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# **THE PUNJAB DEVELOPMENT OF CITIES ACT, 1976**

## **(XIX of 1976)**

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## TEXT

# THE PUNJAB DEVELOPMENT OF CITIES ACT, 1976 (XIX of 1976)

[16<sup>th</sup> December, 1976]

## An Act

*to provide for the development of cities in the Punjab.*

**Preamble.— WHEREAS** it is expedient in the public interest to establish a comprehensive system of planning and development in order to improve the quality of life in the cities of the Punjab, establish an integrated 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 Punjab Development of Cities Act, 1976.

(2) It shall extend to the whole of the Province of the Punjab.

<sup>2</sup>[(3) It applies to the cities of Multan and <sup>3</sup>[Faisalabad] declared as such under sub-section (1) of section 3 of the Punjab Development of Cities Ordinance, 1976 (No. XI of 1976), with effect from the 22nd October, 1976 and shall apply to such other city or cities as the Government may, by notification, specify from time to time.]

**<sup>4</sup>[2. 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) “area” means the whole or any part of the city;
- (c) “Authority” means the Authority established under section 4 of the Act;

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<sup>1</sup>This Act was passed by the Punjab Assembly on 24th November, 1976; assented to by the Governor of the Punjab on 16th December, 1976; and, published in the Punjab Gazette (Extraordinary), dated 16th December, 1976, pages 2757-2770.

<sup>2</sup>Substituted by the Punjab Development of Cities (Amendment) Ordinance, 1981 (VII of 1981); and published in the Punjab Gazette (Extraordinary), dated 23.5.1981, pages 360-A to 360-B, s.2 (w.e.f. 16.12.1976).

<sup>3</sup>Substituted for the word “Lyallpur” by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.2.

<sup>4</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014); and published in the Punjab Gazette (Extraordinary), dated 19..3.2014, pages 2817-2821, s.2

- (d) “Chairman” means Chairman of the Authority;
- (e) “Chief Officer” means the Chief Officer of the Municipal Corporation;
- (f) “city” means an area declared by the Government to be a city for purposes of this Act;
- (g) “Commissioner” means Commissioner of the Division;
- (h) “controlled area” means an area notified as controlled area by the Authority;
- (i) “Director General” means the Director General of the Authority appointed under section 11 of this Act;
- (j) “District Coordination Officer” means the District Coordination Officer of the District and includes any other officer appointed by the Government to exercise all or any of the powers and discharge any of the functions of the District Coordination Officer by whatever designation called;
- (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) “land” includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and the benefits arising out of land and things attached to earth or permanently fastened to earth;
- (n) “local government” means a local government as defined in the Punjab Local Government Act 2013 (XVIII of 2013) or under any other law for the time being in force;
- (o) “Mayor” means the Mayor of the Municipal Corporation concerned;
- (p) “member” means a member of the Authority and includes its Chairman;
- (q) “person” includes an individual, company, firm, institution, Government agency, co-operative society or association of individuals whether incorporated or not; and
- (r) “prescribed” means prescribed by rules or regulations.]

**3. Declaration of any area to be a city and alteration of the limits thereof.—**

(1) For the purpose of this Act, the Government may, by notification, declare any area to be a city.

(2) The Government may, at any time, extend, curtail or otherwise alter the limits of a city.

**4. Application of this Act and establishment of an Authority.**— (1) The Government may <sup>5</sup>[\* \* \*] establish an Authority for the city to which this Act has been applied <sup>6</sup>[:]

<sup>7</sup>[Provided that in the case of the cities of Multan and <sup>8</sup>[Faisalabad] declared as such under sub-section (1) of section 3 of the Punjab Development of Cities Ordinance, 1976 (XI of 1976), the Multan Development Authority and the <sup>9</sup>[Faisalabad] Development Authority shall be deemed to have been validly established with effect from the 22nd of October, 1976.]

(2) The Authority shall be known by the name as may be specified by the Government.

