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THE TOWN IMPROVEMENT ACT, 1922

(IV of 1922)

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TEXT

¹THE TOWN IMPROVEMENT ACT, 1922 (IV of 1922)

[17 November 1922]

An
Act

for the Improvement of Certain Areas

Preamble.— ²[WHEREAS it is expedient to make provision for the improvement and expansion of towns in the ³[Province of the Punjab];

It is hereby enacted as follows:—]

CHAPTER I Preliminary

1. Title, extent and commencement.— (1) This Act may be called the ⁴[*] Town Improvement Act, 1922.

⁵[(2) It extends to the whole of the ⁷[Province of the Punjab], except the Special Areas].

(3) ⁸[This section and section 66 shall come into force at once. The Provincial Government may by notification propose to apply the rest of the Act to the whole or to any part of a municipality and to any locality adjacent thereto, on such date as may be specified in such notification, and the Act shall apply accordingly after the lapse of three months; unless within that period the Provincial Government directs by a notification that the Act shall not so apply].

2. Definitions.— In this Act unless there is something repugnant in the subject or context—

¹For Statement of Objects and Reasons, see Punjab Gazette, 1921, Part I-A, pp. 162, 164; for Report of the Select Committee, see *ibid.*, Part V, pp. 53-110; for Proceedings in Council, see Punjab Legislative Council Debates, Vol. II, pp. 109-12, 432-34; Vol. IV, pp. 41, 249-57 and 271-74. This Act received the assent of the Governor of the Punjab on 26th September, 1922; that of the Governor-General on 29th October, 1922; and, was published in the Punjab Gazette, dated 17th November, 1922.

²Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 2.

³Substituted for the words "Province of West Pakistan" by the Punjab Laws (Adaptation) Order, 1974, vide Notification No. Legis.(16)-7/74, dated 20th November, 1974, published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-OO, s. 2 and Sr. No. 3 of Part II of the Schedule.

⁴Omitted the word "Punjab" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (i) of s. 3.

⁵Substituted by the Punjab Town Improvement (West Pakistan Amendment) Act, 1958 (XXXVII of 1958), vide Notification No. Leg.1 (37)/58, dated 5th May, 1958, published in the Gazette of West Pakistan (Extraordinary), dated May 5, 1958, pp. 789-790, s. 2.

⁶Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (ii) of s. 3.

⁷Substituted for the words "Province of West Pakistan" by the Punjab Laws (Adaptation) Order, 1974, vide Notification No. Legis.(16)-7/74, dated 20th November, 1974, published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-OO, s. 2 and Sr. No. 3 of Part II of the Schedule.

⁸Substituted by the Punjab Town Improvement (Amendment) Act, 1950 (XXXIV of 1950), published in the Punjab Gazette (Extraordinary), dated November 29, 1950, p. 281, s. 2.

(1) words and expressions not defined in this Act have the same meanings as in the ¹²[Punjab Local Government Act, 1975]].

(2) “land” includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894;

(3) “street alignment” means lines forming the boundaries of a street dividing the same from lands adjoining on either side;

(4) “building line” means a line (in rear of the street alignment) up to which the main wall of a building abutting on a projected street may lawfully extend;

(5) “tribunal” means a tribunal constituted under section 60;

(6) “Municipal Committee” means the Committee established in accordance with the provisions of ³⁴[the Punjab Local Government Act, 1975]], for the Municipality to which or to any part of which or to any locality adjacent to which the provisions of this Act have been applied under sub-section (3) of section 1;

(7) “local area” means the area to which this Act has been applied and the area within which a Trust has been created for the purposes of carrying out the provisions of the Act;

(8) all references to anything done, required, authorised, permitted, forbidden or punishable, or to any power vested, under this Act shall include anything done, required, authorised, permitted, forbidden or punishable or any power vested—

(a) by any provision of this Act, or

(b) by any rule or scheme made under the provisions of this Act, or

(c) under any provision of ⁵⁶[The Punjab Local Government Act, 1975]] which the Trust has by virtue of this Act power to enforce;

(9) “prescribed” means prescribed by rules made by the ⁷[Provincial Government] under this Act;

(10) “notification” means a notification published in the ⁸[Official Gazette]¹[;]

¹Substituted for the words “Punjab Municipal Act, 1911, as from time to time amended (hereinafter called the Municipal Act)” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (i) of s. 4.

²Substituted for the words “Municipal Administration Ordinance, 1960” by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B–900-H, sub-section (1) of s. 2.

³Substituted for the words “Municipal Act” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (ii) of s. 4.

⁴Substituted for the words “Municipal Administration Ordinance, 1960” by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B–900-H, sub-section (1) of s. 2.

⁵Substituted for the words “Municipal Act” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (ii) of s. 4.

⁶Substituted for the words “Municipal Administration Ordinance, 1960” by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B–900-H, sub-section (1) of s. 2.

⁷Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁸Substituted for the words “Punjab Gazette” by the Order *ibid*.

²[(11) “Housing scheme” means a housing scheme as defined in the Punjab Acquisition of Land (Housing) Act, 1973; and

(12) “controlled Area” means an area declared as such under section 55-A of this Act.]

³
[CHAPTER II
Constitution of Trusts

3. Creation and incorporation of trust.— The duty of carrying out the provisions of this Act in any local area shall subject to the conditions and limitations hereinafter contained, be vested in a board to be called “The (name of town) Improvement Trust” hereinafter referred to as “the trust”, and every such board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

⁴**4. Constitution of Trust.**— The Trust shall consist of a chairman and such other trustees including at least thirty three percent women, as may be appointed by the Provincial Government.]

5. Removal of trustees.— The Provincial Government may, at any time, remove the chairman or any other trustee and appoint another chairman or trustee, as the case may be, in this place.

6. Resignation of trustees.— (1) The chairman or any trustee may at any time resign his office:

Provided that his resignation shall not take effect until accepted by the Provincial Government.

(2) Where the office of the chairman falls vacant, either by the resignation of the incumbent or due to any other cause, the Provincial Government may appoint one of the trustees to act as the chairman till such time as the chairman is appointed.

7. Remuneration of chairman and other trustees.— The chairman and the other trustees shall receive such salary, remuneration or allowances as may be sanctioned by the Provincial Government.]

8. ⁵[* * * * *]

9. ⁶[* * * * *]

10. ¹[* * * * *]

¹Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, sub-section (2) of s. 2.

²*Ibid.*

³Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 5.

⁴Substituted by the Schedule of the Punjab Fair Representation of Women Act, 2014 vide Notification No. PAP-Legis-2(25)/2014/1044, dated 12th March, 2014, published in the Punjab Gazette (Extraordinary), dated March 12, 2014, pp. 2733-2744, s. 2 and Sr. No. 1.

⁵Chapter II, containing sections 3 to 11, was substituted with Chapter II, containing sections 3 to 7, by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 5.

⁶*Ibid.*

CHAPTER III
Proceedings of the Trust and Committee

12. Meetings of Trust.— (1) (a) The Trust shall ordinarily meet for the transaction of business at least once in every month at such time as it may fix, provided that the Chairman may, whenever he thinks fit, and shall, upon the written request of ³[any trustee], call a special meeting.

- (b) ⁴[The quorum necessary for the transaction of business at an ordinary or special meeting shall be the chairman and at least one other trustee, and where the business to be transacted is the formation of any scheme under Chapter IV, the quorum shall be the chairman and ⁵[half of the number of other trustees, a fraction being counted as one].]
- (c) At every meeting the Chairman, if he be present, or in his absence such one of the Trustees present as may be chosen by the meeting, shall preside.
- (d) All questions which come before any meeting shall be decided by a majority of the votes of the Trustees present; the President of the meeting in case of an equality of votes having a second or casting vote.
- (e) Minutes of the names of the Trustees present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the person presiding at the meeting or at the next ensuing meeting, and shall at all reasonable times and without charge be open to inspection by any Trustee.

(2) No Trustee shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate.

⁶**13. Associate members.**— (1) The Trust, may, and if so desired by the Provincial Government, shall associate with itself, in such manner, for such period and for such purposes as may be prescribed by rules made under section 74, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act, or any persons nominated by the Provincial Government in this behalf, and persons so associated shall be known as associate members.

(2) An associate member shall have the right to take part in the discussions of the trust, but shall not have a right to vote at a meeting of the trust and shall not be deemed to be a trustee.]

14. Constitution and functions of committees.— (1) The Trust may from time to time appoint committees of the Trust consisting of such persons of any of the following classes as it may deem fit, namely:—

¹*Ibid.*

²*Ibid.*

³Substituted for the words “not less than two trustees” by the Ordinance *ibid.*, clause (a) of s. 6

⁴Substituted by the Ordinance *ibid.*, clause (b) of s. 6.

