individual resisting is aware or reasonably believes that the official is acting in their official capacity. The penalties for violating this section include imprisonment up to six months, a fine up to one thousand rupees, or both.

Please note that while exercising the powers of seizure, the employee performing such function should explicitly inform the individual of the legal provision authorizing such action and clarify that it is being undertaken in their capacity as a public servant.

The relevant section of the PPC is provided below for reference:

"Section 183. Resistance to the taking of property by the lawful authority of a Public Servant. Whoever offers any resistance to the taking of any property by the lawful authority of any Public Servant, knowing or having reason to believe that he is such Public Servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 186 – Obstruction of public functions performed by public servant. -

Section 186 criminalizes any voluntary obstruction of the "public functions" of employees of the Authority. The broad scope of "public functions" encompasses any act performed in an official capacity protecting public servants from interference of any kind while performing official duties.

It is pertinent to note that this provision emphasizes the intentionality of the obstruction, ensuring that only voluntary actions are penalized. Penalties for such obstruction include imprisonment up to one year, a fine up to fifty thousand rupees, or both, reflecting the seriousness of hindering public service.

Section 186 of the PPC is provided below for reference:



"Section 186. Obstructing Public Servant in discharge of public functions. Whoever voluntarily obstructs any Public Servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both."

Section 188 – Disobedience to lawful orders issued by public servants. -

Section 188 of the Pakistan Penal Code addresses disobedience to lawful orders issued by public servants. It targets individuals who, aware of a directive to refrain from an act or to manage property in a certain way, knowingly disobey, leading to obstruction, annoyance, injury, or risk thereof particularly to those lawfully employed. The penalties for this offense include simple imprisonment up to one month, a fine up to six hundred rupees, or both.

However, if the disobedience results in or poses a risk to human life, health, safety, or incites a riot or affray, the punishment is enhanced. In such cases, the offender may face imprisonment of either description up to six months, a fine up to three thousand rupees, or both. This penalty structure reflects the varying degrees of harm that can result from disobeying a public servant's order. By addressing this offense, Section 188 aims to uphold public order, ensure compliance with lawful directives, and protect the safety and well-being of individuals.

The relevant provision is provided below for reference:

"Section 188. Disobedience to order duly promulgated by Public Servant. Whoever, knowing that, by an order promulgated by a Public Servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to six hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

PROTECTIONS AGAINST THREATS OR HARM:

Section 189 – Threat of injury made to public servants. -

Section 189 addresses threats made against public servants to influence their official actions. It specifically targets individuals who threaten harm to a public servant or someone they believe the public servant cares about, with the intent of inducing the public servant to perform, omit, or delay any act related to their public duties. This provision recognizes the potential for coercion and intimidation to undermine the impartiality and effectiveness of functions entrusted with public servants.

By criminalizing such threats, section 189 seeks to protect public servants from undue pressure and ensure they can carry out their duties without fear or favor. The punishment for this offense, which can include imprisonment up to two years, a fine, or both, reflects the seriousness with which the law views attempts to manipulate public servants through threats. This provision is essential for maintaining the integrity of public service and ensuring that decisions are made based on the merits of the matter, not under duress.

The relevant provision is provided below for reference:

"Section 189. Threat of injury to Public Servant. Whoever holds out any threat of injury to any Public Servant, or to any person in whom he believes that Public Servant to be interested for the purpose of inducing that Public Servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such Public Servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 353 – Physical harm and intimidation. -

Section 353 safeguards public servants from physical harm and intimidation while carrying out their duties. It criminalizes the use of assault or criminal force against public servants engaged in their official functions, whether with the intent to prevent or deter them from performing their duties, or as a result of actions taken in the lawful discharge of those duties. This provision recognizes the importance of protecting public servants from physical harm and ensuring they can carry out their responsibilities without fear of violence or intimidation.

By imposing penalties of imprisonment up to two years, a fine, or both, the law emphasizes the seriousness of assaulting or using criminal force against public servants. It serves as a deterrent to those who might seek to obstruct public servants through violence or threats.