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

<sup>10</sup>[(4) The Authority shall consist of the Chairman who shall be the Chief Minister or any other person nominated by him, and the following members:—

- (a) three members, including one woman member, of Provincial Assembly of the Punjab to be nominated by the Government;
- (b) Mayor;
- (c) Chairman Planning and Development Board or his representative not below the rank of Additional Secretary;
- (d) Secretary to Government, Finance Department or his representative not below the rank of Additional Secretary;
- (e) Secretary to Government, Housing, Urban Development and Public Health Engineering Department or his representative not below the rank of Additional Secretary;
- (f) Secretary to Government, Local Government and Community Development Department or his representative not below the rank of Additional Secretary;
- (g) Commissioner;
- (h) District Coordination Officer;
- (i) Director General;

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<sup>5</sup>The commas and words “by notification,” deleted by the Punjab Development of Cities (Amendment) Ordinance, 1981 (VII of 1981); and published in the Punjab Gazette (Extraordinary), dated 23.5.1981, pages 360-A to 360-B, s.3 (w.e.f 16th December, 1976).

<sup>6</sup>Substituted *ibid*, for a full-stop.

<sup>7</sup>Added *ibid*.

<sup>8</sup>Substituted for the word “Lyallpur” by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.4.

<sup>9</sup>*ibid*.

<sup>10</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014) ; and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.3. Earlier substituted by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.4 and by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002); and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.3.

- (j) all Managing Directors; and
- (k) two technical experts to be nominated by the Government <sup>11</sup>[.]

<sup>12</sup>[(5) The Government may, by notification, alter, increase or decrease the membership of the Authority.]

(6) <sup>13</sup>[\* \* \* \* \* ]

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

<sup>14</sup>[(8) The Government may designate one or more members of the Authority as Vice Chairman.

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

**5. Disqualification of members.**— 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. 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.

<sup>15</sup>[(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

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<sup>11</sup>Misprinted in the Original Gazette as semi-colon.

<sup>12</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014) ; and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.3. Earlier substituted by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.4.

<sup>13</sup>Deleted by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002); and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.3, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>14</sup>Added by the Punjab Development of Cities (Amendment) Act 1998 (IV of 1998); and published in the Punjab Gazette (Extraordinary), dated 8.5.1998, pages 775-776, s.2.

<sup>15</sup>Substituted by the Punjab Development of Cities (Amendment) Act 1998 (IV of 1998) ; and published in the Punjab Gazette (Extraordinary), dated 8.5.1998, pages 775-776, s.3.

- (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.]

## **CHAPTER II POWERS AND FUNCTIONS OF THE AUTHORITY**

**7. Powers and functions of 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 provisions of the foregoing sub-section, the Authority may:—

- (i) initiate and maintain a continuous process of comprehensive development planning for the area with the objective of preparing a development plan;
- (ii) periodically update such a Development Plan and coordinate its implementation by the Authority or Government agencies within the area;
- (iii) develop, operate and maintain water supply, sewerage and drainage system within the area;
- (iv) prepare Annual Development Programme for the area, ensure compliance of the Annual Development Programme with priorities established in the 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; and
  - (b) ensure compliance with the development plan after its preparation.
- (vi) prepare, implement and enforce schemes for environmental improvements, housing, urban renewal including slums 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;
- (vii) take any steps or adopt any measures for the face lifting and beautification of the area;
- (viii) acquire property, both movable and immovable;
- (ix) sell, lease, exchange or otherwise dispose of any property vested in it;
- (x) undertake any works and incur any expenditure;
- (xi) procure machinery instruments or any other material required by it;
- (xii) enter into contracts;



- (xiii) cause studies, surveys, experiments, technical researches or contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other Agency;
- (xiv) issue interim development order for the area 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 structure and installation;
- (xv) 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 judgement and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority; and
- (xvi) establish an agency/agencies and entrust to it such powers and functions as it may deem fit with the approval of the Government.

**8. Delegation.**— The Authority may, by general or special orders, delegate to the Director-General or a Committee constituted under section 10 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.

**9. 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.

**10. 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 III DIRECTOR-GENERAL**

**11. Appointment and terms 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 <sup>16</sup>[or part time] officer of the Authority; and
- (b) perform such duties as may be assigned to him and exercise such powers as may be delegated to him by the Authority.

