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PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

The 3rd April 1975

No. PAP/Legis-2(22)/75/50—The Lahore Development Authority Bill, 1975 having been passed by the Provincial Assembly of the Punjab on the fifth day of March, 1975, and assented to by the Governor of the Punjab on the 3rd day of April, 1975, is hereby published as an Act of the Provincial Legislature of the Punjab.

THE LAHORE DEVELOPMENT AUTHORITY ACT,

1975

PUNJAB ACT No. XXX OF 1975

(First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary), dated the 3rd April, 1975).

AN

ACT

to provide for the Constitution of the Lahore Development Authority.

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 metropolitan area of Lahore, 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, edu-

Preamble.

(499)

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cation, water supply, sewerage, drainage, solid waste disposal and matters connected therewith and incidental thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Lahore Development Authority Act, 1975.

(2) It shall extend to such area as may be notified as Lahore metropolitan area by the Government.

(3) It shall come into force at once.

Alteration
of bounda-
ries.

2. The boundaries of the metropolitan area may, from time to time, be altered by the Government through a notification in the official Gazette.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "Authority" means the Lahore Development Authority constituted under section 4 of this Act;

(b) "Area" means the Lahore Metropolitan area to which this Act applies;

(c) "Chairman" means the Chairman of the Authority;

(d) "Deputy Commissioner" means the Deputy Commissioner of the District concerned and includes any other officer appointed by the Authority to exercise all or any of the powers and discharge any of the functions under this Act;

(e) "Government" means the Government of the Punjab;

(f) "Government Agency" includes—

(i) a division, department, bureau, section, commission, board, office, or unit of the Government;

(ii) a municipal committee or a Municipal Corporation; and

(iii) a developmental or any other public authority, company or corporation (whether autonomous or semi-autonomous) owned or controlled by Government or a municipal body;

(g) "Land" includes earth, water and air, above, below or on the surface and any improve-

ments in the structure customarily regarded as land and benefits arising out of land and things attached to earth or permanently fastened to earth;

(h) "Member" means a member of the Authority and includes its Chairman;

(i) "Person" includes an individual, company, firm, Co-operative Society or Association of individuals whether incorporated or not; and

(j) "Prescribed" means prescribed by rules or regulations.

CHAPTER II

LAHORE DEVELOPMENT AUTHORITY

4. (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 purpose of this Act. Establishment of the Lahore Development Authority.

(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—

(a) Chief Minister of the Punjab ... Member/
Chairman

(b) Minister for Housing and Physical Planning, Government of the Punjab; ... Member

(c) Minister for Local Government and Social Welfare, Government of the Punjab; ... Member

(d) Chief Secretary to Government of the Punjab; ... Member

(e) Chairman, Planning and Development Board, Punjab; ... Member

(f) Secretary to Government of the Punjab, Finance Department; ... Member

(g) Secretary to Government of the Punjab, Housing and Physical Planning Department; ... Member

- (h) Secretary to Government of the Punjab, Transport Department; ... Member
- (i) Secretary to Government of the Punjab, Local Government Department. ... Member
- (j) Mayor, Lahore Municipal Corporation; ... Member
- (k) all the Chairmen of the Municipal Committees of the City of Lahore; ... Member
- (l) Such other persons as may be appointed by the Government; and ... Member
- (m) Director-General of the Authority. ... Member

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

(5) The members, except the *ex-officio* members, shall hold office for a term of three years:

Provided that a member referred to in clause (j) and the members referred to in clause (k) shall, on ceasing to be the Mayor of the Lahore Municipal Corporation or the Chairmen of the Municipal Committees of the City of Lahore, as the case may be, cease to hold office as such members, notwithstanding that the said term of three years has not expired.

(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.

Disqualifications
of the member

5. 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. (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. Powers and Functions of the Authority.

(2) Without prejudice to the generality of the foregoing sub-section, the Authority may—

(i) prepare, implement and enforce the Lahore Metropolitan Development Plan;

(ii) prepare, implement and enforce the Annual Development Programmes for the area;

(iii) prepare, implement and enforce schemes for environmental improvements, housing, urban renewal including slums, clearance and redevelopment, water supply, sewerage, drainage, solid waste disposal, transportation and traffic, health and education facilities and preservation of objects or places of historical, archaeological, scientific, cultural and recreational importance;

(iv) take any steps or adopt any measures for the face lifting and beautification of the Area;

(v) acquire property, both movable and immovable;

(vi) sell, lease, exchange or otherwise dispose of any property vested in it;

(vii) undertake any works and incur any expenditure;

(viii) procure machinery, instruments or any other material required by it;

(ix) enter into contracts;

(x) cause study, surveys, experiments, technical researches or to contribute towards the cost of any such studies, surveys, experiments or technical researches, made by any other Agency;

(xi) 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;

(xii) cause removal of any works obstructing the execution of its schemes;

(xiii) seek and obtain advice and assistance for the preparation of any scheme, or for the execution

of any schemes 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.

Meeting's.

7. (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 Chairman shall preside over the meetings of the Authority and in his absence any other member of the Authority, elected by the members, shall preside over the meeting.

CHAPTER III

DIRECTOR GENERAL AND COMMITTEES

Appoint-
ment and
term of
office.

8. (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.

Resignation
by or re-
moval of
Director-
General.

9. 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. The Authority may, by general or special orders, delegate to the Director General or a Committee constituted under section 12, or a member, or an officer of the Authority, any of its powers, duties, or functions under this Act, subject to such conditions as it may think fit to impose.

11. 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.

12. 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. (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 Rs. 10 lacs 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) No planning or development scheme shall be prepared by any person or local body or Government agency within the area except with the concurrence of the Authority.