The relevant provision is reproduced below for reference:

"Section 353. Assault or criminal force to deter Public Servant from discharge of his duty. Whoever assaults or uses criminal force to any person being a Public Servant in the execution of his duty as such Public Servant, or with intent to prevent or deter that person from discharging his duty as such Public Servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such Public Servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

PROTECTIONS AGAINST OTHER OFFENCES:

Section 172 – Avoidance of summons. -



This section describes the punishment for anyone who absconds to avoid being served with a summons, notice, or order from a Public Servant legally authorized to issue such documents.

"Section 172. Absconding to avoid service of summons or other proceeding. Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any Public Servant legally competent, as such Public Servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one thousand five hundred rupees, or with both; or, if the summons or notice or order is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 173 – Prevention of summons. -

This section addresses actions taken to intentionally prevent the service of a summons, notice, or order issued by a Public Servant, detailing penalties for such interference.

"Section 173. Preventing service of summons or other proceeding, or preventing publication thereof. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any Public Servant legally competent as such Public Servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order, from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any Public Servant legally competent, as such Public Servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one thousand five hundred rupees, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 174 – Failure to attend summons. -

This section penalizes individuals who, being legally required to do so, fail to attend in person or by agent in response to a summons, notice, order, or proclamation from a competent Public Servant.

"Section 174. Non-attendance in obedience to an order from Public Servant. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any Public Servant legally competent, as such Public Servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or

with fine which may extend to one thousand five hundred rupees, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 175 – Failure to provide a legally required document. -

Section 175 outlines the legal obligations and associated penalties for failing to produce or deliver any legally required document to a Public Servant.

"Section 175. Omission to produce document to Public Servant by person. Whoever, being legally bound to produce or deliver up any document to any Public Servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one thousand five hundred rupees, or with both; legally bound to produce it. or, if the document is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 176 – Failure to provide notice or information. -

This section mandates that those legally obligated to provide notice or information to Public Servants must do so as required by law, with penalties for failure to comply.

"Section 176. Omission to give notice or information to Public Servant by person legally bound to give it. Whoever, being legally bound to give any notice or to furnish information on any subject to any Public Servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one thousand five hundred rupees, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 178 – Refusal to take oath . -

This section details the penalties for refusing to bind oneself by oath or affirmation to state the truth when required by a Public Servant.

"Section 178. Refusing oath or affirmation when duly required by Public Servant to make it. Whoever refuses to bind himself by an oath [or affirmation] to state the truth, when required so to bind himself by a Public Servant legally competent to require that he shall so bind himself, shall

be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 179 – Refusal to answer questions. -

This section imposes penalties on those who, when legally bound to state the truth to any Public Servant, refuse to answer questions asked by such Public Servant.

"Section 179. Refusing to answer Public Servant authorized to question. Whoever, being legally bound to state the truth on any subject to any Public Servant, refuses to answer any question demanded of him touching that subject by such Public Servant in the exercise of the legal powers of such Public Servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 180 – Refusal to sign any statement. -

Section 180 discusses the legal repercussions for refusing to sign any statement made, when such signing is required by a legally competent Public Servant.

"Section 180. Refusing to sign statement. Whoever, refuses to sign any statement made by him, when required to sign that statement by a Public Servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand five hundred rupees, or with both."

Section 181 - False statements made under oath. -

This section penalizes making false statements under oath or affirmation to any Public Servant or person authorized to administer such an oath, when legally bound to state the truth.

"Section 181. False statement on oath or affirmation to Public Servant or person authorized to administer an oath or affirmation. Whoever, being legally bound by an oath [or affirmation] to state the truth on any subject to any Public Servant or other person authorized by law to administer such oath [or affirmation], makes, to such Public Servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine."

Section 182 – Providing false information with the intention to induce a public servant to misuse their lawful power to the detriment of another person. -

Section 182 addresses the offence of providing false information to a Public Servant, intended to make them misuse their lawful power, resulting in injury or annoyance to any person. The punishment varies based on the severity of the offence it induces.

"Section 182. False information with intent to cause Public Servant to use his lawful power to the injury of another person. Whoever gives to any Public Servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such Public Servant—

(a) to do or omit anything which such Public Servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such Public Servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to—

(a) seven years in case the offence in which false information is given is punishable with death:

(b) five years in case the offence in which false information is given is punishable with imprisonment for life; or

(c) one-fourth of the longest term of imprisonment or with fine as is provided for the offence in which false information is given and such offence is not covered under clause (a) or (b)."