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<sup>16</sup>Inserted by the Punjab Development of Cities (Amendment) Ordinance, 1982 (I of 1982); and published in the Punjab Gazette (Extraordinary), dated 27.2.1982, s.2.

## CHAPTER IV PREPARATION AND EXECUTION OF SCHEMES

**12. 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 and execute or have them executed in the prescribed manner.

(2) All such 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.

(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 <sup>17</sup>[local government] as defined in the <sup>18</sup>[Punjab Local Government Act 2013 (XVIII of 2013)] or Government agency within the area except with the concurrence of the Authority.

<sup>19</sup>[(6) In every scheme provision for a plot or plots for mosques shall be made.]

**13. Modification of schemes.**— Any scheme prepared under this Act, may at any time, be amended, modified or abandoned by the Authority, in such form and in such manner as may be prescribed.

**14. 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 the 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

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<sup>17</sup>Substituted for the words “local council as defined in the Punjab Local Government Act, 1975” by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002) ; and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.4, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>18</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014) ; and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.4.

<sup>19</sup>Added by the Punjab Development of Cities (Amendment) Ordinance, 1984 (XXVII of 1984); and published in the Punjab Gazette (Extraordinary), dated 17.12.1984, pages 2023-2024, s.2.

Government Agency and in the event of disagreement, as may be determined by the Government within a prescribed period.

**15. Power to execute any scheme.**— (1) Where the Authority is satisfied that any direction given by it under sub-section (1) of section 14, with regard to any scheme, has not been carried out by the Government Agency, the Authority may, itself undertake any work 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 purpose 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**

**16. 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.

<sup>20</sup>**[16-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 determine shall stand transferred to the said organization.]

**17. Controlled Area.**— The Authority may issue in respect of a 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 unauthorised constructions in such area.

**18. Power to act as Local <sup>21</sup>[Government].**— The Government may, by a notification in the official Gazette, authorise the Authority to exercise and perform such powers and functions as a local <sup>22</sup>[Government] may exercise and perform in relation to its local area under the <sup>23</sup>[Punjab Local Government Act 2013 (XVIII of

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<sup>20</sup>Added by the Punjab Development Authorities Laws (Amendment) Act, 1999 (VII of 1999); and published in the Punjab Gazette (Extraordinary), dated 11.2.1999, pages 315-316, s.2.

<sup>21</sup>Substituted for the word "council" by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002) ; and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.5, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>22</sup>*Ibid.*

<sup>23</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014) ; and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.5.

2013)], in an area in which schemes are undertaken by the Authority or which is declared as controlled area.

**19. Power 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, re-settle 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:

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.

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

**21. 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.

**22. Power to levy betterment fee.**— Where any new scheme has been executed by the Authority by providing services or amenities in any locality, the Authority may, with the previous consent of Government, levy upon the owner of the property or any person having an interest therein, a betterment fee on account of the execution of the scheme.

**23. 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 22.

(2) The betterment fee under Section 22 or under sub-section (1) of this Section, shall be assessed and be payable in the manner prescribed.

## CHAPTER VI ACQUISITION

<sup>24</sup>[24. **Acquisition.**— The Authority may, in accordance with law, acquire any land or property within the controlled area.]

25. <sup>25</sup>[\* \* \* \* \* ]

## CHAPTER VII FINANCE, ACCOUNTS AND AUDIT

**26. Authority Fund.**— (1) There shall be formed a fund to be known as the “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 remunerations to the members, officers, servants, experts and consultants of the Authority.

(2) To the credit of the Authority Fund, shall be credited:—

- a) all moneys received from Government;
- b) all moneys received from Federal Government or any international agency or any other body by way of grants, loans, advances or otherwise;
- c) all fees, rates and charges received by the Authority under this 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) Authority Fund will have two separate heads namely “Urban Development” and “Water Supply and Sanitation”.

(4) The Authority may keep in current account of any scheduled bank such sums 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 Government.

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

<sup>26</sup>[(5) In case of deficit revenue of the Authority, the <sup>27</sup>[\*\*\*\*\*] Government shall provide, from its own revenue or from any other source, such sum as may be necessary for the efficient performance of the functions of the Authority.]

