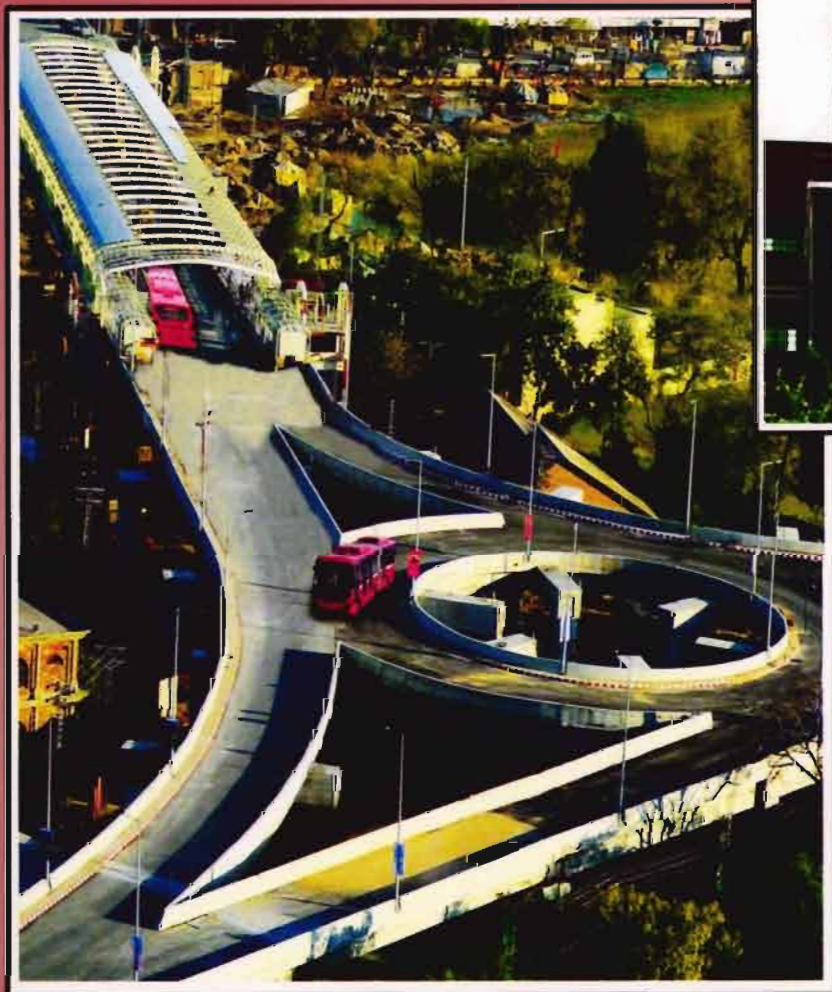


THE LAHORE DEVELOPMENT AUTHORITY ACT, 1975

(AS AMENDED BY Act XXVI OF 2013)



Lahore Development Authority



THE LAHORE DEVELOPMENT AUTHORITY ACT, 1975

(Pb Act XXX of 1975)

(Act XXVI of 2013)

[3 April 1975]

An Act to provide for the constitution of the Lahore Development Authority

Preamble.— WHEREAS it is expedient in the public interest to establish a comprehensive system of metropolitan planning and development in order to improve the quality of life in the area of Lahore Division, establish an integrated metropolitan and regional development approach and a continuing process of planning and development, to ensure optimum utilization of resources, economical and effective utilization of land and to evolve policies and programmes relating to the improvement of the environment of housing, industrial development, traffic, transportation, health, education, water supply, sewerage, drainage, solid waste disposal and matters connected therewith and incidental thereto;

It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Lahore Development Authority Act, 1975.

(2) It shall extend to Lahore Division.

(3) It shall come into force at once.

2. Alteration of boundaries.— The boundaries of the [Lahore Division] may, from time to time, be altered by the Government through a notification in the official Gazette.

3. Definitions.— In this Act—

(a) “Agency” means an Agency established by the Authority to perform one or more of its functions under the Act;

(b) “Authority” means Lahore Development Authority constituted under section 4 of the Act;

(c) “area” means the area of Lahore Division;

(d) “Chairman” means the Chairman of the Authority;

- (e) "Collector" means the Collector of a district appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes any officer specially appointed by the Board of Revenue, Punjab to perform the functions of Collector under this Act;
- (f) "Commissioner" means the Commissioner of Lahore Division;
- (g) "compensation" means payment in the form of cash or, at the option of the land owner in any other form such as bonds, debentures, annuities, alternate land, developed sites or a combination of two or more of such forms;
- (h) "concession" means the grant by the Authority of any of its rights, privileges or functions to a person in consideration of the investment made or arranged by such person at the instance of the Authority in a public utility infrastructure project;
- (i) "conversion" means any change in use of land or property from the one originally provided in an approved scheme or master plan of an area;
- (j) "Director General" means the Director General of the Authority.
- (k) "fee" means an amount levied by the Authority on the land, area, scheme or property on account of any privilege, benefit, services, transfer of rights and interests, issuance of a licence or permission or any cost and includes charges for provision of water supply, construction, maintenance and network of roads, drainage, sewerage and other services;
- (l) "Government" means Government of the Punjab;
- (m) "Government agency" includes –
 - (i) a division, department, bureau, section, commission, board, office, or unit of the Government;
 - (ii) a local government; and
 - (iii) a developmental or any other public authority, company or corporation owned or controlled by the Government or a local government;
- (n) "housing scheme" means a scheme which provides for residential sites, houses or apartments including ancillary land uses such as:
 - (i) building and other facilities for health, education, recreation, culture, transportation, communication and shopping;
 - (ii) environmental improvement; and
 - (iii) utility services such as water supply, drainage, sewerage, sanitation, electricity, fuel and other related services;
- (o) "land" includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and benefits arising out of land and things attached to earth or permanently fastened to earth;

