



# THE MANOEUVRES, FIELD FIRING AND ARTILLERY PRACTICE ACT, 1938



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# THE MANOEUVRES, FIELD FIRING AND ARTILLERY PRACTICE ACT, 1938.

<sup>1</sup>ACT NO. V OF 1938.

[12th March, 1938]

**An Act to provide facilities for Military manoeuvres and for field firing and artillery practice.**

WHEREAS it is expedient to provide facilities for military manoeuvres and for field firing and artillery practice; It is hereby enacted as follows:—

**1. Short title and extent.**— (1) This Act may be called the Manoeuvres, Field Firing and Artillery Practice Act, 1938.

<sup>2</sup>[(2) It extends to the whole of Pakistan.]

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1936, Pt. V, p. 326 ; for Report of the Select Committee, see *ibid.*, 1937, Pt. V, p. 272.

This Act has been applied to Baluchistan, see Notification No. 231-F., dated the 15th September, 1938, Gazette of India, 1938, Pt. I, p. 1557.

It has also been extended to—

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950) : and also applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499,

(ii) the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended, and

(iii) the Khairpur State, see the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

<sup>2</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960, (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949.

## CHAPTER I

### MANOEUVRES

**2. Power of Federal Government to authorise manoeuvres.**—(1) The <sup>1</sup>[Federal Government] may, by notification in the local official Gazette, authorise the execution of military manoeuvres over any area specified in the notification during specified period not exceeding three months:

2\*       \*       \*       \*       \*       \*       \*

(2) The <sup>1</sup>[Federal Government] shall publish notice of its intention to issue a notification under sub-section (1) as early as possible in advance of the issue of the notification, and no such notification shall be issued until the expiry of <sup>3</sup>[six weeks] from the date of the first publication of such notice in the local official Gazette.

(3) The notice required by sub-section (2) shall be given by publication in the local official Gazette and shall also be given throughout the area which it is proposed to specify in the notification by publication in the manner prescribed by rules made under section 13, and shall be repeated by like publication one month and one week as nearly as may be before the commencement of the manoeuvres.

**3. Power exercisable for purpose of manoeuvres.**—(1) Where a notification under sub-section (1) of section 2 has been issued, such persons as are included in the military forces engaged in the manoeuvres may, within the specified limits and during the specified periods,—

(a) pass over, or encamp, construct military works of a temporary character, or execute military manoeuvre on, the area specified in the notification, and

(b) supply themselves with water from any source of water in such area:

Provided that nothing herein contained shall authorise the taking of water from any source of supply, whether belonging to a private owner or a public authority, of an amount in excess of the reasonable requirements of the military forces or of such amount as to curtail the supply ordinarily required by those entitled to the use of such water supply.

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<sup>1</sup>Subs. by F. A. O., 1975, Art. 2 and Sch., for "Provincial Government".

<sup>2</sup>Proviso omitted by the Manoeuvres, Field Firing and Artillery Practice (Amdt.) Act, 1956 (17 of 1956), s. 2.

<sup>3</sup>Subs. *ibid.*, for "three months".

(2) The provisions of sub-section (1) shall not authorise entry on or interference with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture, or any garden or pleasure ground, or any <sup>1</sup>[national monument as defined in the Antiquities Act, 1975 ([VII of 1976](#))].

**4. Duty of Officer Commanding to repair damage.** The Officer in Command of the military forces engaged in the manoeuvres shall cause all lands used under the powers conferred by this Chapter to be restored, as soon and as far as practicable, to their previous condition.

**5. Right to compensation for damage caused by manoeuvres.** Where a notification issued under section 2 authorises the execution of military manoeuvres compensation shall be payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such manoeuvres including expenses reasonably incurred in protecting person, property, rights and privileges.

**6. Method of assessing compensation.**—(1) The Collector of the district in which any area utilised for the purpose of manoeuvres is situated shall depute one or more Revenue Officers to accompany the forces engaged in the manoeuvres for the purpose of determining the amount of any compensation payable under section 5.

(2) The Revenue Officer shall consider all claims for compensation under section 5 and determine, on local investigation and where possible after hearing the claimant, the amount of compensation, if any, which shall be awarded in each case ; and shall disburse on the spot to the claimant the compensation so determined as payable.

(3) Any claimant, dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer, give notice to the Revenue Officer, of his intention to appeal against the decision.

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<sup>1</sup> Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Sch. II, for certain words.

(4) Where any such notice has been given, the Collector of the district shall constitute a commission consisting of himself as chairman, a person nominated by the Officer Commanding the forces engaged in the manoeuvres and two persons nominated by the District Board, and the commission shall <sup>1</sup>[after giving to the claimant an opportunity of being heard,] decide all appeals of which notice has been given.

(5) The commission may exercise its powers notwithstanding the absence of any member of the commission, and the chairman of the commission shall have a casting vote in the case of an equal division of opinion.

(6) The decision of the commission shall be final and no suit shall lie in any Civil Court in respect of any matter decided by the commission.

(7) No fee shall be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Collector or the commission under this section.

**7. Offences.** If, within the area and during the period specified in a notification under sub-section (1) of section 2 any person—

- (a) Wilfully obstructs or interferes with the execution of the manoeuvres, or
- (b) Without due authority enters or remains in any camp, or
- (c) Without due authority interferes with any flag or mark or any apparatus used for the purposes of the manoeuvres, he shall be punishable with fine which may extend to <sup>2</sup>[one thousand] rupees.

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<sup>1</sup>Ins. by the Manoeuvres Field Firing and Artillery Practice (Amdt.), Ordinance, 1985 (11 of 1985), s. 2.

<sup>2</sup>Subs. *ibid.* 3 for "ten".