



**GOVERNMENT OF THE PUNJAB
HOUSING, URBAN DEVELOPMENT &
PUBLIC HEALTH ENGINEERING DEPARTMENT**

Dated Lahore the *9th* April, 2014.

D.G. OFFICE LDA.
No. *3282*
3/4/14

NOTIFICATION

ADHA/AD B HDA

No.SO(H-II)3-9/2014.-In exercise of the powers conferred under subsection (11) of section 32 of the Lahore Development Authority (Amendment) Act 2013 (XXVI of 2013), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.- (1) These rules may be cited as the Lahore Development Authority Commission Rules 2014.

(2) They shall come into force at once.

2. Definitions.-(1) In these rules:

- (a) "Chairman" means the Chairman of the Commission;
- (b) "Commission" means the Commission relating to bonafide purchasers, illegal constructions and illegal housing schemes constituted under section 32 of the Lahore Development Authority (Amendment) Act 2013 (XXVI of 2013); and
- (c) "member" means a member of the Commission and includes, where necessary, the Chairman.

(2) The word or term used but not defined in these rules shall have the same meanings as in the Lahore Development Authority Act, 1975 (XXX of 1975).

3. The Commission.-(1) The Government shall appoint the Chairman and such number of members as it may determine in the light of the workload.

(2) The Chairman shall be a person who has been a Judge of Supreme Court of Pakistan or of Lahore High Court.

(3) A member shall be a person who has been a Judge of Supreme Court of Pakistan or of Lahore High Court or who held a post not below the rank of BPS-20 in the Service of Pakistan and has at least twenty years' experience of working in public sector.

(4) The Chairman shall be entitled to pay, allowances and other privileges equivalent to MP-I.

(5) A member shall be entitled to such pay, allowances and other privileges as the Government may determine.

(6) The Chairman and members, during the period they serve as such, shall not accept any other office, employment, duty or service, whether for gain or otherwise.

(7) The Commission shall be initially constituted for a term of one year but, if the workload so justifies, the Government may extend its life for such further period as it may determine.

(8) The Government may, at any time, dispense with the services of the Chairman or a member.

(9) The Commission may sit as full Commission or in such benches, each consisting of at least two members, as the Chairman may constitute.

(10) A bench shall consist of the Chairman and one member or two members without the Chairman.

4. Technical experts.-(1)The Chairman may appoint technical experts on full time or part time basis from amongst the persons fulfilling the following requirements:

(a) **for illegal constructions:**

- (i) retired civil engineer not below the rank of Chief Engineer; or
- (ii) civil engineer having twenty five years of experience in the relevant field.

(b) **for illegal housing schemes:**

- (i) metropolitan planner, urban planner or town planner having twenty five years of practical experience in the relevant field; or
- (ii) retired Professor of Urban Planning or Town Planning Department of a public sector University.

(c) **for bonafide purchasers:**

retired Government officer not below the rank of BPS-19 having at least fifteen years' experience of matters relating to revenue and land.

(2) A technical expert, whether full time or part-time, shall be entitled to such pay and allowances as the Government may determine on the recommendations of the Chairman.

(3) The Chairman may, at any time, remove a full time or part-time technical expert.

5. Powers of the Commission.-(1)Subject to the other provisions of these rules, the Commission shall regulate its own procedure which shall ensure due process of law but the Commission shall not be required to follow the provisions the Qanoon-e-Shahdat Order, 1984 and the Code of Civil Procedure, 1908.

(2) The Commission, in the discharge of its functions, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) dismissing an application for default or directing it *ex parte*; and
- (f) execution of its recommendations.

(3) All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 for purposes of section 196 of the Pakistan Penal Code, 1860.

(4) The Commission may, at any time, upon such terms and on payment of such fee as it may direct, allow an application to be amended in such manner as may, in its opinion, be necessary for ensuring a fair and effective hearing and for determining the real questions and issues but any such amendment shall not introduce any new ground of substantial nature.