⁵Substituted for the words “all other trustees” by the Town Improvement (West Pakistan Amendment) Ordinance, 1964 (IV of 1964), vide Notification No. Leg.3(4)/64, dated 18th May, 1964, published in the Gazette of West Pakistan (Extraordinary), dated May 18, 1964, pp. 1621-1622, s. 2.

⁶Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 7.

- (i) Trustees;
- (ii) Persons associated with the Trust under section 13;
- (iii) Other persons whose services, assistance or advice the Trust may desire as members of such committees:

Provided that no such committees shall consist of less than three persons, and that at least one Trustee shall be member thereof.

- (2) The Trust may—
 - (a) refer to such committees, for inquiry and report, any matter relating to any of the purposes of this Act, and
 - (b) delegate to such committees by resolution and subject to any rules made under section 74, any of the powers or duties of the Trust.
- (3) The Trust may, at any time, dissolve, or, subject to the provisions of sub-section (1), alter the constitution of any such committees.
- (4) Every such committee shall conform to any instructions from time to time given to it by the Trust.
- (5) All proceedings of any such committee shall be subject to confirmation by the Trust.
- (6) Any person associated with the Trust under section 13 or appointed a member of a committee of the Trust under clause (iii) of sub-section (1) shall be entitled to receive such remuneration either by way of monthly salary or by way of fees or partly in one of these ways and partly in the other as the ¹[Provincial Government] may prescribe.

15. Meetings of committees.— (1) Committees appointed under section 14 may meet and adjourn as they think proper; but the Chairman of the Trust may, whenever he deems fit, call a special meeting of any such committee, and shall do so upon the written request of not less than two members thereof.

(2) The Chairman may attend any meeting of a committee appointed under section 14 whether he is a member of such committee or not, and shall preside at every such meeting at which he is present; if he be absent, any Trustee present and being a member of such committee as may be chosen by the meeting, shall preside: provided in this case that if only one Trustee is present, he shall preside.

(3) All questions which come before any meeting of such committee shall be decided by a majority of the votes of the members present, the person presiding in case of an equality of votes having a second or casting vote.

(4) No business shall be transacted at any meeting of such committee when less than two members or, when the committee consists of more than eight members, when less than one-fourth of such members are present.

16. Trustees and associated members of Trust or committee not to take part in proceedings in which they are personally interested.— (1) A Trustee who—

- (i) has, directly or indirectly, by himself or by any partner, employer, or employee, any such share or interest as is described in the proviso to section 10, in respect of any matter, or

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

- (ii) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take any other part in any proceedings of the Trust or any committee appointed under this Act relating to such matter.

(2) If any Trustee, or any person associated with the Trust under section 13 or any other member of a committee appointed under this Act, has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act,—

- (i) he shall, before taking part in any proceeding at a meeting of the Trust or any committee appointed under this Act, relating to such area, inform the person presiding at the meeting of the nature of such interest;
- (ii) he shall not vote at any meeting of the Trust or any such committee upon any resolution or question relating to such land; and
- (iii) he shall not take any other part in any proceeding at a meeting of the Trust or any such committee relating to such area if the person presiding at the meeting considers it inexpedient that he should do so.

17. Power of Trust to fix number and salaries of permanent servants and appointment of temporary servants in cases of emergency.—¹[(1)] Subject to such rules as the ²[Provincial Government] may make under clause (iii) of section 73 the Trust may from time to time employ such servants as it may deem necessary and proper to assist in carrying out the purposes of this Act, and may assign to such servants such pay as it may deem fit.

³[(2) The Provincial Government may from time to time specify the posts under the trust, which shall be filled by persons belonging to the Local Councils Service constituted under Article 44 of the Basic Democracies Order, 1959 (P.O. 18 of 1959), hereinafter referred to as the Order, and in relation to the said posts and the persons appointed thereto, the provisions of Chapter VIII of Part II of the Order and any rules framed in pursuance thereof shall *mutatis mutandis* apply and as if any reference in the said provisions and the rules to—

- (a) a local council, were a reference to the trust;
- (b) the Controlling Authority, were a reference to the Provincial Government; and
- (c) the Order, were a reference to this Act.]

18. ⁴[* * * * *]

19. Control by Chairman.— The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Trust; and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances.

¹Numbered by the Town Improvement (Amendment) Act, 1968 (IV of 1968), vide Notification No. PAWP/Leg.(129)/67/62, dated 15th July, 1968, published in the Gazette of West Pakistan (Extraordinary), dated July 15, 1968, pp. 2952-A–2952-B, s. 2.

²Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

³Added by the Town Improvement (Amendment) Act, 1968 (IV of 1968), vide Notification No. PAWP/Leg.(129)/67/62, dated 15th July, 1968, published in the Gazette of West Pakistan (Extraordinary), dated July 15, 1968, pp. 2952-A–2952-B, s. 2.

⁴Omitted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 8.

20. Delegation of certain of Chairman's functions.— (1) The Chairman may, by general or special order in writing, delegate to any officer of the Trust any of the Chairman's powers, duties or functions under this Act or any rule made thereunder except those conferred or imposed upon or vested in him by sections 12, 15, 21, 46 and 96 respectively.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Chairman, or the Trust.

Supply of information to Government

21. Supply of information and documents to the Government.— (1) The Chairman shall forward to the ¹[Provincial Government] a copy of the minutes of the proceedings of each meeting of the Trust, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in clause (e) of sub-section (1) of section 12.

(2) If the ²[Provincial Government] so directs in any case, the Chairman shall forward to it a copy of all papers which were laid before the Trust for consideration at any meeting.

- (3) The ³[Provincial Government] may require the Chairman to furnish it with—
- (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Trust, or
 - (ii) a report on any such matter, or
 - (iii) a copy of any document in the charge of the Chairman.

The Chairman shall comply with every such requisition without unreasonable delay.

⁴**[21-A. Control over the activities of Improvement Trusts.**— If in the opinion of Government, anything done or intended to be done by or on behalf of the Trust is not in conformity with law, or is in any way against public interest, Government may by order—

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the Trust;
- (c) prohibit the doing of anything proposed to be done; or
- (d) require the Trust to take such action as may be specified.]

CHAPTER IV Schemes under the Act

22. Matters to be provided for by General Improvement Scheme or Rebuilding Scheme.— (1) Whenever it appears to the Trust that—

- (a) any buildings which are used or are intended or likely to be used as dwelling places within its local area are unfit for human habitation, or

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²*Ibid.*

³*Ibid.*

⁴Inserted by the Town Improvement (West Pakistan Amendment) Ordinance, 1965 (XXVI of 1965) vide Notification No. Leg.3(26)/65, dated 16th August, 1965, published in the Gazette of West Pakistan (Extraordinary), dated August 16, 1965, pp. 4459-4460, s. 2.

- (b) danger is caused or likely to be caused to the health of the inhabitants of such local area or part thereof by reason of—
 - (i) the congested condition of streets or buildings or groups of buildings in such local area or part, or
 - (ii) the want of light, air, ventilation or proper conveniences in such local area, or part, or
 - (iii) any other sanitary defects in such local area or part, the Trust may pass a resolution to the effect that such local area or part is in an insanitary locality and that “a General Improvement Scheme” ought to be framed in respect of such locality and may then proceed to frame such a scheme.

(2) Whenever the Trust declares any local area or part thereof to be an insanitary locality within the meaning of this section, and is of opinion that having regard to the comparative value of the buildings in such local area or part and the sites on which they are erected it is undesirable to frame a General Improvement Scheme and the most satisfactory method of dealing with the local area or any part thereof is “a Rebuilding Scheme,” it may proceed to frame such a scheme, which may provide for the reservation of streets and the enlargement of existing streets; the relaying out of the sites of the local area or part thereof upon the streets so reserved or enlarged; the demolition of existing buildings and their appurtenances upon such sites; and the erection of buildings in accordance with the scheme.

23. Street Schemes and Deferred Street Schemes.— (1) Whenever it appears to the Trust that for the purpose of—

- (i) providing building sites, or
- (ii) remedying defective ventilation, or
- (iii) creating new or improving existing means of communication and facilities for traffic, or
- (iv) affording better facilities for conservancy,

within its local area or part thereof it is expedient to lay out new streets, thoroughfares and open spaces, or alter existing streets, the Trust may pass a resolution to that effect, and shall then proceed to frame “a Street Scheme” which shall prescribe improved alignments for streets, thoroughfares and open spaces for such local area or part as the Trust may deem fit.

(2) Whenever it appears to such Trust that for any of the purposes mentioned in sub-section (1) within its local areas or part thereof it is expedient to provide for the ultimate widening of any existing street by altering the existing alignments to improve alignments to be prescribed by the Trust, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Trust, if satisfied of the sufficiency of its resources, may pass a resolution to that effect, and forthwith proceed to frame a “Deferred Street Scheme” prescribing an alignment on each side of such street.