Section 184 – Obstruction of a public sale. -

This section deals with the offence of intentionally obstructing a public sale conducted under the authority of a Public Servant.

"Section 184. Obstructing sale of property offered for sale by authority of Public Servant. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any Public Servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one thousand five hundred rupees, or with both."

Section 185 – Illegal purchase or bidding at auctions. -

This section addresses illegal purchase or bidding at auctions held by a Public Servant, this section outlines penalties for such actions.

"Section 185. Illegal purchase or bid for property offered for sale by authority of Public Servant. Whoever, at any sale of property held by the lawful authority of a Public Servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to six hundred rupees, or with both."

Section 187 – Legal obligation to assist public servants. -

Section 187 outlines the legal obligation to assist Public Servants in executing their duties and the consequences of failing to do so.

"Section 187. Omission to assist Public Servant when bound by law to give assistance. Whoever, being bound by law to render or furnish assistance to any Public Servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to six hundred rupees, or with both; and if such assistance be demanded of him by a Public Servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand five hundred rupees, or with both."

Section 190 – Threats to prevent someone from seeking protection of a public servant. -

This section covers the offence of using threats to prevent someone from seeking legal protection from a Public Servant, detailing the punishment for such actions.

"Section 190. Threat of injury to induce person to refrain from applying for protection to Public Servant. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any Public Servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Apart from this chapter, there are other provisions in the Pakistan Penal Code which relate to powers held by public servant and offences for actions committed against them. The relevant sections are reproduced below for ease of convenience:

Section 228 – Interruption or insults to public servants during judicial proceedings. -

This section addresses intentional insults or interruptions to Public Servants while they are sitting in a judicial proceeding, prescribing penalties for such actions.

"Section 228. Intentional insult or interruption to Public Servant sitting in judicial proceeding. Whoever intentionally insults or interrupts any Public Servant sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both."

Section 99 – Exclusion of private defence against certain acts

Section 99 deals with acts done by a person who is bound, or mistakenly believes himself to be bound, by law, specifying the circumstances under which such acts are excused from criminal liability.

"Section 99. Acts against which there is no right of private defence. There is no right of private defence against an Act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done by a Public Servant acting in good faith under colour of his office, though that Act may not be strictly justifiable by law.

There is no right of private defence against an Act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a Public Servant acting in good faith under colour of his office though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised. The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence."

Section 152 – Assault on a public servant during suppression of riot or affray. -

This section outlines the penalties for assaulting or obstructing a Public Servant while they are engaged in suppressing a riot or affray.

"Section 152. Assaulting or obstructing Public Servant when suppressing riot, etc. Whoever assaults or threatens, or obstructs any Public Servant in the discharge of his duty as such Public Servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such Public Servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

Section 199 – False statements in declarations that are legally admissible. -

This section deals with false statements made in declarations that are legally admissible as evidence, prescribing penalties for such false statements.

"Section 199. False statement made in declaration which is by law receivable as evidence. Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any Public Servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does

not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence."

Section 204 – Destruction of documents. - caters to the destruction of documents to prevent their production as evidence, outlining the penalties for such actions.

"Section 204. Destruction of document to prevent its production as evidence. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a Public Servant, as such, or obliges any person to produce any document to prevent its being produced, or knowing or having reason to believe that such document is likely to be used in evidence in a Court of Justice or in any proceeding lawfully held before a Public Servant as such, intentionally omits to give such information respecting such document as he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 291 – Continuance of nuisance despite injunction. -

Section 291 addresses the continuation of a nuisance after an injunction has been issued to discontinue it, specifying the penalties for such continuation.

"Section 291. Continuance of nuisance after injunction to discontinue. Whoever repeats or continues a public nuisance, having been enjoined by any Public Servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both."

Section 346 – Wrongful confinement of a person. -

This section deals with the wrongful confinement of a person in secret, outlining the penalties for such wrongful confinement.

"Section 346. Wrongful confinement in secret. Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any Public Servant, or that the place of such confinement may not be known to or discovered by any such person or Public Servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement."