<sup>24</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014) ; and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.6.

<sup>25</sup>Omitted *ibid.*, s.7.

<sup>26</sup>Inserted by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006) ); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.5.

<sup>27</sup>Omitted the words “City District” by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014); and published in the Punjab Gazette (Extraordinary), dated 19..3.2014, pages 2817-2821, s.8

**27. Rates & Fees.**— (1) With the previous consent of the <sup>28</sup><sup>29</sup><sup>30</sup> [ [ [\*\*\*\*]]] 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.

(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;
- (ii) to cover repayment of loans; and
- (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.

**28. Fees on tubewells.**— (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 tubewell, for commercial purposes, at such places within the area, as may be notified in the official Gazette by the Authority.

(3) The Authority may levy rates on the persons or bodies who have installed or may install tubewells for commercial purposes, within its jurisdiction.

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

<sup>31</sup>**[30. Budget.**— (1) The Authority shall prepare, in such manner and at such time as may be prescribed, a budget in respect of the next ensuing financial year showing the estimated receipts and expenditure of the Authority and each of its Agencies and shall submit the budget to the Government for approval.

(2) If the Government fails to approve the budget, with or without modifications, within thirty days of its receipt, the budget prepared by the Authority shall be deemed to be the approved budget of the Authority.]

**31. Audit.**— The accounts of the Authority and each of its agencies shall be audited annually by such duly qualified Auditors or Government Audit Agencies or both as may be appointed by the Authority and each agency respectively, with the

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<sup>28</sup>Inserted the words “Tehsil Municipal Administration, in whose jurisdiction the scheme is located and the Provincial” by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002); and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.6

<sup>29</sup>The words “Tehsil Municipal Administration, in whose jurisdiction the scheme is located” was substituted for the words “City District Government” by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.6

<sup>30</sup>Omitted the words “City District Government and the Provincial” by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014); and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.9.

<sup>31</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014); and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.10. Earlier substituted by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.7 and by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002); and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.7.

approval of Government. The Authority shall also make necessary arrangements for pre-audit or concurrent audit of account.

## **CHAPTER VIII PENALTY AND PROCEDURE**

<sup>32</sup>[**32. 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 liable to punishment with an 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 sections 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).]

**33. Causing damage to property and disobedience of orders.**– (1) Whoever wilfully causes damage, or allows damage to be caused to any property which vests in the Authority or unlawfully converts it to his own or any other person's use, shall be punishable with imprisonment for a term which may extend to six months, 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 with 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 32.

(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 offence 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.

<sup>33</sup>[**34. Offences and cognizance.**– (1) If a person commits an offence specified in–

- (a) Part-A of the Schedule appended to this Act, such person shall be liable to punishment with imprisonment for a term which may extend to seven years or with 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

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<sup>32</sup>Substituted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014); and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.11.

<sup>33</sup>Substituted *ibid.*, s.12.

every day during the period the accused has persisted in the offence from the date of its commission; and

- (b) Part-B of the Schedule appended to this Act, he shall be liable to punishment with imprisonment for a term which may extend to three years or with 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 during 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.]

## CHAPTER IX MISCELLANEOUS

**35. Annual report.**— (1) The Authority shall prepare for every year a report of its activities during that year and submit the report to the <sup>34</sup>[<sup>35</sup>[<sup>36</sup>[\*\*\*\*\*]]] Government in such form and on or before such date, as may be prescribed.

(2) The report referred to in sub-section (1) shall be laid before the Provincial Assembly of the Punjab within six months of its receipt by the Government.

**36. Recovery of dues.**— 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.

<sup>37</sup>[**37. Conversion of property to a different use.**— If a person converts a property to use or purpose other than the one provided under a scheme, master plan or classification map within the controlled area without the previous approval in writing of the Authority, he shall be liable to punishment with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees per day from the date of its conversion till the default continues or with both.]

**38. Summary ejectment of unauthorised occupants.**— The Authority or any person authorised by it in this behalf may summarily eject any person in unauthorised occupation of any land or property vested in the Authority and may for such ejectment use such force as may be necessary.