- (p) "local government" means a local government as defined in the Punjab Local Government Act 2013 (XVIII of 2013) or in any other law;
- (q) "Managing Director" means the principal executive of an Agency;
- (r) "master plan" means the traditional method for presenting a set of land usage, allocation and control measures in the form of a map or in graphical form and is supported by written statement of goals and objectives, strategy, financial implications and policies for planning and development for an area and includes a structure plan, an outline development plan, a spatial plan, peri-urban structure plan and a metropolitan plan;
- (s) "member" means a member of the Authority and includes its Chairman;
- (t) "person" includes an individual, company, firm, institution, Government agency, co-operative society or association of individuals whether incorporated or not;
- (u) "person interested" includes a person claiming an interest in the compensation to be made on account of the acquisition of land under the Act;
- (v) "prescribed" means prescribed by rules or regulations;
- (w) "scheme" means a project approved for urban development, redevelopment or renewal and includes larger area plan, areas specified and notified for specific use, traffic control plans, classification and reclassification plans, housing scheme or zoning scheme;
- (x) "service area" means an area to be notified as such by the Authority and in which an Agency provides services;
- (y) "sponsor" means the sponsor or developer of a private housing scheme and, for the purpose of an offence liable to imprisonment under the Act, includes the chief executive, director or any other individual incharge of the scheme on behalf of sponsor entity;
- (z) "toll" means a charge levied and collected for the use of a road, bridge, flyover, underpass or similar other facility; and
- (aa) 'tribunal' means a tribunal constituted under the Act.

CHAPTER II

LAHORE DEVELOPMENT AUTHORITY

4. Establishment of the Lahore Development Authority.— (1) As soon as may be after the commencement of this Act, the Government shall establish an Authority to be called the Lahore Development Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, with perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and may, by the said name, sue and be sued.

(3) The Authority shall consist of the Chairman and members:

- Chairman
- (a) Chief Minister Punjab;
 - (b) six elected representatives to be nominated by the Government from amongst the following:-
 - (i) minimum two members of the Provincial Assembly of Punjab, not more than one from each district of Lahore Division;
 - (ii) minimum two members of the local government who may be Mayor of the Metropolitan Corporation, Lahore Chairman of a Municipal Committee or Chairman of a District Council, not more than one from each district of Lahore Division;
 - (iii) two members from either of the two categories as provided in clauses (i) and (ii);
 - (c) Chairman Planning and Development Board of the Government;
 - (d) Secretary to Government, Finance Department;
 - (e) Secretary to Government, Housing, Urban Development and Public Health Engineering Department;
 - (f) Secretary to Government, Local Government and Community Development Department;
 - (g) Commissioner;
 - (h) two technical experts to be appointed by the Government;
 - (i) Director General; and
 - (j) All Managing Directors.”; and

(4) The membership of the Authority may be altered, increased or decreased by the **Government**.

(5) [* * * * *]

(6) No act or proceeding of the Authority shall be invalid merely by reason of any vacancy in, or defect in the constitution of the Authority.

4-A. Vice Chairman.— (1) The Government may designate from among the members not more than two Vice Chairmen of the Authority.

(2) A Vice Chairman shall perform such functions as may be assigned to him by the Authority.]

5. Qualifications of the member.— No person shall be, or shall continue to be a member who—

- (a) is or, at any time, has been convicted of an offence involving moral turpitude; or
- (b) is or, at any time, has been adjudicated insolvent; or
- (c) is found to be a lunatic or of unsound mind; or
- (d) is a minor; or
- (e) has a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interests as a member and his private interests, and has failed to disclose such interest in writing to the Government.

6. Powers and functions of the Authority.— (1) Subject to the provisions of this Act and any rules framed thereunder, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing sub-section, the authority shall—

- (i) initiate and maintain a continuous process of comprehensive development planning for the area with the objective of preparing and implementing master plan;
- (ii) periodically update such **Master Plan** and co-ordinate its implementation by the Authority [and] other Government Agencies [* * *] within the Area;
- (iii) develop, operate and maintain water-supply, sewerage and drainage systems within the service area of the Water and Sanitation Agency to be established under section 10(2) of this Act;

