

THE LAHORE DEVELOPMENT AUTHORITY (AMENDMENT) ORDINANCE 2013

(III OF 2013)

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TEXT

THE LAHORE DEVELOPMENT AUTHORITY (AMENDMENT) ORDINANCE 2013

(III of 2013)

[19th September, 2013]

An

Ordinance

further to amend the Lahore Development Authority Act, 1975.

Whereas it is expedient to amend the Lahore Development Authority Act, 1975 (XXX of 1975) for purposes hereinafter appearing;

And whereas the Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in exercise of powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.— (1) This Ordinance may be cited as the Lahore Development Authority (Amendment) Ordinance 2013.

(2) It shall come into force at once.

2. Amendment in preamble of Act XXX of 1975.— In the Lahore Development Authority Act, 1975 (XXX of 1975), hereinafter referred to as the said Act, in the preamble, for the words “metropolitan area of Lahore”, the words “area of Lahore Division” shall be substituted.

3. Amendment in section 1 of Act XXX of 1975.— In the said Act, in section 1, for subsection (2), the following shall be substituted:

“(2) It shall extend to Lahore Division.”

4. Amendment in section 2 of Act XXX of 1975.— In the said Act, in section 2, for the words “City District”, the word “Division” shall be substituted.

5. Amendment in section 3 of Act XXX of 1975.— In the said Act, for section 3, the following shall be substituted:

“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) “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;
- (k) “Government” means Government of the Punjab;
- (l) “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;
- (m) “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;
- (n) “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;
- (o) “local government” means a local government as defined in the Punjab Local Government Act 2013 (*XVIII of 2013*) or in any other law;
- (p) “Managing Director” means the principal executive of an Agency;
- (q) “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;
- (r) “member” means a member of the Authority and includes its Chairman;
- (s) “person” includes an individual, company, firm, institution, Government agency, co-operative society or association of individuals whether incorporated or not;
- (t) “person interested” includes a person claiming an interest in the compensation to be made on account of the acquisition of land under the Act;
- (u) “prescribed” means prescribed by rules or regulations;
- (v) “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;
- (w) “service area” means an area to be notified as such by the Authority and in which an Agency provides services;
- (x) “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;
- (y) “toll” means a charge levied and collected for the use of a road, bridge, flyover, underpass or similar other facility; and
- (z) ‘tribunal’ means a tribunal constituted under the Act.”

6. Amendment in section 4 of Act XXX of 1975.— In the said Act, in section 4:

- (a) for subsection (3), the following shall be substituted:

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

- (a) Chief Minister Punjab; Chairman
- (b) four elected representatives, one from each district of Lahore Division, to be nominated by the Government;
- (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;

Director General; and

- (j) All Managing Directors.”; and

- (b) in subsection (4), the words “Zila Council with the approval of” shall be omitted.

7. Amendment in section 6 of Act XXX of 1975.— In the said Act, in section 6, in subsection (2):

- (a) in clause (i), for the words “a Metropolitan Development Plan”, the words “and implementing master plan” shall be substituted; and
- (b) in clauses (ii), (iv) and (v), for the words “Metropolitan Development Plan”, wherever occur, the words “master plan” shall be substituted.

8. Amendment in section 10 of Act XXX of 1975.— In the said Act, in section 10, in subsection (3), after the words “specified in the”, the word “First” shall be inserted.

9. Amendment in section 13 of Act XXX of 1975.— In the said Act, in section 13:

- (a) for subsection (5), the following shall be substituted:

“(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

- (b) for subsection (6), the following shall be substituted:

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

- (a) mortgage of twenty percent plots of the scheme with the Authority 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;
- (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 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.

(8) 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.”

10. Insertion of section 13A in Act XXX of 1975.— In the said Act, after section 13, the following section 13A shall be inserted:

“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.”

11. Amendment in section 14 of Act XXX of 1975.— In the said Act, for section 14, the following shall be substituted:

“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.”

12. Insertion of section 14A in Act XXX of 1975.— In the said Act, after section 14, the following section 14A shall be inserted:

“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:

- (a) 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 till such time as the violation continues; and
- (b) the local government, Agency or Government agency to stop or discontinue the provision of municipal services to such person till such time as the violation continues.”

13. Amendment in section 18 of Act XXX of 1975.— In the said Act, for section 18, the following shall be substituted:

“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.”