2. ENFORCEMENT MECHANISMS FOR CRIMINAL OFFENCES:

In Pakistan, liabilities are typically categorized into two main types: civil and criminal, each having their own unique procedures for enforcement. Since the offences provided in the Act relate to punishments of a criminal nature, a summary description of criminal procedures in Pakistan is provided below:

1.1. When initiating criminal charges against an individual, there exist two distinct methods through which legal proceedings can be set in motion, each with its own set of steps and procedures:

1.1.1. Lodging a First Information Report (F.I.R):

- The process of initiating legal action typically begins with the filing of a First Information Report (F.I.R) at the relevant police station.
- The complainant, often the victim or a witness to the alleged crime, provides information about the offence to the Station House Officer (SHO) or the duty officer at the police station.
- The SHO registers the F.I.R in accordance with Section 154 of the Criminal Code of Procedure. This involves recording the details of the offence, including the date, time, location, and nature of the crime, as well as the names of the accused and any witnesses.
- Once the F.I.R is registered, the police commence their investigation into the matter. This may involve collecting evidence, conducting interviews, and gathering statements from witnesses.
- Based on the findings of the investigation, the police may take further action, such as making arrests, gathering additional evidence, or submitting a charge sheet to the relevant court.

1.1.2. Submitting a complaint under Section 200 :-

- A complainant who wishes to pursue criminal charges may opt to file a complaint directly with a Judicial Magistrate under Section 200 of the Criminal Code of Procedure.
- The complainant submits a written complaint or affidavit detailing the alleged offence to the Judicial Magistrate having jurisdiction over the matter.
- Upon receiving the complaint, the Judicial Magistrate examines its contents to determine if there are sufficient grounds to proceed with legal action.

- If the magistrate finds merit in the complaint, they may issue warrants or summonses to the accused, directing them to appear before the court for further proceedings.
- The accused is then afforded an opportunity to respond to the charges and present their defence before the court.

1.2. In accordance with Section 41(2) of the RUDA Act, offences listed in Parts A and B are classified as cognizable offences upon the filing of a complaint by an employee of RUDA. However, the Act does not designate a specific court for adjudication, except for Section 40, which pertains to offences lacking prescribed penalties. Consequently, Section 29 of the Criminal Procedure Code (CrPC) governs, stipulating that in the absence of an explicit court designation, the procedures outlined in the CrPC shall apply. Thus, to commence legal proceedings against an individual for breaching offences under the RUDA Act, a RUDA Employee shall lodge a complaint with the relevant magistrate pursuant to Section 200 of the CrPC. Additionally, in cases involving offenses under the PPC, both avenues provided under the CrPC i.e. filing a complaint under Section 200 and lodging an F.I.R are accessible.

Furthermore, Section 41 of the RUDA Act delineates punishments under two categories: Part A and Part B, with Part A offences carrying penalties of up to 7 years imprisonment, and Part B offences carrying penalties of up to 3 years imprisonment. Schedule II of the CrPC delineates jurisdiction and the bailable nature of offences based on the range of penalties prescribed.

Offences with penalties exceeding 7 years are subject to arrest without warrant, are non-bailable, non-compoundable, and fall within the jurisdiction of the Court of Session. Alternatively, offences entailing penalties of less than 3 years necessitate a warrant for arrest, are bailable, non-compoundable, and fall within the jurisdiction of a Magistrate of first or second class.



3. RECOVERY OF DUES:

Throughout the RUDA Act, **Section 43 of the RUDA Act** provides for the recovery of dues owed to RUDA, the said section is reproduced for reference:

"43. Recovery of dues. – Any sum due to the Authority from, or any sum wrongly paid by the Authority to, any person under this Act shall be recoverable as arrears of land revenue."