- (iv) prepare Annual Development Programme for the area, ensure compliance of the Annual Development Programme with priorities established in the **Master Plan** after its preparation, and evaluate performance under the Annual Development Programme at the end of each year;
 - (v) establish, maintain and periodically revise as necessary, planning controls and building regulations for the Area to—
 - (a) provide appropriate urban design and protect public safety;
 - (b) ensure compliance with the **Master Plan** after its preparation; and
 - (vi) take all steps and measures necessary for the implementation and enforcement of the provisions of clauses (i) to (v) above.
- (3) Without in any way restricting the scope of sub-sections (1) and (2), the Authority may—
- (i) prepare, implement and enforce schemes for environmental improvements, housing, urban renewal including slum improvement and redevelopment, solid waste disposal, transportation and traffic, health and education facilities and preservation of objects or places of historical, archaeological, scientific, cultural and recreational importance;
 - (ii) take any steps or adopt any measures for the face lifting and beautification of the area;
 - (iii) acquire property, both movable and immovable;
 - (iv) sell, lease, exchange or otherwise dispose of or grant licence or concessions in respect of] any property vested in it;
 - (v) undertake any works and incur any expenditure;
 - (vi) procure machinery, instruments or any other material required by it;
 - (vii) enter into contracts;
 - (viii) cause studies, surveys, experiments or technical researches to be made or contribute towards the cost of any such studies,

- surveys, experiments or technical researches, made by any other Agency;
- (ix) issue interim development orders for areas for which a scheme is under preparation and restrict or regulate by general or special order any change in the use of land and alteration in building structures and installations;
 - (x) cause removal of any works obstructing the executions of its schemes;
 - (x-a) construct, maintain, upgrade and exclusively charge toll on roads, bridges, flyovers, underpasses or such other facilities within the area, grant concession in respect thereof;]
 - (xi) seek and obtain advice and assistance for the preparation of any scheme, or for the execution of any scheme from any Government Agency or person, and such Agency or person shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgment and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority; and
 - (xii) establish as many Agencies as it may consider necessary].

7. Meetings.— (1) The Authority shall meet at such place and at such time and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

- (2) The meetings of the Authority shall be presided over by –
- (i) the Chairman;
 - (ii) in the absence of the Chairman, the Vice Chairman;
 - (iii) in case there are more than one Vice Chairmen, in accordance with such priority as may be determined by the Authority; and
 - (iv) in the absence of the Chairman as well as the Vice Chairman, by a member of the Authority elected for the purpose by the members present, from amongst themselves.

DIRECTOR-GENERAL AND COMMITTEES

8. Appointment and term of office.— (1) The Director-General shall be appointed by Government on such terms and conditions as may be determined by the Government.

(2) The Director-General shall be the chief executive of the Authority and shall—

- (a) be a whole time officer of the Authority;
- (b) perform such duties as may be assigned to him and exercise such powers as may be delegated to him by the Authority; and
- (c) hold office for a term of three years and shall remain in office for three months thereafter or until a successor in that office is appointed, whichever is earlier.

(3) Nothing in this section shall preclude Government from extending the term of office of Director-General for such period as the Government may determine.

9. Resignation by or removal of Director-General.— Notwithstanding anything contained in this Act, the Director-General may, at any time before the expiry of his term and upon three months' notice, resign his office, or upon similar notice, be removed by Government without assigning any reason:

Provided that Government may upon payment of three months' salary and allowances in lieu of the notice, remove him immediately without assigning any reason.

10. Delegation.— (1) The Authority may, by general or special order, delegate to the Director-General, a committee constituted under section 12, an Agency, a member or an officer of the Authority, any of its powers, duties or functions under this Act or the rules made thereunder subject to such conditions as it may deem fit to impose.

(2) The Authority shall establish, by special order, an Agency, hereinafter called the Water and Sanitation Agency.

(3) Save as provided in sections 13, 14, 19, 22, 23, 24 and 28 of this Act and the matters specified in the First Schedule, the Agency established under sub-section (2) shall perform all functions and exercise all powers of the Authority with

regard to water supply, sewerage and drainage with power to collect rates, fees and charges for water supply, sewerage and drainage.

(4) The Managing Director of the Water and Sanitation Agency and other Agencies shall—

- (a) be appointed by Government on such terms and conditions as may be determined by Government;
- (b) hold office for a period of three years and will be responsible for its administration in accordance with such powers as shall be prescribed; and
- (c) remain in office for three months thereafter or until a successor in that office is appointed, whichever is earlier.

(5) Nothing in this section shall preclude the Government from extending the term of office of the Managing Director for such period as the Government may determine.

(6) Notwithstanding anything contained in this Act, the Managing Director may, at any time before the expiry of his term and upon three months' notice, resign this office or, upon similar notice, be removed by Government without assigning any reason:

Provided that Government may, upon payment of three months' salary and allowances in lieu of the notice, remove him immediately without assigning any reason].

11. Appointment of officers and employees.— The Authority may appoint such officers, advisors, experts, consultants and employees, as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

11A. Notwithstanding anything contained in section 11 or any rules or regulations made or orders or instructions issued thereunder or contained in the terms and conditions of service of any person employed or serving under the Authority or an Agency, the Authority may, at any time, retire or remove from such service any person after informing him in writing of the grounds on which such action is proposed to be taken and giving him an opportunity of showing cause in writing against the action within a period of 14 days.]

11B. Liability for loss.— Any person employed by or serving under the Authority or an Agency charged with the administration of the affairs of the Authority or an Agency or acting on behalf of the Authority or an Agency or acting under a contract with the

Authority or an Agency who is responsible for the loss, waste, misappropriation or misapplication of any money or property belonging to the Authority or an Agency which is a direct consequence of his negligence or misconduct in the discharge of his duties shall be liable to pay the loss suffered by the Authority or an Agency on the same being determined by the Authority after giving the person concerned a reasonable opportunity of being heard.]