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<sup>34</sup>Inserted the words "Tehsil Municipal Administration, in which the maximum area under the jurisdiction of the Authority falls, and the Provincial" by the Punjab Development of Cities (Amendment) Ordinance, 2002 (XLII of 2002); and published in the Punjab Gazette (Extraordinary), dated 8.8.2002, pages 2589-2593, s.8

<sup>35</sup>The words "Tehsil Municipal Administration, in which the maximum area under the jurisdiction of the Authority falls," was substituted for the words "City District Government" by the Punjab Development of Cities (Amendment) Act 2006 (XVI of 2006); and published in the Punjab Gazette (Extraordinary), dated 2.11.2006, pages 1557-1559, s.6

<sup>36</sup>Omitted the words "City District Government and the Provincial" by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014); and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.13.

<sup>37</sup>Substituted *ibid.*, s.14.



<sup>38</sup>[Provided that no action under this section shall be taken without providing an opportunity of being heard to the person to be affected thereby.]

**39. 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 any rules, regulations or orders made thereunder, the Authority or any person authorised by it 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 use 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 Authority or any person authorised by it 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 thereof from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

**40. Members, Officers & employees to be public servants.–** The Chairman, <sup>39</sup>[Vice Chairmen] members, Director-General, Officers, servants, Experts and Consultants of the Authority 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.

**41. Immunity of the Authority and its employees.–** No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, <sup>40</sup>[Vice Chairmen] 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.

**42. 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.

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

**44. 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.

**45. This Act to prevail over other laws.–** Subject to the Constitution, in the event of any conflict or inconsistency between the provisions of this Act and the

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<sup>38</sup>Added by the Punjab Development of Cities (Amendment) Ordinance, 1984 (XXVII of 1984); and published in the Punjab Gazette (Extraordinary), dated 17.12.1984, pages 2023-2024, s.2.

<sup>39</sup>Inserted by the Punjab Development of Cities (Amendment) Act 1998 (IV of 1998) ; and published in the Punjab Gazette (Extraordinary), dated 8.5.1998, pages 775-776, s.4.

<sup>40</sup>*Ibid.*, s.5

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.

**46. Authority to replace the Improvement Trust.**— 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 heretofore performed by the Improvement Trust, shall be exercised and performed by the Authority.
- (ii) all properties, assets and liabilities pertaining to the Improvement Trust shall vest in and be the assets and liabilities, as the case may be, of the Authority.

## **CHAPTER X REPEAL**

**47. Repeal & savings.**— (1) 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.

(2) Notwithstanding the fact of the Town Improvement Act, 1922, ceasing to apply to the Areas:—

- (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 the 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.

**48. Repeal of Punjab Ordinance No. XI of 1976.**— The Punjab Development of Cities Ordinance, 1976 (Punjab Ordinance No. XI of 1976), is hereby repealed.

<sup>41</sup>[**SCHEDULE**  
(see section 34)

**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 the Authority or an Agency in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, 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**

1. Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Act.
2. Failure to deliver back possession of a property to the Authority on expiration or cancellation of lease or allotment or exemption of a plot.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 any Agency.
8. 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.
9. Obstructing or tampering with any road, street, drain or sewer pipe or pavement or tampering with any main pipe, meter or any apparatus or

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<sup>41</sup>Inserted by the Punjab Development of Cities (Amendment) Act 2014 (V of 2014) ; and published in the Punjab Gazette (Extraordinary), dated 19.3.2014, pages 2817-2821, s.15.

appliance for the supply of water or sewerage system or laying out a drain or altering any drain in a street or road.

10. Connecting any house drain with a drain in a public street without approval of the Authority.
11. Drawing off, diverting or taking any water except with the permission required under this Act, rules or regulations.
12. 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.
13. Refusal or willfully neglecting to provide any officer or servant of the Authority with the means necessary for entering into any premises for purposes of collecting any information or making an examination or enquiry in relation to any water works.
14. 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.
15. Without lawful excuse, failing or refusing to comply with any direction or order issued by the Authority under this Act.
16. Unauthorized occupation without permission of the owner of land or plot in a housing scheme developed and controlled by the Authority.
17. Attempting to commit or abetting the commission of an offence punishable under this Act.]