Since the dues/arrears owed to RUDA are recoverable as arrears of land revenue, the method of recovery as provided in section 80 of the Punjab Land Revenue Act, 1967 is applicable here. The said section provides a step-by-step guideline as to how the recovery shall proceed. The relevant section is reproduced here for ease of reference:

"80. Processes for recovery of arrears. – Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by any one or more of the following processes, namely: –

- a) by service of a notice of demand on the defaulter under section 81;*
- b) by arrest and detention of his person under section 82;*
- c) by distress and sale of his movable property and uncut or ungathered crops under section 83;*
- d) by transfer, under section 84, of the holding in respect of which the arrear is due;*
- e) by attachment, under section 85, of the holding in respect of which the arrear is due;*
- f) by annulment, under section 86, of the assessment of that holding;*
- g) by sale of that holding under section 88;*
- h) by proceedings against other immovable property of the defaulter under section 90."*



4. ADMINISTRATIVE POWERS AVAILABLE TO RUDA EMPLOYEES:

In addition to addressing criminal offences, the RUDA Act grants its employees administrative powers. These powers include, but are not limited to, evacuating properties from illegal occupants or ensuring that structures adhere to RUDA guidelines, with the authority to take necessary actions, including demolition if required. Below, we provide a detailed step-by-step procedure for exercising these administrative powers.

1. Issuance of Show-Cause Notice:

- Before initiating any action against an individual in violation of the RUDA Act, it is imperative to issue a show-cause notice or provide an opportunity to be heard.
- The notice should clearly state the alleged violation and provide a reasonable timeframe for the individual to respond.

2. Use of Force and Protection of Public Servants:

- If resistance is encountered during the execution of duties, Section 32 of the Police Orders 2002 stipulates that Public Servants and other governmental authorities are entitled to necessary protection and may use force if required.
- Therefore, in events where exercise of their duties has become impossible, the Public Servants may involve the police force to resolve such conflicts.
- However, exercise restraint and prioritize peaceful resolution whenever possible.

3. Documentation and Record-Keeping:

- Maintain detailed records of all communication, actions taken, and responses received throughout the administrative remedy process.
- Document the rationale behind decisions made and ensure transparency in administrative procedures.

4. Compliance with Legal Safeguards:

- Section 48 of the RUDA Act provides immunity from legal challenge for actions taken by the Authority or its employees in good faith.



- Ensure that all actions are carried out in accordance with the law and within the scope of authority granted by the RUDA Act.
- Section 49 bars jurisdiction of any court to question legality of anything done or any action taken in good faith under the RUDA Act by the authority or at the instance of the Authority.

5. Continuous Training and Capacity Building:

- Provide ongoing training and capacity-building programs for RUDA employees to enhance their understanding of relevant laws, administrative procedures, and conflict resolution techniques.
- Foster a culture of compliance and ethical conduct among employees through education and awareness initiatives.

By adhering to these guidelines, RUDA employees can effectively address violations of the RUDA Act while upholding principles of fairness, due process, and legal compliance.

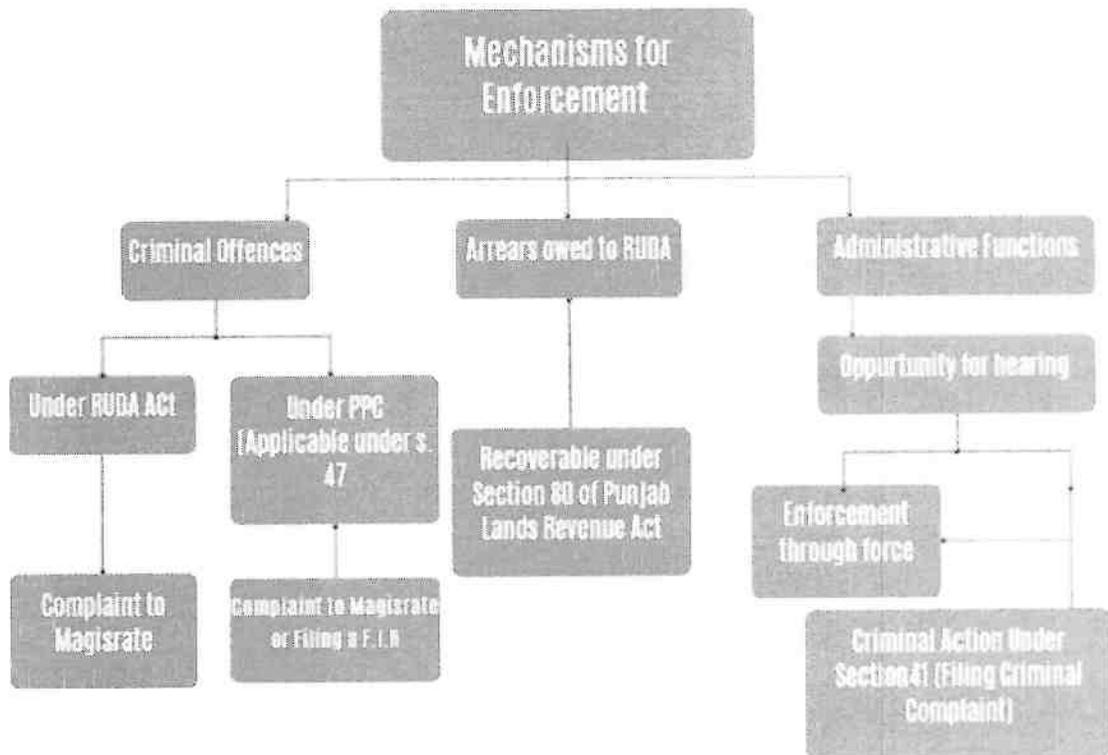
An illustration of this procedure is evident in the implementation of section 46 of the RUDA Act. This provision addresses violations of the Act by buildings, structures, works, or land inconsistent with the RUDA Act. This section empowers the Employees to evict unauthorized occupants from the property. If any such entity is found in contravention of the Act, the CEO or authorized individual can issue a written order for its removal, alteration, or compliant use. Failure to comply within the stipulated time allows for further action, including removal, demolition, or sealing of the premises, after affording the affected party an opportunity to be heard.