12. Committees.— The Authority may constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.

CHAPTER IV

PREPARATION AND EXECUTION OF SCHEMES

13. Preparation of Schemes.— (1) The Authority shall, in such form and in such manner as may be prescribed, prepare schemes for the area or any part thereof.

(2) All schemes prepared by the Authority shall be submitted to the Government for its approval, except those schemes, the provisional estimated cost of which does not exceed such limit as may be prescribed by rules] or for which no loan or grant is required from the Government.

(3) The Authority shall publish the sanctioning of any scheme in the official Gazette and shall forthwith proceed to execute the scheme.

(4) The publication of a sanction under sub-section (3), shall be conclusive evidence that the scheme has been duly framed and sanctioned.

(5) A person, local body or Government agency shall not, within the area, prepare a planning or development scheme except with the concurrence of the Authority"; and

(6) In case of a private housing scheme, the Authority may grant approval subject to the following conditions:

- (a) mortgage with the Authority twenty percent plots of the scheme against development and clearance of all kinds of default under applicable laws, rules and regulations;
- (b) transfer of minimum fifty percent area of public building sites in the name of the Authority up to a maximum of two percent of the scheme area;

- (c) transfer of land falling under roads, parks, open spaces, graveyards or other such services in the name of the Authority;
- (d) such other conditions as may be prescribed.

(7) The Authority shall decide the application for approval within six months from the date of completion of the conditions under subsection (6).

(8) The approval of a farm housing schemes or a constructed houses scheme shall be subject to the conditions mentioned in subsection (6) and such other conditions or guarantees as may be prescribed.

(9) The development of an approved scheme shall be completed within the period given hereunder:

- (a) two years, in case of sub-division or an area up to 100 kanals;
- (b) three years, in case of an area from 101 kanals to 300 kanals; and
- (c) five years, in case of an area above 300 kanals.

(9) In every scheme, such provision for place of worship shall be made as may be prescribed.”

13A. Establishment of housing schemes, projects etc.– (1) The Authority may prepare, establish and develop housing and any other schemes, buildings, infrastructure, services, commercial, semi-commercial projects or sites and for the purpose it may enter into an agreement with any person.

(2) A housing scheme under subsection (1) shall be approved in the manner prescribed for the preparation of a scheme under this Act.”

14. Land use classification.– The Authority may, at any time, modify a scheme prepared under this Act by way of change of land use through classification, reclassification or redevelopment in the prescribed manner and shall publish, in the official Gazette, such modification or change.”

14A. Control of master plan, etc.– (1) The Authority shall make, maintain, amend, manage, enforce and keep in its custody the master plan of the area.

(2) The Authority shall, in the prescribed manner, exercise land use control and perform housing functions in the area.

(3) Notwithstanding anything contained in any other law, a person shall be bound to adhere to the master plan, rules and regulations for land use control and housing functions as referred to in subsections (1) and (2).

(4) In case any person contravenes any of the provisions of this section, the Authority may direct that till the time the contravention continues-

- (a) transfer of any immovable property shall be prohibited;
- (b) the Collector to impose a ban on the issuance of *Fard Malkiat*, registration of any document or attestation of mutation in favour of the said person; and
- (b) the local government, Agency or Government agency to stop or discontinue the provision of municipal services to such person."

15. Power to give directions.— (1) The Authority may require a Government Agency, within whose jurisdiction any particular locality or aspect of development covered by a scheme lies—

- (a) to execute a scheme in consultation with the Authority;
- (b) to take over and maintain any of the works and services in that area;
- (c) to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided; and
- (d) to enforce regulations on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme or on the taking over or maintenance of any work, or the enforcement of regulations, under this section, shall be borne as may be agreed to between the Authority and the Government Agency and in the event of disagreement, as may be determined by the Government.

16. Power to execute any scheme.— (1) Where the Authority is satisfied that any direction given by it under sub-section (1) of section 15 with regard to any scheme, has not been carried out by the Government Agency, the Authority may, itself, undertake any works for the execution of that scheme and the cost thereof, shall be borne as may be agreed between the Authority and the Government Agency and in the event of disagreement, as may be determined by the Government.

(2) Where any work is undertaken by the Authority under sub-section (1), it shall be deemed to have, for the purposes of execution of such work, all the powers which may be exercised under any law for the time being in force, by the Government Agency concerned.

CHAPTER V

GENERAL

17. Directions by Government.— The Authority shall, in discharging its functions, act and be guided, by such directions as Government may give to it from time to time.

17-A. Transfer of functions, etc.— Where the Authority ceases to perform a function and another organization controlled by the Government assumes that function, the Government may direct—

- (i) that the servants of the Authority connected with that function shall become servants of the said organization on such terms and conditions as the said organization may determine, subject to the condition that the said terms and conditions are not less favourable than those admissible to them as servants of the Authority; and
- (ii) that such part of the Fund of the Authority as the Government may determined shall stand transferred to the said organisation.]

18. Controlled area.— (1) The Authority may, by notification in the official Gazette, declare any locality within the area to be a controlled area for purposes of this Act and may issue in respect of such controlled area such directions as it considers fit and appropriate and do all such things as may be necessary for the prevention of haphazard growth, encroachments and unauthorized constructions in such area.

