



THE WORKS OF DEFENCE ACT, 1903



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THE WORKS OF DEFENCE ACT, 1903

¹ACT No. VII OF 1903

[20th March, 1903]

An Act to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions, and for determining the amount of compensation to be made on account of such imposition.

WHEREAS it is expedient to provide for imposing restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions, and for determining the amount of compensation to be made on account of such imposition ; It is hereby enacted as follows:-

PART I

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the ²* Works of Defence Act, 1903; and

¹For Statement of Objects and Reasons, see Gazette of India, 1902, Pt. V, p. 84; for Report of the Select Committee, see *ibid.*, 1903, p. 105; for Proceedings in Council, see *ibid.*, 1902, Pt. VI, p. 175; *ibid.*, 1903, pp. 14 and 50.

It has been extended to the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953) as amended.

It has also been extended to the Khairpur State, see G. G. O. 5 of 1953, as amended by G. G. O. 24 of 1953.

The Act has also been extended to the State of Bahawalpur see G. G. O. 11 of 1953, as amended.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchitan, see Gazette of India, 1937, Pt. I, p. 1499.

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

²The word "Indian" omitted by A. O., 1949, Sch.

¹[(2) It extends to the whole of Pakistan.

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

(a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(b) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the imposition of restrictions upon the use and enjoyment of land under this Act ; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:

²³(c) the expression “Division” means one of the Divisions or Groups into which Pakistan is, for military, naval or air force purposes for the time being divided ; it includes a Brigade area, a sub-Area which does not form part of any Division, a naval station, port, dockyard, or establishment ; or an air force Head quarters which does not form part of any air force Group, and any area which the ⁴[Federal Government] may, by notification in the official Gazette, declare to be a Division for all or any of the purposes of this Act :]

⁵[(d) the expression “General Officer Commanding the Division” means with reference to a work pertaining to the Army, the army officer for the time being in command of the forces in a Division, with reference to a work pertaining to the Navy, the naval officer for the time being in command of the forces in a Division and with reference to a work pertaining to the Air Force, the air force officer for the time being in command of the forces in a Division]:]

(e) the expression “Commanding Officer” means the officer for the time being in command of a work of defence:

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for sub-section (2) as amended by A. O., 1949, Sch., and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

²Subs. by the Indian Works of Defence (Amdt.) Act, 1921 (11 of 1921) s. 2, for the original cls. (c) and (d).

³Subs. by the Works of Defence (Amdt.) Ordinance, 1961 (34 of 1961), s. 2, for cl. (c) as amended by A. O., 1949, Sch., and A. O., 1937.

⁴Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

⁵Subs. by Ordinance 34 of 1961, s. 2, for cl. (d)

- (f) the expression “Collector” includes any officer specially appointed by the ¹[Federal Government] to perform the functions of a Collector under this Act:
- (g) the expression “Court” means a principal Civil Court of original jurisdiction, unless the¹[Federal Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act:
- (h) “maintain”, with its grammatical variations and cognate expressions, does not, when used in relation to a house or other construction, include the doing of any act necessary for keeping such house or construction, until the making of the award referred to in section 12 or until the exercise, prior to the making of the award, of the powers of demolition conferred, in case of emergency, by section 6, sub-sections (1) and (3), in the state in which it was at the time of the publication of the notice referred to in section 3, sub-section (2):
- (i) the following persons shall be deemed “entitled to act” as and to the extent hereinafter provided, that is to say,—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

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the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that—

- (i) no person shall be deemed “entitled to act” whose interest in the subject- matter is shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act ;

¹Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”, which had been subs. by A. O., 1937, for “L.G.”.

²Certain words were omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.