14. Amendment in section 19 of Act XXX of 1975.— In the said Act, for section 19, the following shall be substituted:

“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.”

15. Amendment in section 23 of Act XXX of 1975.— In the said Act, in section 23, the words and commas “, with the previous consent of the Government,” shall be omitted.

16. Amendment section 25 of Act XXX of 1975.— In the said Act, for section 25, the following shall be substituted:

“25. Liability to acquisition.—(1) Notwithstanding anything contained in the Land Acquisition Act, 1894 (*1 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 in 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, 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.
- (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 a 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 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.”

17. Amendment in section 26 of Act XXX of 1975.— In the said Act, for section 26, the following shall be substituted:

“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.”

18. Amendment in section 27 of Act XXX of 1975.— In the said Act, in section 27, in subsection (4), the word “District” shall be omitted.

19. Amendment in section 28 of Act XXX of 1975.— In the said Act, in section 28, for subsection (1), the following shall be substituted:

“(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, 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.”

20. Amendment in section 29 of Act XXX of 1975.— In the said Act, in section 29, after subsection (2), the following shall be inserted:

“(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.”

21. Amendment in section 31 of Act XXX of 1975.— In the said Act, for section 31, the following shall be substituted:

“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.”

22. Amendment in section 33 of Act XXX of 1975.— In the said Act, for section 33, the following shall be substituted:

“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)."

23. Amendment of section 34 of Act XXX of 1975.— In the said Act, for section 34, the following shall be substituted:

"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 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 five percent of the total market value of the land of the scheme.

(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.

(5) A sponsor of an approved plan or scheme may hand over or transfer the approved plan or scheme to another sponsor after obtaining a no objection certificate from the Authority in the prescribed manner.”

24. Amendment in section 35 of Act XXX of 1975.— In the said Act, in section 35, the following shall be substituted:

“35. Offences and cognizance.— If a person commits an offence specified in:

(a) Part-A of Second Schedule, such person shall be liable to imprisonment for a term which may extend to seven years or fine which may extend to five hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence, the Court may impose a further fine which may extend to fifty thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission; and

(b) Part-B of Second Schedule, he shall be liable to imprisonment for a term which may extend to three years or fine which may extend to one hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence, the Court may impose a further fine which may extend to ten thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission.

(2) An offence punishable under subsection (1) shall be cognizable on a complaint in writing of an officer authorized by the Authority to the officer incharge of the police station.”

25. Amendment in section 36 of the Act XXX of 1975.— In the said Act, in section 36, for the words “District Government and Provincial Government”, the word “Government” shall be substituted.

26. Amendment in section 38 of Act XXX of 1975.— In the said Act, for section 38, the following shall be substituted:

“38. Conversion of property to a different use.— If a person converts a property to a different use or purpose than the one provided under a scheme, master plan or classification map without the previous approval in writing of the Authority, he shall be liable to punishment of fine which may extend to ten thousand rupees 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.”

27. Amendment in section 39 of Act XXX of 1975.— In the said Act, for section 39, the following shall be substituted:

“39. Ejectment of unauthorized occupants.— 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 ejectment use such force as may be necessary.”

28. Amendment in section 40 of Act XXX of 1975.— In the said Act, in section 40:

- (a) for the words “District Coordination Officer”, wherever occur, the words “Director General” shall be substituted; and
- (b) in subsection (2), after the words “use of land”, the words “by sealing the premises or land” shall be inserted.

29. Amendment in section 46 of Act XXX of 1975.— In the said Act, for section 46, the following shall be substituted:

“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.”

30. Amendment in Schedule of Act XXX of 1975.— In the said Act, in the Schedule, before the word “Schedule”, the word “FIRST” shall be inserted.

31. Insertion of Second Schedule in Act XXX of 1975.— In the said Act, after First Schedule, the following Second Schedule shall be inserted:

“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 water course or public land vested in, managed, maintained 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 powers conferred under this Act.
4. Failure to deliver back possession of property to the Authority on expiration or 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.”

32. Commission on issues on issues of bona fide purchasers, illegal schemes and illegal constructions.- (1) After the commencement of this Ordinance, 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 matters 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 Ordinance shall be referred to the Commission by the Authority in any 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) 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.

(9) 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.

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