(2) The Authority may, by notification in the official Gazette, notify any controlled area to be no longer such area.

(3) The Authority may, by notification in the official Gazette, entrust any of its functions in any locality within the area, to any duly appointed agent or any Government agency.

(4) For purposes of subsection (3), the Authority may enter into an agreement with a person or any entity on such terms and conditions as may be mutually agreed.”

19. Assigning functions of a local government.— For any locality within the area, the local government may assign any of its functions to the Authority on such terms and conditions as may be mutually agreed and, while exercising such functions, the Authority may exercise the powers of the local government.”

20. Powers to remove sources of pollution.— The Authority shall have full powers to undertake improvements of the environment of the area or any part thereof, and to check, replace, eliminate, remove, demolish, conserve, resettle or relocate the sources of environmental pollution such as milk cattle, horses or other animals,

tongas, vehicular exhaust, industrial waste, solid waste, congestion, blight and slums, etc:

Provided that the Authority shall provide alternate accommodation or compensation, to be determined in accordance with the provisions in Chapter VI, to any person evicted from the premises owned by him.

21. Beautification.— The Authority shall also undertake beautification of the area or part thereof, in any manner it deems fit, or to prepare schemes and prescribe environmental standards to be adopted by the Government Agencies or persons or to direct any Government Agency or person to undertake any improvements or activities for beautification of the area or part thereof.

22. Borrowing money.— (1) The Authority shall be deemed to be a 'Local Authority' for the purpose of borrowing money and any scheme or project prepared or undertaken by the Authority shall be deemed to be "work" as defined in section 2 of the Local Authorities Loans Act, 1914, (Act No. IX of 1914):

Provided that no local or foreign loan shall be obtained by the Authority without the previous sanction of the Government.

(2) The Authority may, in consultation with the Finance Department, Government of the Punjab, borrow money or raise funds by issuing bonds or debentures or otherwise for carrying out the purposes of this Act, at such rate of interest as may be approved by the Government.

23. Power to levy betterment fee.— Where, as a consequence of any scheme having been executed by the Authority, the value of any property in that locality, in the opinion of the Authority, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein, a betterment fee in respect of the increase in value of the property resulting from the execution of the scheme.

24. Assessment of betterment fee.— (1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment fee, the execution of the scheme shall be deemed to have been completed and shall, thereupon give notice in writing to the owner of the property, or any person having an interest therein, that the Authority proposes to assess the amount of the betterment fee in respect of the property under section 23.

(2) The betterment fee under section 23 or under sub-section (1) of this section, shall be assessed and be payable, in the manner prescribed.

CHAPTER VI

ACQUISITION

25. Liability to acquisition.—(1) Notwithstanding anything contained in the Land Acquisition Act, 1894 (I of 1894), any land within the area shall be liable to acquisition at any time in accordance with the provisions of this Chapter.

(2) The Authority may acquire or purchase in a transparent manner any immovable property or land for any public purpose including development of housing or any other scheme, urban renewal, redevelopment, environmental improvement or removal of source of pollution or traffic congestion.”

25A. Application of Land Acquisition Act.— The Authority may acquire an immovable property under this Act and, unless otherwise provided under this Act, the provisions of the Land Acquisition Act, 1894 (I of 1894) shall apply.

25B. Compensation.— (1) The Authority shall determine the mode of compensation in the form of cash, bonds, debentures, annuities, alternate land, developed sites or in a combination of such forms.

(2) Where the Authority determines any mode of compensation other than cash, the person interested shall have the option to receive compensation either in cash or in that mode or both such forms if so determined by the Authority.

(3) Where the compensation is to be paid in cash, it shall be determined by the Collector at the time of announcement of the award.

(4) If any person has, by mistake, fraud or misrepresentation, received any compensation or any excess compensation, which was not payable to him, the Collector shall call upon such person to refund such amount and in case of default the Collector may recover it as arrears of land revenue.

(5) The Authority shall not provide alternate land or developed site in any scheme except the scheme for which the property was acquired.

(6) Where provision of alternate land or developed site is part of a scheme but for any reasons, such land or developed site cannot be provided, the Authority shall pay compensation in cash at such rate as is mentioned in the award of the Collector.

(7) If the Authority, after due diligence, satisfies any claim of compensation, the Authority shall not entertain any subsequent claim in respect of the property and the person who is subsequently declared as person interested shall recover the compensation from the person who earlier received compensation for the said property.

(8) The Collector, tribunal or a court may direct a beneficiary of compensation to compensate any subsequent bona fide claimant or person interested.

25C. Tribunal.— (1) The Government shall constitute a tribunal to decide objections regarding the person interested or the measurement of the land under acquisition, award, apportionment or payment of compensation.

(2) Notwithstanding anything contained in the Land Acquisition Act, 1894 (I of 1894), any person aggrieved from an award of the Collector may, within sixty days from the date of the award, submit objections against the award before the tribunal.

(3) The tribunal shall consist of a President and two assessors, each of them shall be called a member of the tribunal.

(4) The president of the tribunal shall be:

- (a) a Senior Civil Judge or a Civil Judge First Class with at least five years' experience as Civil Judge;
- b) an advocate of not less than seven years' experience as advocate of High Court; or
- (c) a retired District and Sessions Judge or a retired Additional District and Sessions Judge.