24. Development and Expansion Schemes.— (1) The Trust may, for the purpose of development of any locality within the municipal limits contained in its local area, prepare “a Development Scheme”, and

(2) Such Trust may, if it is of opinion that it is expedient and for the public advantage to promote and control the development of and to provide for the expansion of a municipality in any locality adjacent thereto, within the local area of such Trust prepare “an Expansion Scheme.”

(3) “A Development Scheme” or “an Expansion Scheme” may provide for the layout of the locality to be developed, the purposes for which particular portions of such locality are to be utilised, the prescribed street alignment and the building line on each side of the streets proposed in such locality, the drainage of insanitary localities and such other details as may appear desirable.

[24-A. Housing Scheme.– (1) The Trust may, and if so directed by the Provincial Government shall, frame a housing scheme and submit it to the Provincial Government.

(2) Nothing contained in sections 36, 38, and 40 shall apply to a housing scheme.]

25. Housing Accommodation Scheme.– If the Trust is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants within its local area such Trust may frame “a Housing Accommodation Scheme” for the purpose aforesaid:

Provided that if the ²[Provincial Government] are satisfied that within the Trust area it is necessary to provide housing accommodation for industrial labour, the ³[Provincial Government] may by order require the Trust to frame a scheme under this section and to do all things necessary under the Act for executing the scheme so made; and if the Trust fail within such time as may be prescribed to frame a scheme to the satisfaction of the ⁴[Provincial Government] and to execute it, the ⁵[Provincial Government] may either by order require the Municipal Committee to frame and execute a scheme, or themselves frame a scheme and take such steps as are necessary to execute it. All expenses incurred by the ⁶[Provincial Government] or by the Municipal Committee in the exercise of the powers conferred upon them by this section shall in the first instance, be paid out of provincial revenues, but the amount so spent shall be recoverable from the Trust as if it were a ⁷[debt due to the Provincial Government], and the ⁸[Provincial Government] may attach the rents and other income of the Trust. The provisions of section 72 shall also apply to all moneys so paid.

26. Re-housing Scheme.– Whenever the Trust deems it necessary that accommodation should be provided for persons who are displaced by the execution of any scheme under this Act, or are likely to be displaced by the execution of any scheme, which it is intended to submit to the ⁹[Provincial Government] for sanction under this Act it may frame “a Re-housing Scheme” for the construction, maintenance and management of such and so many dwellings and shops as ought, in the opinion of the Trust, to be provided for such persons.

27. Re-housing of displaced resident house-owners.– Any resident house owner who is likely to be displaced by the execution of any scheme under this Act, may apply to the Trust

¹Added by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B–900-H, s. 3.

²Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

³*Ibid.*

⁴Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁵*Ibid.*

⁶*Ibid.*

⁷Substituted for the words “debt due to Government” by the Order *ibid.*, s. 3 and Schedule.

⁸Substituted for the words “Local Government” by the Order *ibid.*, s. 4 and Table of General Adaptations.

⁹*Ibid.*

to be re-housed, and no such scheme shall be put into execution until a Re-housing Scheme as provided for in section 26 for the re-housing of such resident house owners as may apply under this section has been completed.

Explanation.— The demolition of a portion of a dwelling house which renders the remaining portion uninhabitable shall be deemed to be a displacement of the person or persons residing in the said dwelling house.

28. Combination of schemes and matters which may be provided for in scheme.—

(1) A scheme under this Act may combine one or more types of schemes or any special features thereof.

- (2) A scheme under this Act may provide for all or any of the following matters:—
- (i) The acquisition under the Land Acquisition Act, 1894, as modified by this Act, or the abandonment of such acquisition under sections 56 and 57 of this Act, of any land or any interest in land necessary for or affected by the execution of the scheme, or adjoining any street, thoroughfare open space to be improved or formed under the scheme. [or in case of a housing scheme, acquisition of land under the Punjab Acquisition of Land (Housing) Act, 1973];
 - (ii) The acquisition by purchase, lease, exchange, or otherwise of such land or interest in land;
 - (iii) The retention, letting on hire, lease, sale, exchange or disposal otherwise of any land vested in or acquired by the Trust;
 - (iv) The demolition of buildings or portions of buildings that are unfit for the purpose for which they are intended and that obstruct light or air or project beyond the building line;
 - (v) The relaying out of any land comprised in the scheme and the redistribution of sites belonging to owners of property comprised in the scheme;
 - (vi) The laying out and alteration of streets;
 - (vii) The provision of open spaces in the interests of the residents of any locality comprised in the scheme or any adjoining locality and the enlargement or alteration of existing open spaces;
 - (viii) The raising, lowering or reclamation of any land vested in or to be acquired by the Trust for the purposes of the scheme and the reclamation or reservation of land for the production of fruit, vegetables, fuel, fodder and the like for the residents of the local area;
 - (ix) The draining, water-supply and lighting of streets altered or constructed;
 - (x) The provision of a system of drains and sewers for the improvement of ill-drained and insanitary localities;
 - (xi) The doing of all acts intended to promote the health of residents of the area comprised in the scheme, including the conservation and preservation from injury or pollution of rivers and other sources and means of water supply;
 - (xii) The demolition of existing buildings and the erection and re-erection of buildings by the Trust or by the owners or by the Trust in default of the owners;

¹Inserted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B– 900-H, s. 4.

- (xiii) The advance to the owners of land comprised within the scheme upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme of the whole or part or the capital requisite for the erection of buildings in accordance with the scheme;
- (xiv) The provision of facilities for communication;
- (xv) All other matters which the ¹[Provincial Government] may deem necessary to promote the general efficiency of a scheme or to improve the locality comprised in such scheme.

²[(3) While undertaking a scheme under this section a provision of plot for the construction of mosque shall be made where necessary.]

29. Effect of prescribing a street alignment on powers of Municipal Committee.— Notwithstanding anything contained in the ^{3,4}[Punjab Local Government Act, 1975]], whenever any street alignment has been prescribed by the Trust in any scheme under this Act with the sanction of the ⁵[Provincial Government] the Municipal Committee shall not have power to prescribe a regular line for the street within the limits of the scheme, and any such line previously prescribed by the Committee within such limits shall cease to be the regular line or line of frontage of the street.

30. Powers of Trust to set back or forward buildings adjacent to the street alignment.— (1) Should any building or part of a building project beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the Trust may, whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by written notice, require such building or part when being rebuilt to be set back to or towards the said regular line or the front of the adjacent buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the Trust.

(2) The Trust may on such terms as it may deem fit require or allow any building to be set forward for the improvement of the line of the street.

(3) When any building is set back or forward in pursuance of a requisition made under the preceding clause, the Trust shall forthwith make full compensation to the owner of the building for any damage or loss that he may sustain.

(4) If the additional land, which will be included in the premises of any person required or allowed to set forward a building, or part thereof, belongs to the Trust, the requisition or permission of the Trust to set forward the building shall be sufficient conveyance to the said owner of the said land, and the terms and conditions of the conveyance shall be set forth in the said requisition or permission.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²Added by the Punjab Town Improvement (Amendment) Ordinance, 1985, (VI of 1985), vide Notification No. Legis.3(6)/85, published in the Gazette of Punjab (Extraordinary), dated 23-2-1985, s. 2.

³Substituted for the words "Municipal Act" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 9.

⁴Substituted for the words "Municipal Administration Ordinance, 1960" by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B-900-H, s. 5.

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

31. Prohibition of building beyond a street alignment.— (1) In the locality comprised in a scheme under this Act no person, shall, except with the written permission of the Trust, erect, re-erect, add to or alter any building so as to make the same project beyond a street alignment or building line duly prescribed by the Trust.

(2) In the locality comprised in a Development Scheme or an Expansion Scheme, if any person desires to erect, re-erect, add to or alter any building on his land so as to make the same project beyond a street alignment or a building line duly prescribed by the Trust, he shall apply to the Trust for permission to do so, and if the Trust refuses to grant permission to such person according to his application, and does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage or loss sustained by him in consequence of such refusal.

32. Acquisition of property affected by deferred street scheme.— (1) In the locality comprised in a Deferred Street Scheme the owner of any property affected by a street alignment duly prescribed by the Trust may, at any time after the scheme has been sanctioned by the ¹[Provincial Government], give the Trust notice requiring it to acquire such property before the expiration of six months from the date of such notice, and the Trust shall acquire such property accordingly.

(2) In the locality comprised in a Deferred Street Scheme, before proceeding to acquire any property affected by a street alignment duly prescribed by the Trust other than property regarding which it has received a notice under the preceding clause, the Trust shall give six months' notice to the owner of its intention to acquire the property.

