REGISTERED No. L-7532

The Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY APRIL 17 , 1976.

PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

The 17th April, 1976.

No. PAP/Legis-2(3)/75-76/41 The Lahore Development Authority (Amendment) Bill, 1976 having been passed by the Provincial Assembly of the Punjab on the sixth day of April, 1976, and assented to by the Governor of the Punjab on the 7th day of April, 1976, is hereby published as an Act of the Provincial Legislature of the Punjab.

THE LAHORE DEVELOPMENT AUTHORITY(AMENDMENT) ACT, 1976.

PUNJAB ACT NO. VI OF 1976.

(First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extra-ordinary), dated the 17th April, 1976.)

Price: 13 Paisa

AN
ACT

to amend the Lahore Development Authority Act, 1975.

Preamble. WHEREAS it is expedient to amend the Lahore Develop Authority Act, 1975 (Punjab Act No. XXX of 1975), in the m hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement. 1. (1) This Act may be called the Lahore Development A (Amendment) Act, 1976.

(2) It shall come into force at once but shall be deem taken effect on and from 12th February, 1976.

Amendment to section 3 of Act No. XXX of 1975. 2. In the Lahore Development Authority Act, 1975 (hereina referred to as the Principal Act) in section 3, the following a ments shall be made:-

(i) The existing clause (a) shall be re-lettered as and before the clause (aa) as so re-lettered, t following new clause (a) shall be added:-

"(a) 'Agency' means an Agency established by Authority to perform one or more of its fu tions under this Act;"

(ii) After the existing clause (g) and before the exi clause (h), the following new clause (gg) shall b inserted:-

"(gg) 'Managing Director' means the Principa cutive of an Agency".

(iii) in clause (i), the word "and" at the end shall be deleted;

(iv) in clause (j), the full-stop at the end shall be s stituted by a semi-colon and thereafter the wor 'and' shall be added.

(v) after the existing clause (j), at the end, the fol new clause (k) shall be added:-

"(k) 'Service area' means an area to be notified such by the Government and in which Agency provides services."

Amendment to section 4 of Act No. XXX of 1975. 3. In the Principal Act, in Section 4, in sub-section (3),-

(i) in clause (1), the word "and" appearing at the end be deleted;

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(ii) in clause (m), the full-stop appearing at the end shall be replaced by a semi-colon and after clause (m) so amended, the following new clauses shall be added, namely:-

"(n) all the Managing Directors of the Agencies established by the Authority; and Members.

(o) two Members of the Provincial Assembly of the Punjab elected from the Area, to be nominated by Government. Members."

Amendment to section 6 of Act No. XXX of 1975.

In the Principal Act, in Section 6, the existing sub-section shall be substituted by the following:-

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

(i) initiate and maintain a continous process of comprehensive development planning for the area with the objective of preparing a Metropolitan Development Plan;

(ii) periodically update such Metropolitan Development Plan and co-ordinate its implementation by the Authority, other Government Agencies, and municipalities 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 Metropolitan Development 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 Metropolitan Development Plan after its preparation; and

(vi) take all steps and measures necessary for the implementation and enforcement of the provisions of clause (i) to (v) above."

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Amendment to section 6 of Act No. XXX of 1975.

5. In the Principal Act, in section 6, after sub-section (2), the following new sub-section shall be added:-

"(3) Without in any way restricting the scope of sub-section (1) and (2), the Authority may---

(i) prepare, implement and enforce schemes for environmental improvements, housing, urban renewal including slum improvement and re-development, 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 betterment lifting and beautification of the area;

(iii) acquire property, both movable and immovable;

(iv) sell, lease, exchange or otherwise dispose 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 execution of its schemes;

(xi) seek and obtain advice and assistance for the preparation of any scheme, or for the execution of a 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 judgement 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."

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In the Principal Act, for the existing section 10, the following shall be substituted:- Amendment to section 10 of Act No. XXX of 1975.

"10. (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 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 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."

Contd. . . . . P- 832.

Amendment to section 13 of Act No. XXX of 1975.

7. In the Principal Act, in Section 13, in sub-section(2), for the figures and word "10 lacs", the words "such limit as may be prescribed by Rules" shall be substituted.

Amendment to section 27 of Act No. XXX of 1975.

8. In the Principal Act, in Section 27, in sub-section (2), in clause (a), after the word "grants" the words "and loans" shall be added.

Substitution of sub-section (3) of Section 27 of Act No. XXX of 1975.

9. In the Principal Act, in section 27, for the existing sub-section (3), the following shall be substituted:-

"(3) The aforesaid sums in respect of services relating 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."

Amendment to Section 28 of Act No. XXX of 1975.

10. In the Principal Act, in Section 28, in sub-section (2), after the words 'other charges' and before the word 'shall' the words "for water supply, sewerage and drainage schemes" shall be inserted.

Amendment to Section 29 of Act No. XXX of 1975.

11. In the Principal Act, in Section 29, sub-section(2) shall be substituted as follows:-

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

Amendment to Section 30 of Act No. XXX of 1975.

12. In the Principal Act, in Section 30, after the word "Authority" and before the word "shall" the words "and its Agencies" shall be inserted.

Amendment to Section 31 of Act No. XXX of 1975.

13. In the Principal Act, in Section 31, after the word "Authority" occurring for the second time and before the word "and" the words "and each of its Agencies" shall be inserted.

Subsitution of Section 32 of Act No. XXX of 1975.

14. In the Principal Act, for the existing section 32, the following shall be substituted:-

"32. 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."

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In the Principal Act, in Section 41, after the word "Author-" and before the word "shall" the words "or the managing Director of an Agency" shall be inserted.

Amendment to Section 41 of Act No. XXX of 1975.

In the Principal Act, in Section 42, after the word "Author-" appearing for the second time and before the word "in" the words "orthe Managing Director of an Agency" shall be inserted.

Amendment to Section 42 of Act No. XXX of 1975.

In the Principal Act, in Section 48, for the existing sub-section (3), the following shall be substituted:-

Substitution of sub-section (3) of Section 48 of Act No. XXX of 1975.

"(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."

The Lahore Development Authority(Amendment) Ordinance, (Punjab Ordinance No. III of 1976), is hereby repealed.

Repeal of Punjab Ordinance No. III of 1976.

SCHEDULE

(See Section 10(3)

(1) Major questions of policy.

(2) Determining tariff of rates, fees and charges.

Contd. . . . P- 834.

(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.

By order of the
Speaker,
Provincial Assembly of the Punjab.

SH. MUHAMMAD ASADULLAH
Secretary,
Provincial Assembly of the Punjab.