(5) The Government shall appoint the President and assessors for a period of two years on such terms and conditions as may be prescribed but a person who is more than sixty-five years of age shall not be appointed as the President or assessor.

(6) The Government shall prescribe qualifications of an assessor.

(7) The Government may:

- (a) dissolve the tribunal with effect from such date as may be mentioned in the notification to be published in the official Gazette; and
- (b) provide in that notification the consequences of such dissolution.

(8) The Government shall fill a vacancy in the tribunal within a period of thirty days from the date of occurrence of the vacancy.

(9) The Government may, on the recommendations of the President, create such posts of officers and staff as may be necessary and appointment to such posts shall be made in the prescribed manner.

(10) The Authority shall bear all expense of the tribunal, including remuneration of the members and other servants of the tribunal and such expense shall be valid charge on the funds of the Authority.

25D. Inquiry and decision.— (1) The tribunal may:

- (a) conduct an inquiry in any case;

- (b) while inquiring into a case, exercise powers of a civil court under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters:
- (i) summon and enforce attendance of a person, compel a person to give oral or written evidence on oath and to produce a document or any other material;
 - (ii) receive evidence on affidavit;
 - (iii) requisition information from any office; and
 - (iv) issue summons for witnesses or documents.

(2) The tribunal shall not be constituted in the absence of the President but the absence of an assessor or assessors shall not adversely affect the proceedings of the tribunal.

(3) A decision of the tribunal shall be expressed in terms of the opinion of the majority, or if the case has been decided by the President and only one of the assessors and there is a difference of opinion between them, the decision of the tribunal shall be expressed in terms of the opinion of the President.

(4) The tribunal shall finally decide a case within six months from the date of initiation of proceedings and if it fails to decide the case within six months then it shall conduct day to day proceedings in the case till the final decision of the case.

(5) The tribunal shall execute its decisions as if it is a civil court under the Code of Civil Procedure, 1908 (V of 1908).

25E. Patent errors.— The Collector or the tribunal may, at any time, correct any patent error of law or any patent arithmetical or clerical error or mistake in the award, decision or order.”

26. Purchase, lease or exchange of property.— The Authority may, by negotiations, in the prescribed manner, purchase, lease or exchange any land or building or any other property by entering into an agreement with the owner of the property, or a person legally competent to sell, lease out or exchange such property.”

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

27. Lahore Development Authority Fund.— (1) There shall be formed a fund to be known as the “Lahore Development Authority Fund” which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act including the payment of salaries and other remunerations to the members, officers, servants, experts and consultants of the Authority.

(2) To the credit of the Lahore Development Authority Fund shall be credited—

- (a) grants and loans made by the Government;
- (b) all moneys received from Federal Government or any inter-national agency by way of grants, loans, advances or otherwise;
- (c) all fees, rates and charges received by the Authority under the Act;
- (d) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;
- (e) proceeds from the self-financing schemes of urban development and environmental sanitation; and
- (f) all other sums receivable by the Authority.

(3) The aforesaid sums in respect of services related to water supply, sewerage and drainage shall be credited separately to the head “water supply and sanitation” and all other sums to the head “urban development”. The sums credited to the head “water supply and sanitation” shall be exclusively utilized for the purposes of water supply, sewerage and drainage].

(4) In case of deficit revenue of the Authority, the **Government** shall provide from its own revenues or from any other source, such sum as may be necessary for the efficient performance of the functions of the Authority under this Act.

(5) The Authority may keep in current account of any scheduled bank such sum as may be prescribed and any amount in excess of the said amount shall be invested in Government securities, Government sponsored saving schemes or in such manner as may be determined by the Authority.

Explanation— For the purpose of this sub-section, Government includes Federal Government.

28. Rates and fees.—“(1) The Authority may raise adequate funds to meet the cost of planning, expansion, execution, development, redevelopment, maintenance, zoning, classification, re-classification, augmentation, supervision, regulation and conversion of any property or any present and future scheme or any part of the scheme, by imposing rates, fees, surcharge, other charges and fines in the prescribed manner.

“(1a) The Authority may, in the prescribed manner, impose fee on change of land use owing to classification and reclassification.”

(2) The rates, fees and other charges for water supply, sewerage and drainage schemes] shall be such as to provide sufficient revenues—

- (i) to cover the operating expenses including taxes, if any, and interest to provide adequate maintenance and depreciation;
- (ii) to meet repayments on long term indebtedness to the extent that such repayments exceed the provision of depreciation;
- (iii) to finance the normal year to year extension of any of such schemes and to provide a reasonable portion of the cost of future major expansion of such schemes.

29. Fees on tube-wells.— (1) The Authority shall have the exclusive right to use ground water resources within the area.

(2) No person shall, without the permission of the Authority, install a tube-well at such places within the areas, as may be notified from time to time in the official Gazette by the Authority].

(3) The Authority may, in the prescribed manner, levy rate on any person who has installed or intends to install tube-well within the area.

(4) Any person violating the provisions of subsection (2) shall be liable to punishment under this Act along with closure or sealing of the said tube-well by the Authority.”

30. Accounts.— The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

31. Budget.— The Director General shall prepare, in such manner and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and each of its Agencies and shall submit the same to the Authority for approval.”