33. Official representation.— (1) A scheme under this Act may be framed upon an official representation by the Municipal Committee or otherwise.

(2) An official representation referred to in sub-section (1) may be made by the Municipal Committee—

(a) on its own motion, or

(b) on a written complaint by the Medical Officer of Health, or

²[(c) In respect of any area comprised in a Union within the jurisdiction of a municipality, on a written request signed by twenty-five or more inhabitants of such Union.]

(3) If the Municipal Committee decides not to make an official representation on any complaint made to it under clause (b) or clause (c) of sub-section (2), it shall cause a copy of such complaint to be sent to the Trust, with a statement of the reasons for its decision.

34. Consideration of official representation.— (1) The Trust shall consider every official representation made under section 33, and if satisfied as to the truth thereof and as to the sufficiency of its own resources, shall decide whether a scheme under this Act to carry such representation into effect should be framed forthwith or not, and shall forthwith intimate its decision to the Municipal Committee.

(2) If the Trust decides that it is not necessary or expedient to frame a scheme under this Act forthwith, it shall inform the Municipal Committee of the reasons for its decision.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 10.

(3) If the Trust fails, for a period of twelve months after the receipt of any official representation made under section 33, to intimate its decision thereon to the Municipal Committee, or if the Trust intimates to the Municipal Committee its decision that it is not necessary or expedient to frame a scheme of a type other than recommended by the Municipal Committee, the Municipal Committee may, if it deems fit, refer the matter to the ¹[Provincial Government].

(4) The ²[Provincial Government] shall consider every reference made to it under sub-section (3) and

- (a) if it deems that the Trust ought to have passed a decision within the period mentioned in sub-section (3) shall direct the Trust to pass a decision within such further period as the ³[Provincial Government] may deem reasonable, or
- (b) if it deems that it is expedient that a scheme should forthwith be framed, shall direct the Trust to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed.

(5) The Trust shall comply with every direction given by the ⁴[Provincial Government] under sub-section (4).

35. Matters to be considered when framing improvement schemes.— When framing a scheme under this Act in respect of any locality, regard shall be had to—

- (a) the nature and the condition of adjoining localities and of the town as a whole;
- (b) the direction in which the town appears likely to expand; and
- (c) the claims of any other part of the local area likely to require a scheme under this Act.

36. Preparation, publication and transmission of notice as to improvement schemes, and supply of documents to applicants.— (1) When a scheme under this Act has been framed, the Trust shall prepare a notice stating—

- (i) the fact that the scheme has been framed,
 - (ii) the boundaries of the locality comprised in the scheme, and
 - (iii) the place at which details of the scheme including statement of the land proposed to be acquired and a general map of the locality comprised in the scheme may be inspected at reasonable hours.
- (2) The Trust shall—
- (a) notwithstanding anything contained in section 78 cause the said notice to be published weekly for three consecutive weeks in the official Gazette and in a newspaper or newspapers with a statement of the period within which objections will be received, and
 - (b) send a copy of the notice to the ¹[chairman] of the Municipal Committee, and to the Medical Officer of Health.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

³*Ibid.*

⁴*Ibid.*

(3) The Chairman shall cause copies of all documents referred to in clause (iii) of sub-section (1) to be delivered to any applicant on payment of such fees as may be prescribed by rule under section 74.

37. Transmission to Trust of representation by Committee as to improvement scheme.— The ²[chairman] of any Municipal Committee and the Medical Officer of Health to whom a copy of a notice has been sent under clause (b) of sub section (2) of section 36 shall, within a period of sixty days from the receipt of the said copy, forward to the Trust any representation which the Municipal Committee or the said Medical Officer of Health may deem fit to make with regard to the scheme.

38. Notice of proposed acquisition of land.— (1) During the thirty days next following the first day on which any notice is published under section 36 in respect of any scheme under this Act the Trust shall serve a notice on—

- (i) every person whom the Trust has reason to believe after due enquiry to be the owner of any immovable property which it is proposed to acquire in executing the scheme,
 - (ii) the occupier (who need not be named) of such premises as the Trust proposes to acquire in executing the scheme.
- (2) Such notice shall—
- (a) state that the Trust proposes to acquire such property for the purposes of carrying out a scheme under this Act, and
 - (b) require such person, if he objects to such acquisition, to state his reasons in writing within a period of sixty days from the service of the notice.
- (3) Every such notice shall be signed by, or by the order of, the Chairman.

39. Furnishing of information available in Municipal records.— The ³[chairman] of the Municipal Committee shall furnish the Chairman at his request and on payment of such fees as may be prescribed by rules made under section 73 with a copy of such information relating to a locality regarding which a notice has been published under section 36 ⁴[or relating to a locality in respect of which a housing scheme has been framed] as is available in the Municipal record.

40. Abandonment of scheme, or application to ⁵[Provincial Government] to sanction it.— (1) After the expiry of the periods respectively prescribed under clause (a) sub-section (2) of section 36, by section 37 and by clause (b) of sub-section (2) of section 38, in respect of any scheme under this Act, the Trust shall consider any objection, or representation received thereunder, and after hearing all persons or their representatives making any such objection, or representation, who may desire to be heard, the Trust may either abandon the scheme or apply to the ⁶[Provincial Government] for sanction to the scheme with such modifications (if any) as the Trust may deem necessary.

¹Substituted for the word "President" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 11.

²*Ibid.*

³*Ibid.*

⁴Inserted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B-900-H, s. 6.

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁶*Ibid.*

- (2) Every application submitted under sub-section (1) shall be accompanied by–
- (i) complete plans and details of the scheme and an estimate of the cost of executing it;
 - (ii) a statement of the reasons for modifications (if any) made in the scheme as originally framed;
 - (iii) a statement of objections (if any) received under section 36;
 - (iv) the representation (if any) received under section 37;
 - (v) a list of the names of all persons (if any) who have objected under clause (b) of sub-section (2) of section 38, to the proposed acquisition of their property and a statement of the reasons given for such objection; and
 - (vi) a statement of the arrangements made or proposed by the Trust for the re-housing of persons who are likely to be displaced by the execution of the scheme and for whose re-housing provision is required.

(3) When any application has been submitted to the ¹[Provincial Government] under sub-section (1), the Trust shall cause notice of the fact to be published for two consecutive weeks in the official Gazette and in a newspaper or newspapers.

41. Power to sanction, reject or return scheme.– (1) The ²[Provincial Government] may sanction, either with or without modification, or may refuse to sanction, or may return for reconsideration, any scheme submitted to it under section 40 ³[and Section 24-A].

(2) If a scheme returned for reconsideration under sub-section (1) is modified by the Trust, it shall be republished in accordance with section 36–

- (a) in every case in which the modification affects the boundaries of the locality comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired; and
- (b) in every other case, unless the modification is, in the opinion of the ⁴[Provincial Government] not of sufficient importance to require republication ⁵[:]

⁶[Provided that the provisions of this sub-section shall not apply to a housing scheme.]

42. Notification of sanction of scheme.– (1) The ⁷[Provincial Government] shall notify sanction of every scheme under this Act, and the Trust shall forthwith proceed to execute such scheme, provided that it is not a Deferred Street Scheme, Development Scheme, or

¹*Ibid.*

²Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

³Inserted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B–900-H, clause (i) of s. 7.

⁴Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁵Replaced for the “full stop” by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, clause (ii) of s. 7.

⁶Added by the Act *ibid.*

⁷Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

Expansion Scheme and provided further that the requirements of section 27 have been fulfilled.

(2) A notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

¹[**42-A. Amendment of sanctioned scheme.**— The Provincial Government may, on the request of the Trust permit the abandonment of the whole or part of a scheme sanctioned under section 41 and notify such permission in the official gazette.]

43. Alteration of scheme after sanction.— A scheme under this Act may be altered by the Trust at any time between its sanction ²[by the Provincial Government] and its execution:

Provided as follows:—

- ³(a) if any alteration is estimated to increase the estimated cost of executing a scheme by more than the limit prescribed, such alterations shall not be made without the previous sanction of the Provincial Government.]
- (b) if any alteration involves the acquisition, otherwise than by agreement of any land the acquisition of which has not been sanctioned by the ⁴[Provincial Government] the procedure prescribed in the foregoing sections of this chapter shall, so far as applicable, be followed as if the alteration were a separate scheme.

44. Inclusion of different localities in combined scheme.— Any number of localities in respect of which the Trust has framed or has proposed to frame schemes under this Act may, at any time, be included in one combined scheme.

CHAPTER V

Powers and Duties of the Trust

where a scheme has been sanctioned

45. Transfer to Trust of building or land vested in Municipal Committee for purposes of scheme.— (1) Whenever any building, or any street or other land, or any part thereof which is vested in the Municipal Committee is required for executing any scheme under this Act the Trust shall give notice accordingly to the ⁵[chairman] of the Municipal Committee, and such building, street, land or part shall thereupon vest in the Trust, subject to the payment to the Municipal Committee of such sum as may be required to compensate it for actual loss resulting from the transfer of any building to the Trust.