14. Any scheme prepared under this Act may, at any time, be amended or modified by the Authority in the same manner as may be prescribed for the preparation of a scheme.

Power to
give direc-
tions.

15. (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.

Power to
execute any
scheme.

16 (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

Directions
by Govern-
ment.

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

Controlled
Area.

18. The Authority may, by notification in the official Gazette, declare any locality within the Area to be a controlled area, for the purposes of this Act and may issue in respect of such locality 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 unauthorised constructions in such area.

19. During such period and for such locality, as the Government may, by notification in the official Gazette, specify, the Authority may, notwithstanding anything contained in any other law for the time being in force, exercise and perform such powers and functions as a Municipal Committee or a Municipal Corporation, may exercise and perform, in relation to a Municipality or a City, under the Punjab Local Government Act, 1975.

Power to act
as a Muni-
cipal Commi-
tee.

20. 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 milch cattle, horses or other animals, tongas, vehicular exhaust, industrial waste, solid waste, congestion, blight and slums, etc. :

Powers to
remove sour-
ces of pollu-
tion.

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. 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.

Beautifi-
cation.

2. (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):

Borrowing
money.

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. 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, with the previous consent of the Government, be entitled to levy upon the

Power to
levy better-
ment Fee.

Assessment
Assessment
of better-
ment Fee.

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. (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

Liability to
acquisition.

25. Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894, all land within the area shall be liable to acquisition at any time in accordance with the provisions of this chapter.

Application
of Act No.
VIII of
1973

26. The Authority shall be deemed to be an "Official Development Agency" and all schemes prepared by the Authority shall be deemed to be "Housing Schemes" as defined in Section 2 of the Punjab Acquisition of Land (Housing) Act, 1973 (Act No. VII of 1973), for the purposes of acquiring land under this Act and the provisions of Section 4 of Section 20 of the said Act, shall, with all necessary adaptations, *mutatis mutandis*, apply as if they have been enacted and form part of this Act.

CHAPTER VII;

FINANCE, ACCOUNTS AND AUDIT

Lahore De-
velopment
Authority
Fund.

27. (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 made by the Government;
- (b) all moneys received from Federal Government or any international 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 shall be credited separately under two heads namely, 'Urban Development' and 'Environmental Sanitation' as may be prescribed.

(4) In case of deficit revenue of the Authority, the Government shall provide from its own revenues or from any other source, such sum 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. (1) With the previous consent of the Government adequate funds may be raised by the Authority from time to time, to meet the cost of its schemes by imposing rates, fees and other charges. Rates and Fees.

(2) The rates, fees and other charges shall be such as to provide sufficient revenues—

- (i) to cover the operating expenses including taxes, if any, an 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. (1) The Authority shall have the exclusive right to use ground water resources within the area.

(2) The Authority may levy rates on private persons or private bodies who have installed or may install tube-wells within its jurisdiction.

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

31. The Authority shall prepare every year, in such form 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 shall submit the same to the Government for approval. If the Government does not approve or modify the budget within thirty days of its receipt, the budget as prepared by the Authority shall be deemed to be the approved budget.

32. The accounts of the Authority shall be audited in such manner as may be directed by Government.

CHAPTER VIII

PENALTY AND PROCEDURE

33. Whoever contravenes any provision of this Act, or any rules or regulations made thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

34. (1) Whoever wilfully causes damage, or a damage to be caused any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converts it to his own or other person's use, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever refuses or wilfully neglects 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 shall be punishable with imprisonment extending to one year or fine or both.

(3) Whoever, without lawful excuse, fails or refuses to comply with any direction or order issued by the Authority under this Act, shall be guilty of an offence punishable under Section 33.

(4) Whoever attempts to commit or abets the commission of an offence punishable under this Act, shall be deemed to have committed that offence.

(5) Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898, may, if such Magistrate thinks fit, on application being made in this behalf by the prosecution, try an offence punishable under this Act, in accordance with the provisions contained in Sections 262 to 265 of the said Code.

35. No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by an officer authorized for the purpose, by the Authority.

Cognizance
of offences
by Courts.

CHAPTER IX

MISCELLANEOUS

36. The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date, as may be prescribed.

Annual
Report.

37. 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.

Recovery of
dues.

38. Any conversion of property to a different use or purpose than the one provided under a scheme, by a person or agency, without the previous approval of the Authority in writing, shall be punishable with a fine which may extend to rupees five hundred 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.

Conversion
of property
to a different
use.

Summary
ejection of
unauthorized
occupants.

39. The Deputy Commissioner or any person authorized by him or the Authority, in this behalf 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.

Removal of
building,
etc. erected
or used in
contraven-
tion of this
Act.

40. (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 Deputy Commissioner 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 Deputy Commissioner 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 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.

Members,
officers and
employees
to be public
servants.

41. The Chairman, Members, Director-General, Officers, Servants, Experts and Consultants of the Authority 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.

Immunity
of the Au-
thority and
its employ-
ees.

42. No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, the Director-General, any Member, Officer, Servant, Expert or Consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act.

Jurisdiction
of courts
barred.

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

45. 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. Power to make regulations.

46. Subject to the Constitution, in the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other law for the time being in force, the provisions of this Act shall, to the extent of such conflict or inconsistency, prevail. This Act to prevail over other laws.

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

(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 liabilities, as the case may be, of the Authority.

CHAPTER X

REPEAL

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

(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, 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.

By order of the
SPEAKER

Provincial Assembly of the Punjab.

SH. MUHAMMAD ASADULLAH

SECRETARY

Provincial Assembly of the Punjab.