32. Audit.— The accounts of the Authority and each of its Agencies shall be audited annually by duly qualified auditors appointed by the Authority and each Agency respectively. This will be in addition to the pre-audit by the Government Auditors].

CHAPTER VIII

PENALTY AND PROCEDURE

33. Penalty.— (1) If a person contravenes any provision of this Act, or any rules or regulations made under this Act, 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 section 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).”

34. Penalty against sponsors.— The Authority, beside other steps, shall impose the fine mentioned below on the sponsor, if he continues to develop the scheme without approval of lay-out plan and scheme plan or fails to develop the scheme or sub-division of the scheme after approval of plan within the stipulated period:

- (a) five thousand rupees per day till the default continues in respect of the schemes having area up to 300 Kanals;
- (b) ten thousand rupees per day till the default continues in respect of the schemes having an area more than 300 kanals but up to 500 Kanals;
- (c) fifteen thousand rupees per day till the default continues for the schemes having an area more than 500 Kanals but up to 1000 kanals; and
- (d) twenty thousand rupees per day till the default continues for schemes having an area more than 1000 Kanals.

34A. Extension in time.— If a sponsor fails to complete the development work within the given time owing to reasons beyond his control, the Authority may, after recording reasons, once extend the period for completion of the development work up to two years on payment of penalty of ten thousand rupees per kanal, per year or part of it, of the total area of the scheme.

34B. Cancellation of approved scheme.— (1) In case a sponsor or developer is unable to develop or complete an approved scheme, he may apply to the Authority for the cancellation of the scheme subject to the condition that he has not sold any plot in the scheme and provides such surety as the Authority deems appropriate.

(2) Subject to the conditions mentioned in subsection (1), the Authority may cancel the scheme on payment of all the outstanding dues including fine, and value of the fifty percent of the public building sites transferred or liable to be transferred to the Authority.

(3) The approved evaluator of the Authority shall, in the prescribed manner, assess the value of land under subsection (2).

(4) Nothing in this section shall be construed to absolve the sponsor from satisfying any claim of a third person arising out of the cancellation of the approved plan or scheme.

the sponsor or developer to adhere to the applicable laws, rules and regulations, recommending such conditions, modifications, amendments, fines, penalties, approval and disapproval according to the nature of each case; and

- (c) illegally constructed structures, give recommendations in order to regularize such structures, if deem appropriate, requiring the owner to adhere to the applicable laws, rules and regulations, recommending such conditions, modifications, amendments, fines, penalties, demolition of structures according to the nature of each case.

(6) No matter under subsection (1) arising after the date of promulgation of this Act shall be referred to the Commission by the Authority in and manner whatsoever.

(7) Any person aggrieved by the recommendations of the Commission may, within sixty days from the date of communication of the recommendations, prefer an appeal to Lahore High Court.

(8) Subject to the decision of appeal under subsection (7) the recommendations of the Commission shall be binding on the Authority.

(9) The Government may, on the recommendations of the Chairman of the Commission, create such posts of officers and staff as may be necessary and appointment to such posts shall be made in the prescribed manner.

(10) The Authority shall bear all expense of the Commission, including remuneration of the Chairman and members and other servants of the Commission and such expense shall be a valid charge on the funds of the Authority.

(11) The Government may, by notification, make rules for giving effect to the provisions of this section.

39. Ejection of unauthorized occupants.— (1) Subject to an opportunity of hearing, the Director General or any person authorized by the Director General may summarily eject any person in unauthorized occupation of any land or property vested in the Authority and may for such ejection use such force as may be necessary.

(2) Subject to an opportunity of hearing, the Director General or any person authorized by the Director General 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 ejection, use such force as maybe necessary.

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

40. Removal of building, etc. 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 or of any rule, regulation or order made thereunder the [Director General] or any person authorized by him or the Authority in this behalf, may, by 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 said provisions of this Act.

(2) If an order under sub-section (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the [Director General] or any 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 as aforesaid.

41. Members, officers and employees to be public servants.— The Chairman, [Vice Chairman,] members, Director-General, officers, servants, experts and consultants of the Authority [or the Managing Director of an Agency] shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

42. Immunity of the Authority and its employees.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, [Vice Chairman,] the Director General, any member, officer, servant, expert or consultant

of the Authority [or the Managing Director of an Agency], in respect of anything done or intended to be done in good faith under this Act.

43. Jurisdiction of courts barred.— Save as otherwise provided by this Act, no court or other Authority shall have jurisdiction to question the legality of anything done or any action taken under this Act, by or at the instance of the Authority.

44. Power to make rules.— Subject to the provisions of this Act, Government may make rules for carrying into effect the purposes of this Act.

45. Power to make regulations.— Subject to the provisions of this Act, and the rules framed thereunder the Authority may make regulations as may be necessary, to carry out the purposes of this Act.

46. Act to prevail over other laws.— In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other law, the provisions of this Act shall, to the extent of such conflict or inconsistency, prevail particularly in matters of master plan, land use and housing functions.”

47. Succession.— On the establishment of the Authority under this Act—

- (i) all functions and powers with respect to the formulation, sanction and execution of schemes, and all functions with regard to water supply, sewerage and drainage within the area, heretofore performed by the Lahore Improvement Trust, shall be exercised and performed by the Authority.
- (ii) all properties, assets and liabilities pertaining to the Lahore Improvement Trust, shall vest in and be the properties, assets and liabilities, as the case may be, of the Authority.