(2) If any question or dispute arises as to the sufficiency of the compensation paid or proposed to be paid under sub-section (1), the matter shall be referred to the ⁶[Provincial Government] whose decision shall be final.

¹Added by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 8.

²Substituted for the words “by Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

³Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B–900-H, s. 9.

⁴Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁵Substituted for the word “President” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg. 3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 11.

⁶Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

46. Transfer of private street to Trust for purposes of scheme.— (1) Whenever any street, or part thereof, which is not vested in the Municipal Committee is required for executing any scheme under this Act the Trust shall cause to be affixed in a conspicuous place in or near such street, or part, a notice signed by the Chairman:

- (a) stating the purpose for which the street or part, is required, and
- (b) declaring that the Trust will, on or after a date to be specified in the notice, such date being not less than thirty days after the date of the notice, take over charge of such street, or part, from the owner or owners thereof; and shall simultaneously send a copy of such notice to the owner or owners of such street, or part, or to the duly accredited agent of such owner or owners.

(2) After considering and deciding all objections (if any) received in writing before the date so specified the Trust may take over charge of such street, or part, from the owner or owners thereof and the same shall thereupon vest in the Trust.

(3) When the Trust alters or closes any street or part thereof which has vested in it under sub-section (2), it shall pay such sum as may be required to compensate the previous owner or owners for actual loss resulting to him from such alteration or closure.

(4) If the alteration or closing of any such street or part, causes special damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Trust—

- (i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled as of right to use such street or part, as a means of access to any property or place, and
- (ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.

47. Provision of drain or water-work to replace another situated on land vested in the Trust under section 45 or section 46.— (1) When any building or any street or other land or any part thereof, has vested in the Trust under section 45 or section 46, no municipal drain or water-work therein shall vest in the Trust until another drain or water-work (as the case may be) if required, has been provided by the Trust to the satisfaction of the Municipal Committee, in place of the former drain or work.

(2) If any question or dispute arises as to whether another drain or water-work is required, or as to the sufficiency of any drain or water-work provided by the Trust under sub-section (1) the matter shall be referred to the ¹[Provincial Government], whose decision shall be final.

48. Power of Trust to make and deal with public street.— (1) The Trust may—

- (a) lay out and make a new public street and construct tunnels and other works subsidiary to the same, and
- (b) widen, lengthen, extend, enlarge, raise the level of or otherwise improve any existing public street if vested in the Trust, and
- (c) turn, divert, discontinue or close any public street so vested, and
- (d) provide within its discretion building sites of such dimensions as it deems fit to abut on or adjoin any public street made, widened, lengthened, extended,

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

enlarged, improved, or the level of which has been raised by the Trust under clauses (a), (b) and (c) or by the ¹[Provincial Government], and

- (e) subject to the provisions of any rule prescribing the conditions on which property vested in the Trust may be transferred, lease, sell or otherwise dispose of any land used by the Trust for a public street and no longer required therefore, and in doing so impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed and as to any other matter that it deems fit.

(2) Whenever the Trust discontinues the public use of, or permanently closes, any street vested in it, or any part thereof, it shall pay reasonable compensation to every person who had an easement or right of way or light and air over, upon or from such street or part, and who by such discontinuance or closure has suffered special damage.

(3) In determining the compensation payable to any person under sub-section (2), the Trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other street at or about the same time that the public street or part thereof, on account of which the compensation is paid, is discontinued or closed.

^{2,3}**[49. Powers under the Punjab Local Government Act, 1975, vested in the Trust.–** (1) The provisions of Sections 56, 57, 58, 59, 62, 63, 64, 65, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 91, 98, 99, 100, 101, 102, 105, 107, 112, 113, 114, 115, 116, 117, 214, 215, 216, 217, 218, 219, 221, 222, 225, 226, 227, 228, 229 and 232 of the Punjab Local Government Act, 1975, shall mutatis mutandis and so far as may be consistent with the tenor of this Act, apply to all localities in respect of which a scheme under this Act is in force and for the period during which such scheme remains in force and all references in the said sections to a municipal committee or to the Chairman of a municipal committee or to any officer or servant of a municipal committee shall be construed as referring to the trust which in respect of any such localities may alone exercise and perform all or any of the powers and functions which under any of the said sections might have been exercised or performed by the municipal committee or by the chairman or any officer or servant of the municipal committee:

Provided that the trust may delegate to the chairman or to any officer of the trust all or any of the powers conferred by this section.

(2) The Trust may make bye-laws for any locality outside the limits of the municipal committee comprised in a scheme under this Act–

- (a) generally for carrying out the purposes of this Act, and
(b) in particular and without prejudice to the generality of the aforesaid powers, regarding any of the matters referred to in the aforementioned sections of the Punjab Local Government Act, 1975.]]

⁴**[50. Limitation of powers of Trust under section 49.–** (1) The Trust shall not take any action under sections 62, 63, 64 or 65 of the Punjab Local Government Act, 1975, without having previously consulted the municipal committee and obtained its consent:

¹*Ibid.*

²Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg. 3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 12.

³Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 10.

⁴Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 13.

Provided that if the municipal committee does not give consent, the matter in dispute shall be referred to the Provincial Government or to such officer as the Provincial Government may appoint in that behalf, whose decision shall be final.

(2) If the municipal committee deems it necessary that action should be taken within the trust area under sections 62, 63, 64, or 65 of the Punjab Local Government Act, 1975, it shall make an application to the trust requesting that such action be taken and the trust shall thereupon comply with the application, or give its reasons in writing for rejecting it:

Provided that if the application be rejected by the trust, the matter shall forthwith be referred to the Provincial Government or to such officers as the Provincial Government may appoint in that behalf whose decision shall be final.]]

51. Power of the Trust to facilitate movement of population.— In order to facilitate the movement of the population in and around any local area to which this Act is applied, the Trust may from time to time—

- (a) subject to any conditions it may deem fit to impose—
 - (i) guarantee the payment, from the funds at its disposal, of such sums as it may deem fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion, or
 - (ii) make such payments as it may deem fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work any means of locomotion, or
- (b) either singly or in combination with any other persons construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto, or
- (c) construct or widen, strengthen or otherwise improve bridges:

Provided that no guarantee or subsidy shall be made under clause (a) and no means of locomotion shall be constructed, maintained or worked under clause (b), without the previous sanction of the ²[Provincial Government].

52. Power to make surveys or contribute towards their cost.— The Trust may—

- (a) cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or
- (b) contribute towards the cost of any such survey made by any other local authority.

53. Power of entry.— (1) The Chairman or any person authorised by him or by the Trust in writing may, with or without assistants or workmen, enter into or upon any land in order—

- (i) to make any inspection, survey, measurement, valuation or inquiry,
- (ii) to take levels,
- (iii) to dig or bore into sub-soil,
- (iv) to set out boundaries and intended lines of work,
- (v) to mark such levels, boundaries and lines by marks and cutting trenches, or

¹Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 11.

²Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

- (vi) to do any other thing, whenever it is necessary to do so for any of the purposes of this Act or any rule made or scheme sanctioned hereunder or any scheme which the Trust intends to frame hereunder:

Provided as follows:–

- (a) Except when it is otherwise specially provided by a rule no such entry shall be made between sunset and sunrise.
- (b) Except when it is otherwise specially provided by a rule no building which is used as a human dwelling shall be so entered unless with the consent of the occupier or if there be no occupier, the owner thereof, without giving the said occupier or owner, as the case may be, at least twenty-four hours' previous notice in writing of the intention to make such entry.
- (c) Even when any premises may otherwise be entered without notice, reasonable warning and facility to withdraw shall be given to any female not appearing in public according to the customs of the country.
- (d) Due regard shall always be paid so far as the exigencies of the occasion permit to the social and religious usages of the occupants of the premises entered.

(2) Whenever any person enters into or upon any land in pursuance of sub-section (1), he shall at the time of such entry pay or tender payment for all necessary damages to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered he shall at once refer the dispute to the Trust, whose decision shall be final.

(3) It shall be lawful for any person authorised under sub-section (1) to make an entry for the purpose of inspection or search to open or cause to be opened a door, gate or other barrier–

- (a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and
- (b) if the occupier or owner, as the case may be, is absent, or being present refuses to open such door, gate or barrier.