Since this section calls for an administrative function, RUDA employees are instructed to initially attempt dialogue to vacate the premises. If these efforts prove unsuccessful, only then they may seek assistance from the police force under the Section of 34 of the Police Orders 2002 which mandates the Police to offer protection to governmental employees in carrying out their duties.

Secondly, after taking the remedial action to demolish or rectify the property to bring it in conformity with the provisions of the RUDA Act, the employees of the Authority are also under obligation to initiate criminal proceedings under section 46, read with section 41, of the Act by filing a complaint before the SHO.

The flow chart below illustrates and summarizes the processes available to RUDA Employees to ensure enforcement of their respective powers:







5. TABLE OF OFFENCES:

Sr. No.	Statute	Short Description	Punishment
1.	RUDA Act 41(1)(a)	<p>Offences under Part A of the Act</p> <ol style="list-style-type: none"> 1. Discharging dangerous chemicals or offensive articles in a manner endangering persons or property. 2. Failure to provide safe disposal of industrial waste. 	<p>Imprisonment for a term up to seven years, or a fine up to five hundred thousand rupees, or both. Additional fine of up to fifty thousand rupees per day for continuing the offence despite Authority direction.</p>
2.	RUDA Act 41(1)(b)	<p>Offences under Part B of the Act</p> <ol style="list-style-type: none"> 1. Willful obstruction of Authority employees or authorized persons. 2. Failure to return property to the Authority after lease or allotment cancellation. 3. Performing an act without necessary license or approval. 4. Violation of Master Plan or building regulations. 5. Unauthorized construction or use of designated areas. 6. Unauthorized conversion of designated public spaces. 7. Unauthorized establishment of parking stands. 8. Unauthorized temporary commercial activities on public property. 9. Obstruction or tampering with public infrastructure. 10. Unauthorized connection of house drains to public drains. 11. Unauthorized use or diversion of water. 12. Willful damage to Authority property. 13. Refusal or neglect to provide means for Authority employee access. 14. Failure to fulfill commitments regarding plot or housing allotment. 	<p>Imprisonment for a term up to three years, or a fine up to one hundred thousand rupees, or both. Additional fine of up to ten thousand rupees per day for continuing the offence despite Authority direction.</p>