7. Proceedings.— (1) The Authority or any officer so authorized by the Authority, on its own motion or on the application of any person who claims to be a bonafide purchaser and his allotment or transfer of interest in his favour has either been cancelled or called in question by the Authority, or who is the owner or occupant of an illegal construction, or who is the developer or resident of an illegal housing scheme, may refer the matter to the Commission for consideration and recommendations if a *prima facie* case is made out.

(2) The applicant, the Authority and any other party against whom any relief is sought shall be arrayed as parties in the application.

- (3) An application shall contain:
 - (a) a precise statement of the material facts on which the applicant relies;
 - (b) full particulars of any illegal act alleged to have been committed, including as full a statement as possible of the names of the parties alleged to have committed such practice or illegal act and the date and place of the commission of such practice or act;
 - (c) the mode or the manner through which regularization is sought;

- (d) the amount he is willing to pay for regularization of plot or property;
- (e) the relief claimed by the applicant; and
- (f) any other relevant information.

(4) Every application and every schedule or annex to the application shall be signed by the applicant or his duly constituted attorney and verified in the manner laid down in the Code of Civil Procedure, 1908 (V of 1908), for verification of pleadings.

(5) The applicant shall deposit, in the prescribed head of account, Rs.5000 as processing fee in any branch of National Bank of Pakistan and shall annex the original receipt of the deposit with the application.

(6) At any time during the proceedings on an application, the Commission may call upon the applicant to deposit such further sum by way of security.

(7) The Commission shall hear applications at such place or places as the Government may, by special or general order, determine.

(8) The Commission shall proceed with the hearing of the application preferably on day to day basis and shall decide the application within four months from its receipt.

(9) Any application, appearance or act before the Commission shall be made or done by a party in person or through a validly constituted attorney authorized for the purpose.

8. Recommendations of the Commission.— (1) An application received under these rules shall be presented to the Chairman who may assign it for disposal either to the full Commission or to a bench.

(2) The quorum for proceedings by the Commission shall be the Chairman and at least one member or two members without the Chairman.

(3) The Commission may, by majority, make appropriate recommendations which may include:

(a) **for bonafide purchaser:**

- (i) retrieval of property in favour of the Authority;
- (ii) transfer of property in the name of applicant;
- (iii) transfer of property in favor of applicant subject to such payment to the Authority as determined by Commission; and
- (iv) the respective responsibility of the parties and the apportionment of the loss to be borne by each party.

(b) **illegal housing scheme:**

- (i) demolition of structures and roads;

- (ii) approval of housing scheme;
- (iii) approval of housing scheme with amended plan; and
- (iv) approval with payment of fine, fee and penalty to the Authority as determined by the Commission.

(c) **illegal construction:**

- (i) demolition by the applicant;
- (ii) demolition by the Authority and recovery of dues and fines by it;
- (iii) rectification of the illegal construction and apportionment of the responsibility or cost to each party;
- (iv) partial demolition and recovery of cost thereof;
- (v) determination of rights and obligations of the parties in the event of demolition; and
- (vi) approval of plan and construction, subject to payment of fines, fees and penalties to the Authority.

W.S.
01.04.2014

**SECRETARY
GOVERNMENT OF THE PUNJAB
HOUSING URBAN DEVELOPMENT & PUBLIC
HEALTH ENGINEERING DEPARTMENT**

No. & Date Even:

1. The Commissioner, Lahore Division, Lahore.
2. The District Co-ordination Officers, Lahore, Kasur, Sheikhupura & Nankana Sahib.
- ✓ 3. The Director General, Lahore Development Authority, Lahore.
4. The Superintendent Government Printing Press, Lahore for publication of Notification in the Official Gazette and with the request to provide 30 copies to the undersigned.
5. PS to Secretary, HUD & PHE Department.

T. A. A. A.
SECTION OFFICER (H-II)

2