54. Reference of disputes to Tribunal.– (1) If any question or dispute arises–

- (a) between the Trust and the previous owner of any street or part thereof which has vested in the Trust under section 46 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or
- (b) between the Trust and any person who was entitled as of right, to use as a means of access any street or part thereof, which has vested in the Trust under the said section–
 - (i) as to whether the alteration or closing of such street or part causes special damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or
 - (ii) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section are reasonably sufficient, or
 - (iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or
- (c) between the Trust and any person as to the sufficiency of any compensation paid or proposed to be paid to him under sections 30, 31 or 102, the matter shall be determined by the Tribunal, hereinafter defined, if referred to it either

by the Trust or by the claimant within a period of three months from the date on which the said person was informed of the decision of the Trust fixing the amount of compensation to be paid to him or of the rejection of his claim to compensation by the Trust, and the determination of the Tribunal shall be final:

Provided that the Tribunal shall not entertain the application of any claimant who has not applied to the Trust for compensation within three months of the date on which his claim to compensation accrued.

(2) The provisions of sections 5, 6 and 12 of the Limitation Act shall be applicable in determining whether any claim shall be entertained.

(3) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Trust shall be final.

(4) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by section 59 of this Act, were applicable to the case.

55. Vesting in Committee of streets laid out or altered, and open spaces provided by the Trust under a scheme.— (1) Whenever the Municipal Committee is satisfied—

- (a) that any street laid out or altered by the Trust has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the ¹[Provincial Government] under this Act, and
- (b) that such lamps, lamp-posts, and other apparatus as the Municipal Committee deem necessary for the lighting of such street and as ought to be provided by the Trust have been so provided, and
- (c) that water and other sanitary conveniences ordinarily provided in a municipality have been duly provided in such street, the Municipal Committee after obtaining the assent of the Trust, or failing such assent, the assent of the ²[Provincial Government] under sub-section (3), shall by notice affixed in some conspicuous position in such street declare the street to be a public street; and the street shall thereupon vest in and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Municipal Committee.

(2) When any open space for purposes of ventilation or recreation has been provided by the Trust in executing any scheme under this Act, it shall, on completion, be transferred to the Municipal Committee by resolution of the Trust and shall thereupon, vest in and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Municipal Committee:

Provided that the Municipal Committee may require the Trust, before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide footpaths therein and, if necessary, to provide lamps and other apparatus for lighting it.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²*Ibid.*

(3) If any difference of opinion arises between the Trust and the Municipal Committee in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the ¹[Provincial Government], whose decision shall be final.

²[CHAPTER V-A

Controlled Area

55-A. Controlled area.— (1) The Provincial Government may on its own or on an application made by the Trust, declare by notification in the official gazette, any area to be a controlled area:

Provided that any locality within the limits of municipal committee shall not be declared a controlled area except after consultation with the municipal committee.

(2) The trust may, in respect of a controlled area, exercise such powers and do all such things as may be necessary for controlling haphazard development, land uses, growth of colonies, construction of buildings.

(3) Without prejudice to the generality of the provisions made in sub-section (2), the provisions of sections 78, 79, 80, 81, 82, 83, 85, 86, 214, 215, 216, 217, 218, 219, 221, 222, 225, 226, 227, 228, 229 and 232 of the Punjab Local Government Act, 1975 shall mutatis mutandis apply to a controlled area and all references in the said sections to a municipal committee or to the Chairman or any officer or servant of a municipal committee, shall be construed as referring to the Trust which, in respect of such controlled area, may alone exercise and perform all or any of the powers and functions which under any of the said sections might have been exercised or performed by the municipal committee or by the Chairman or any officer or servant of the municipal committee:

Provided that the Trust may delegate to the Chairman or any officer of the Trust all or any of the powers conferred by this section.

(4) The Trust may make bye-laws for any locality outside the limits of the municipal committee comprised in a controlled area—

- (a) generally for carrying out the purposes of this Act; and
- (b) in particular and without prejudice to the generality of the aforesaid powers, regarding any of the matters referred to in the aforementioned sections of the Punjab Local Government Act, 1975.

(5) The Provincial Government may, at any time when it may consider in respect of any controlled area that the purpose of sub-section (2) has been served or controlled by the trust is otherwise not necessary or on application by the Trust, declare by notification in the official gazette that such area shall no longer be a controlled area.]

CHAPTER VI

Acquisition, Tribunals and Application of Act to other Authorities

56. Abandonment of acquisition in consideration of special payment.— (1) Wherever in any locality comprised in any scheme under this Act the ¹[Provincial Government] has

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 12.

sanctioned the acquisition of land which is subsequently discovered to be unnecessary for the execution of the scheme the owner of such land, or any person having an interest therein, may make an application to the Trust requesting that the acquisition of such land be abandoned in consideration of the payment by him of a sum to be fixed by the Trust in that behalf.

(2) The Trust shall admit every such application if it—

- (a) reaches it before the time fixed by the Collector, under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land, and
- (b) is made by any person, who either owns the lands, is mortgagee thereof, or holds a lease thereof, with an unexpired period of seven years.

(3) The Trust may admit any such application presented by any other person having an interest in the land.

(4) On the admission by the Trust of any such application, it shall forthwith inform the Collector, and the Collector shall thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the Trust shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned.

(5) Within the said period of three months, or, with the permission of the Trust at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, the person from whom the Trust has agreed to accept the sum so fixed may, if the Trust is satisfied that the security offered by him is sufficient, execute an agreement with the Trust, either—

- (i) to pay the said sum three years after the date of the agreement, or
- (ii) to leave the said sum outstanding as a charge on his interest in the land, subject to the payment of interest at a rate to be agreed upon by such person and the Trust until the said sum has been paid in full and to make the first annual payment of such interest four years after the date of the agreement:

Provided that the Trust may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, accept immediate payment of the said sum instead of an agreement as aforesaid.

(6) When any agreement has been executed in pursuance of sub-section (5) or when any payment has been accepted in pursuance of the proviso to that sub-section in respect of any land, proceedings for the acquisition of the land shall be deemed to be abandoned.

(7) Every payment due from any person under any agreement executed under sub-section (5) shall be a charge on the interest of that person.

(8) If any instalment of interest payable under an agreement executed in pursuance of clause (ii) of sub-section (5) be not paid on the due date, the sum fixed by the Trust under sub-section (4) shall be payable on the date, in addition to the said instalment.

(9) At any time after an agreement has been executed in pursuance of clause (ii) of sub-section (5), any person may pay in full the charge created thereby, with interest, at the agreed rate, upto the date of such payment.

(10) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (5), no suit with respect to such agreement shall be brought against the Trust by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

(11) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (5), and any sum payable in pursuance of that sub-section is not duly paid, the same shall be recoverable by the Trust (together with interest, up to the date of realization, at the agreed rate), from the said person or his successor in interest in such land in the manner provided by ¹ [²section 142 of the Punjab Local Government Act, 1975]], and, if not so recovered the Chairman may, after giving public notice of his intention to do so and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

57. Agreement or payment under section 56 not a bar to acquisition under a fresh declaration.— If any land in respect of which an agreement has been executed, or a payment has been accepted, in pursuance of sub-section (5), of section 56, be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894.

58. Tribunal to be constituted.— A Tribunal shall be constituted as provided in section 60, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Trust, under the Land Acquisition Act, 1894.

59. Modification of the Land Acquisition Act, 1894.— For the purpose of acquiring land under the Land Acquisition Act, 1894, for the Trust—

- (a) the Tribunal shall (except for the purposes of section 54 of the said Act) be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge, under the said Act;
- (b) the said Act shall be subject to the further modifications indicated in the Schedule to this Act;
- (c) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and
- (d) the award of a Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894, and shall be final.

60. Constitution of Tribunal.— (1) The Tribunal shall consist of a President and two assessors.

(2) The President of the Tribunal shall be either—

- (a) a member of the Judicial branch of the ³[Civil Service of Pakistan or the] ⁴[Provincial Civil Service] of not less than ten years' standing in such service, who has for at least three years served as District Judge or for at least five years held judicial office not

¹Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 14.

²Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 13.

³Substituted for the words "Indian or" by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), vide Notification No.825-Leg., dated 21st January, 1955, published in the Punjab Gazette (Extraordinary), dated January 21, 1955, pp. 87-108, s. 2 and Part-II of the First Schedule.

⁴Substituted for the words "Punjab Civil Service" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (i) of s. 15.

inferior to that of a Senior ¹[Civil Judge] ²[or Senior Subordinate Judge or First Class Subordinate Judge]; ³[*]

(b) a barrister, advocate or pleader of not less than ten years' standing who has practised as an advocate or pleader in the ⁴[High Court of West Pakistan or a Court which has ceased to exist by virtue of the provisions of Article 3 of the High Court of West Pakistan (Establishment) Order, 1955] ⁵[, or]

⁶[(c) a retired member of the Judicial Branch of the Pakistan or Provincial Civil Service.]