CHAPTER X

REPEAL

48. Repeal and savings.— (1) The Lahore Water and Sewerage Authority Act, 1975, is hereby repealed.

(2) On the establishment of the Authority under this Act, the Town Improvement Act, 1922, shall cease to apply to the Area and all schemes, projects, or works started under the said Act but not completed, shall be taken over by the Authority and executed under the provisions of this Act

(3) Notwithstanding the repeal of the Lahore Water and Sewerage Authority Act, 1975 and the fact of the Town Improvement Act, 1922, ceasing to apply to the Area—

- (i) all rules, regulations and orders made, notifications issued, land acquired, schemes prepared or executed, rates and fees imposed, penalties or other charges levied, contracts entered into, suits instituted by or against Lahore Water and Sewerage Authority or the Lahore Improvement Trust or any other right accrued, or liability incurred or action taken or proceedings initiated, shall so far as they are consistent with the provisions of this Act continue in force and be deemed to have been made, imposed, levied, entered into, instituted, prepared, executed, accrued or incurred, taken and initiated under this Act;
- (ii) the provisions of sections 45, 56, 57, 58, 59, 60, 61, 62, 63, 64 and 65 of the Town Improvement Act, 1922, shall continue to apply in so far as the acquisitions made under the Land Acquisition Act, 1894, are concerned and shall be deemed to have always applied.

FIRST SCHEDULE

[See SECTION 10(3)]

- (1) Major questions of policy.
- (2) Determining tariff of rates, fees and charges.
- (3) Appointment of Managing Directors and officers immediately subordinate to them.
- (4) Fixing salary structures and staffing levels.
- (5) Incurring long term loans.
- (6) Making of regulations].

“SECOND SCHEDULE

[see section 35]

LIST OF OFFENCES

Part-A

- 1. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public watercourse 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

3. Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Act.
4. Failure to deliver back possession of property to the Authority on expiration and cancellation of lease or allotment or exemption of plot.
5. 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 the Act, the rules or regulations.
6. 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.
7. 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.
8. 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.
9. 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.
10. Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden Khokas or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority
11. Obstructing or tampering with any road, street, drain or sewer pipe 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.
12. Connecting any house drain with a drain in a public street without approval of the Authority;
13. Drawing off, diverting or taking any water except with the permission required under this Act, rules or regulations.

14. 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.
15. Refusal or willfully neglecting to provide any officer 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.
16. Failure or neglect of the sponsor to abide by or fulfill the commitment made to a person regarding allotment of a plot, housing unit or price of the same in any scheme.
17. without lawful excuse, failing or refusing to comply with any direction or order issued by the Authority under this Act.
18. Attempting to commit or abetting the commission of an offence punishable under this Act."

Commission on issues of bona fide purchasers, illegal schemes and illegal constructions.

– (1) After the commencement of this Act, the Government shall constitute a Commission, as a one-time dispensation, for considering and deciding matters and disputes pertaining to *bona fide* purchase for value owing to irregular or fraudulent transaction in respect of property, establishment of scheme in an illegal manner or illegally constructed structures.

(2) The Government shall appoint the Chairman and members of the Commission on such terms and conditions as may be prescribed and until so prescribed as the Government may determine.

(3) The Commission shall perform its functions in such manner as may be prescribed and until so prescribed as the Government may determine.

(4) The Authority or any officer so authorized by the Authority, on its own motion or on the application of any person, may refer any matter to the Commission for consideration, resolution and decision if a *prima facie* case is made out.

(5) The Commission shall consider and make appropriate recommendations on matter pertaining to:

(a) bona fide purchase for value owing to irregular or fraudulent transaction in respect of property, the extent of legality or illegality of the transaction, apportionment of responsibility in irregular or fraudulent transaction and translation of this responsibility into monetary terms and recommendation of such conditions, fines, rates or fix price, retrieval of property and demolition as deemed appropriate according to the nature of each case;

(b) establishing a scheme in an illegal manner, give recommendations in order to regularize such schemes, if deem appropriate, requiring

the sponsor or developer to adhere to the applicable laws, rules and regulations, recommending such conditions, modifications, amendments, fines, penalties, approval and disapproval according to the nature of each case; and

(c) illegally constructed structures, give recommendations in order to regularize such structures, if deem appropriate, requiring the owner to adhere to the applicable laws, rules and regulations, recommending such conditions, modifications, amendments, fines, penalties, demolition of structures according to the nature of each case.

(6) No matter under subsection (1) arising after the date of promulgation of this Act shall be referred to the Commission by the Authority in and manner whatsoever.

(7) Any person aggrieved by the recommendations of the Commission may, within sixty days from the date of communication of the recommendations, prefer an appeal to Lahore High Court.

(8) Subject to the decision of appeal under subsection (7) the recommendations of the Commission shall be binding on the Authority.

(9) The Government may, on the recommendations of the Chairman of the Commission, create such posts of officers and staff as may be necessary and appointment to such posts shall be made in the prescribed manner.

(10) The Authority shall bear all expense of the Commission, including remuneration of the Chairman and members and other servants of the Commission and such expense shall be a valid charge on the funds of the Authority.

(11) The Government may, by notification, make rules for giving effect to the provisions of this section.