		15. Failure to comply with Authority directions or orders. 16. Attempting or abetting offenses under the Act.	
3.	RUDA Act 44	Conversion of property to a different use without prior approval	Fine up to 10,000 rupees per day from date of conversion till cessation, or imprisonment up to 1 year, or both.
4.	RUDA Act 45(1)	Ejection of unauthorized occupants from Authority lands using necessary force	Ejection with necessary force after opportunity of hearing.
5.	RUDA Act 46(1)	Removal or alteration of buildings or structures erected or used in contravention of RUDA Act	Required removal, alteration, or cessation of use as per order.
6.	PPC Section 172	Punishment for absconding to avoid service of summons or other proceedings	Simple imprisonment up to 1 month, or fine up to 1,500 rupees, or both.
7.	PPC Section 173	Penalty for preventing service of summons or other proceeding	Simple imprisonment up to 1 month, or fine up to 1,500 rupees, or both.
8.	PPC Section 174	Penalty for non-attendance in obedience to an order from Public Servant	Simple imprisonment up to 1 month, or fine up to 1,500 rupees, or both.
9.	PPC Section 175	Penalty for omission to produce document to Public Servant	Simple imprisonment up to 1 month, or fine up to 1,500 rupees, or both.
10.	PPC Section 176	Penalty for omission to give notice or information to Public Servant	Simple imprisonment up to 1 month, or fine up to 1,500 rupees, or both.
11.	PPC Section 177	Penalty for furnishing false information to Public Servant	Simple imprisonment up to 6 months, or fine up to 3,000 rupees, or both.
12.	PPC Section 178	Penalty for refusing oath or affirmation when duly required by Public Servant	Simple imprisonment up to 6 months, or fine up to 3,000 rupees, or both.
13.	PPC Section 179	Penalty for refusing to answer Public Servant authorized to question	Simple imprisonment up to 6 months, or fine up to 3,000 rupees, or both.
14.	PPC Section 180	Penalty for refusing to sign statement	Simple imprisonment up to 3 months, or fine up to 1,500 rupees, or both.

15.	PPC Section 181	Penalty for false statement on oath or affirmation to Public Servant	Imprisonment up to 3 years, and fine.
16.	PPC Section 182	Penalty for false information to cause Public Servant to use lawful power to the injury of another person	Imprisonment up to 7 years, or fine, or both.
17.	PPC Section 183	Penalty for resistance to the taking of property by the lawful authority of a Public Servant	Simple imprisonment up to 6 months, or fine up to 3,000 rupees, or both.
18.	PPC Section 184	Penalty for obstructing sale of property offered for sale by authority of Public Servant	Simple imprisonment up to 1 month, or fine up to 1,500 rupees, or both.
19.	PPC Section 185	Penalty for illegal purchase or bid for property offered for sale by authority of Public Servant	Simple imprisonment up to 1 month, or fine up to 600 rupees, or both.
20.	PPC Section 186	Penalty for obstructing Public Servant in discharge of public functions	Imprisonment up to 1 year, or fine up to 50,000 rupees, or both.
21.	PPC Section 187	Penalty for omission to assist Public Servant when bound by law to give assistance	Simple imprisonment up to 6 months, or fine up to 1,500 rupees, or both.
22.	PPC Section 188	Penalty for disobedience to order duly promulgated by Public Servant	Simple imprisonment up to 1 month, or fine up to 600 rupees, or both.
23.	PPC Section 189	Penalty for threat of injury to Public Servant	Imprisonment up to 2 years, or fine, or both.
24.	PPC Section 190	Threat of injury to induce person to refrain from applying for protection to Public Servant	Imprisonment up to 1 year, or fine, or both.
25.	PPC Section 228	Intentional insult or interruption to Public Servant sitting in judicial proceeding	Simple imprisonment up to 6 months, or fine up to Rs. 3,000, or both.
26.	PPC Section 353	Assault or criminal force to deter Public Servant from discharge of his duty	Imprisonment up to 2 years, or fine, or both.

27.	PPC Section 99	Acts against which there is no right of private defence	No criminal liability if done by Public Servant acting in good faith under colour of his office.
28.	PPC Section 152	Assaulting or obstructing Public Servant when suppressing riot, etc.	Imprisonment up to 3 years, or fine, or both.
29.	PPC Section 199	False statement made in declaration which is by law receivable as evidence	Punished in the same manner as if he gave false evidence.
30.	PPC Section 204	Destruction of document to prevent its production as evidence	Imprisonment up to 2 years, or fine, or both.
31.	PPC Section 291	Continuance of nuisance after injunction to discontinue	Simple imprisonment up to 6 months, or fine, or both.
32.	PPC Section 346	Wrongful confinement in secret	Imprisonment of either description up to 2 years.



(Incharge)

Chief Executive Officer

Ravi Urban Development Authority