(3) The President of the Tribunal and one of the assessors shall

¹Substituted for the words "Subordinate Judge" by the Punjab Adaptation of Provincial Laws Act, 1951 (II of 1952), published in the Punjab Gazette (Extraordinary), dated January 19, 1952, pp. 31-32, s. 3.

²Inserted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (i) of s. 15.

³Omitted the word "or" by the Punjab Town Improvement (West Pakistan Amendment) Act, 1958 (XXIX of 1958), vide Notification No. Leg.1(29)/58, dated 24th April, 1958, Published in the Gazette of West Pakistan (Extraordinary), dated April 24, 1958, pp. 681-682, sub-clause (i) of clause (a) of s. 2.

⁴Substituted for the words "High Court of Judicature at Lahore" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, clause (ii) of s. 15.

⁵Substituted for the full-stop and added by the Punjab Town Improvement (West Pakistan Amendment) Act, 1958 (XXIX of 1958), vide Notification No. Leg.1(29)/58, dated 24th April, 1958, Published in the Gazette of West Pakistan (Extraordinary), dated April 24, 1958, pp. 681-682, sub-clause (ii) of clause (a) of s. 2.

⁶Added by the Act *ibid.*, sub-clause (iii) of clause (a) of s. 2.

be appointed by the ¹[Provincial Government] and the other assessor shall be appointed by the Municipal Committee or, in default of appointment by the Municipal Committee within two months of their being required by the ²[Provincial Government] to make such appointment, by the ³[Provincial Government]:

Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or would, if he were a Trustee, be liable to removal by the ⁴[Provincial Government] under section 10.

(4) The term of office of each member of the Tribunal shall be two years, but any member shall, subject to the proviso to sub-section (3), be eligible for re-appointment at the end of that term ⁵:

Provided that the Provincial Government may fix a shorter term of office.]

(5) The ⁶[Provincial Government] may remove any member of the Tribunal who would if he were a Trustee be liable to removal by the ⁷[Provincial Government] under section 10.

⁸[(5-A) If in the opinion of the Provincial Government the continued existence of the Tribunal becomes unnecessary, or it is expedient that the Tribunal shall cease to exist, the Provincial Government may, by notification, declare that the Tribunal shall be dissolved from such date as may be specified in this behalf in such notification and from the date so specified the Tribunal shall be deemed to be dissolved.]

(6) When any person ceases for any reason to be member of the Tribunal, or when any member is temporarily absent in consequence of illness or any unavoidable cause, the authority which appointed him shall forthwith appoint a fit person to be a member in his place. Where the authority so appointing was the Municipal Committee and the Municipal Committee fails to make a fresh appointment within two months of being required to do so by the ⁹[Provincial Government], the appointment may be made by the ¹⁰[Provincial Government].

61. Remuneration of members of Tribunal.— Each member of the Tribunal shall receive such remuneration, either by way of monthly salary or by way of fees, or partly in one of those ways and partly in the other, as the ¹¹[Provincial Government] may prescribe.

62. Officers and servants of Tribunals.— (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²*Ibid.*

³*Ibid.*

⁴*Ibid.*

⁵Substituted and added by the Punjab Town Improvement (West Pakistan Amendment) Act, 1958 (XXIX of 1958), vide Notification No. Leg.1(29)/58, dated 24th April, 1958, Published in the Gazette of West Pakistan (Extraordinary), dated April 24, 1958, pp. 681-682, clause (b) of s. 2.

⁶Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁷*Ibid.*

⁸Inserted by the Punjab Town Improvement (West Pakistan Amendment) Act, 1958 (XXIX of 1958), vide Notification No. Leg.1(29)/58, dated 24th April, 1958, Published in the Gazette of West Pakistan (Extraordinary), dated April 24, 1958, pp. 681-682, clause (c) of s. 2.

⁹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

¹⁰*Ibid.*

¹¹*Ibid.*

- (a) the number and grades of the clerks and other officers and servants who in his opinion should be maintained for carrying on the business of the Tribunal.
- (b) the amount of the salary to be paid to each such clerk, officer and servant.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the ¹[Provincial Government].

(3) Subject to any directions contained in any statement prepared under sub-section (1), and to rules made under section 73, the power of appointing, promoting and granting leave to clerks, officers and servants of the Tribunal, and the power of reducing, suspending or dismissing them, shall vest in the President of the Tribunal.

63. Mode of payment.— The remuneration prescribed under section 61 for members of the Tribunal and the salaries, leave allowances and acting allowances prescribed under this Act for clerks, officers and servants of the Tribunal, shall be paid by the Trust to the President of the Tribunal for distribution.

64. Powers to make rules for Tribunal.— (1) The ²[Provincial Government] may from time to time make rules, not repugnant to the Code of Civil Procedure, 1908³, for the conduct of business by Tribunals established under this Act.

- (2) All such rules shall be published by notification.

65. Award of Tribunal how to be determined.— (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act, 1894—

- (a) if there is any disagreement as to the measurement of land, or to the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;
- (b) notwithstanding anything contained in the foregoing clause, the decision on all questions of law and title and procedure shall rest solely with the President of the Tribunal, and such questions may be tried and decided by the President in the absence of assessors unless the President considers their presence necessary.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by a Court of Small Cause, or if there be no such Court, by the Senior ⁴[Civil Judge] ⁵[or Senior Subordinate Judge or First Class Subordinate Judge] within the local limits of whose jurisdiction it was made as if it were a decree of that Court.

66. Application of Act to acquisition by other local authorities.— (1) Whenever a Municipal Committee or other local authority acquires land for the purposes of—

- (i) laying out new public streets in any locality whether previously built upon or not; or

¹ *Ibid.*

² *Ibid.*

³ V of 1908.

⁴ Substituted for the words "Sub-Judge" by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), vide Notification No.825-Leg., dated 21st January, 1955, published in the Punjab Gazette (Extraordinary), dated January 21, 1955, pp. 87-108, s. 2 and Part-II of the First Schedule.

⁵ Inserted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 16.

- (ii) constructing new buildings and laying out of compounds attached thereto, abutting on such new public streets in any locality, whether previously built upon or not; or
- (iii) reclaiming unhealthy or insanitary localities—
- (a) the modifications of the Land Acquisition Act contained in the Schedule of this Act shall, so far as they are applicable, apply to every such acquisition;
- (b) the ¹[Provincial Government] may constitute a Tribunal in accordance with section 60 and the provisions of sections 57 to 66 and of section 73 so far as they relate to the Tribunal, shall thereupon apply to such acquisition.

(2) If the ²[Provincial Government] does not constitute a Tribunal in accordance with clause (b) of sub-section (1), all references to the Tribunal in the Schedule shall be construed as referring to the Court.

³[(3) Whenever the Provincial Government acquires land for the purposes of the setting up of a satellite town, whether within or beyond the local limits of a municipal committee, or other local authority or Trust, or for any other purpose which in the opinion of the Provincial Government is connected with the setting up of the satellite town concerned, the provisions of subsections (1) and (2) shall, as far as possible, apply to such acquisition.

Explanation.— For the purposes of this subsection, a ‘satellite town’ means new town to be set up in the vicinity of one already existing and includes such town the construction of which has been undertaken by a Co-operative House Building Society registered under ⁴[any law relating to Co-operative Societies for the time being in force in the Province or in any part thereof].

⁵[66-A. Exemption of land in a housing scheme from Chapter VI.— Nothing contained in this Chapter shall apply to the acquisition of land for a housing scheme.]

CHAPTER VII Finance

67. Power of Trust to borrow money.— A Trust under this Act shall be deemed to be a local authority under the Local Authorities Loans Act, 1914, for the purpose of borrowing money under that Act, and the making and execution of any scheme under this Act shall be deemed to be a work which such local authority is legally authorised to carry out.

68. Contribution by Municipal Committee.— (1) The Municipal Committee shall pay to the Trust so long as the Trust is concerned with the improvement of a locality within the limits of the Municipality an amount per annum equal to two per cent of the gross annual income of such Committee.

(2) In case of dispute as to what is the gross annual income of a Committee, the matter shall be referred to the ¹[Provincial Government], whose decision shall be final.

¹Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

³Added by the Punjab Town Improvement (Amendment) Act, 1952 (II of 1953), vide Notification No.709-Leg., dated 16th January, 1953, published in the Punjab Gazette (Extraordinary), dated January 16, 1953, s. 2.

⁴Substituted for the words “the Co-operative Societies Act, 1912” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 17.

⁵Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 14.

69. Custody and investment of Trust funds.— (1) In places where there is a Government treasury or sub-treasury, or a bank to which the Government treasury business has been made over, all moneys at the credit of the Trust shall be kept in such treasury, sub-treasury or bank.

(2) In places where there is no such treasury or sub-treasury or bank, such moneys may be kept with a banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the sum so kept as the ²[Provincial Government] may in each case deem sufficient.

(3) Provided that nothing in the foregoing provisions of this section shall be deemed to preclude a Trust from, with the previous sanction of the ³[Provincial Government], investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20 of the ⁴[Trusts] Act, 1882, or placing them in fixed deposit with a bank approved by the ⁵[Provincial Government].

70. Procedure if the Trust fails to make any payment in respect of loans of the Trust.— If any money borrowed under section 67 or any interest or costs due in respect thereof is or are not repaid according to the conditions of the loan, the ⁶[Provincial Government] shall itself make such payment and may attach the rents and other income of the Trust; and thereupon the provisions of section 5 of the Local Authorities Loans Act, 1914, shall, with all necessary modifications, be deemed to apply.

71. Procedure if Chairman of Board fails to make any payment due to Accountant-General.— The ⁷[Provincial Government] may further impose or increase a tax on the annual value of buildings or lands or of both described in ⁸[item I of the Third Schedule to the Municipal Administration Ordinance, 1960], to such extent as may be necessary for the purpose of recovering a payment made under section 70.

72. Payment by Provincial Government to be a charge on the property of the Trust.— All moneys paid by the ⁹[Provincial Government] shall constitute a charge upon the property of the Trust.

CHAPTER VIII Rules

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²*Ibid.*

³*Ibid.*

⁴Substituted for the words "Indian Trust" by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), vide Notification No.825-Leg, dated 21st January, 1955, published in the Punjab Gazette (Extraordinary), dated January 21, 1955, pp. 87-108, s. 2 and Part-II of the First Schedule.

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁶*Ibid.*

⁷*Ibid.*

⁸Substituted for the words, figures and brackets "section 61 (B) (a) of the Municipal Act" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 18.

⁹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

73. Power of ¹[Provincial Government] to make rules.– (1) In addition to the power conferred by section 64, the ²[Provincial Government] may make rules consistent with this Act and applicable to all Trusts or any Trust–

- (i) as to the authority on which money may be paid from the Trust funds;
- (ii) for fixing the fees payable for copies of or extracts from the municipal records furnished to the Chairman under section 39;
- ³[(iii) as to the employment, payment, suspension and removal of officers and servants of the trust, the conduct of such officers and servants, and the admissibility and payment of pension to them;]
- (iv) as to the intermediate office or offices (if any) which correspondence between the Trust and the ⁴[Provincial Government] or ⁵[servants of the ⁶[State]] shall pass;
- (v) as to the accounts to be kept by the Trust, as to the manner in which such accounts shall be audited and published, and as to the powers of auditors in respect of disallowance and surcharge;
- (vi) as to the authority by whom, the conditions subject to which and the mode in which contracts may be entered into and executed on behalf of the Trust;
- (vii) as to the preparation of estimates of income and expenditure of the Trust and as to the authority by whom and the conditions subject to which such estimates may be sanctioned;
- (viii) as to the returns, statements, and reports to be submitted by Trusts;
- (ix) to prescribe and define the mutual relations to be observed between the Trust and other local authorities in any matter in which they are jointly interested;
- (x) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Trust and of the Tribunal;
- (xi) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers in the service of the Trust or of the Tribunal (other than any ⁷[servant of the ⁸[State]] in respect of whom a contribution is paid under section 94) to contribute to such fund at such rates and subject to such conditions as may be prescribed by such rules and for supplementing such contributions out of the funds of the Trust:

¹*Ibid.*

²*Ibid.*

³Substituted by the Town Improvement (Amendment) Act, 1968 (IV of 1968), vide Notification No. PAWP/Leg.(129)/67/62, dated 15th July, 1968, published in the Gazette of West Pakistan (Extraordinary), dated July 15, 1968, pp. 2952-A – 2952-B, s. 3.

⁴Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁵Substituted for the words “officers of the Government” by the Order *ibid.*, s. 3 and Schedule.

⁶Substituted for the word “Crown” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

⁷Substituted for the words “servant of the Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

⁸Substituted for the word “Crown” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

Provided that a ¹[servant of the ²[State]] employed as officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be prescribed ³[by the conditions of his service under the ⁴[State]];

- (xii) for determining conditions under which the officers and servants of the Trust or of the Tribunal, or any of them, shall, on retirement, receive gratuities or compassionate allowances; and the amount of such gratuities and compassionate allowances:

Provided that it shall be at the discretion of the Trust or of the Tribunal, as the case may be, to determine whether all such officers and servants or any, and if so which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid;

- (xiii) generally for the guidance of Trust and public officers in all matters connected with the carrying out of the provisions of this Act;
- (xiv) for regulating the grant of subsidies to Trusts by the ⁵[Provincial Government], the conditions under which they may be earned or forfeited and the arrangements for their repayment.

(2) All acts authorized or enjoined under this Act shall be held to be authorized or enjoined subject to such rules.

74. Power of the Trust to make rules.— Every Trust may from time to time with the previous sanction of the ⁶[Provincial Government] make rules consistent with this Act and with any rules made under this Act by the ⁷[Provincial Government]—

- (i) for fixing the amount of security to be furnished by any officer and servant of the Trust from whom it may be deemed expedient to require security;
- (ii) for associating members with the Trust under section 13;
- (iii) for appointing persons (other than Trustees and persons associated with the Trust under section 13) to be members of committee under section 14;
- (iv) for regulating the delegation of powers or duties of the Trust to the committees or to the Chairman;
- (v) for the guidance of persons employed by it under this Act;
- (vi) for fixing the fees payable for copies of documents delivered under sub-section (3) of section 36 or under section 75;

¹Substituted for the words "Government servant" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

²Substituted for the word "Crown" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

³Substituted for the words "in any general or special orders of the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

⁴Substituted for the word "Crown" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

⁶*Ibid.*

⁷*Ibid.*

- (vii) for the management, use and regulation of dwellings constructed under any scheme under this Act;
- (viii) generally for carrying out the purposes of this Act.

75. Printing and sale of copies of rules.– (1) The Chairman shall cause all rules made under section 73 or section 74 and for the time being in force to be printed and shall cause printed copies thereof to be delivered to any applicant on payment of such fees as may be fixed.

(2) Notice of the fact of copies of rules being obtainable at the said price and of the place where and the person from whom the same are obtainable shall be given by the Chairman by advertisement in a newspaper or newspapers.

76. Power of ¹[Provincial Government] to cancel rules made under section 74.– The ²[Provincial Government] may, after previous publication of its intention, cancel any rule made by the Trust which it has sanctioned, and thereupon the rule shall cease to have effect.

CHAPTER IX Procedure and penalties

77. Stamping signature on notices or bills.– (1) Every notice or bill issued under this Act shall be signed by the Chairman, or by any other Trustee or any officer or servant of the Trust specially or generally authorized by the Trust, or so authorized by the Chairman under sub-section (1) of section 20, and every notice or bill shall be deemed to be properly signed if it bears the facsimile of the signature of the Chairman or such Trustee, officer or servant stamped or printed thereon.

(2) No notice issued by the Trust under this Act or any rule or bye-law made thereunder shall be invalid for defect of form.

78. Method of giving public notice.– Subject to the provisions of this Act, every public notice required under this Act shall be deemed to have been duly given if it is published in some local newspaper (if any) and posted upon a notice board to be exhibited for public information at the building in which the meetings of the Trust are ordinarily held.

79. Service of notice.– (1) Every notice other than a public notice, and every bill, issued under this Act shall, unless it is under this Act otherwise expressly provided, be served or presented–

- (a) by giving or tendering the registered notice or bill, or sending it by registered post, to the person to whom it is addressed, or
- (b) if such person cannot be found, then by leaving the notice or bill at his last known place of abode, if within municipal limits, or by giving or tendering it to some adult male member or servant of his family, ordinarily residing with him, or by causing it to be affixed on some conspicuous part of the buildings or land (if any) to which it relates.

(2) When a notice is required or permitted under this Act to be served upon an owner or occupier, as the case may be, of a building or land, it shall not be necessary to name

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²*Ibid.*

the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

- (a) by giving or tendering the notice, or sending it by post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or
- (b) if such owner or occupier cannot be found, then by giving or tendering the notice to an adult male member or servant of his family ordinarily residing with him or by causing the notice to be affixed on some conspicuous part of the building or land to which it relates.

(3) Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family ordinarily residing with him shall be deemed to be service upon the minor.

80. Disobedience to Act or to notice.— Where under this Act or a notice issued thereunder the public or any person is required to do or to refrain from doing anything, a person who fails to comply with such requisition shall, if such failure is not an offence punishable under any other section, be liable on conviction by a Magistrate to a fine not exceeding five hundred rupees for every such failure, and, in the case of a continuing breach, to a further fine which may extend to five rupees for every day after the date of the last conviction during which the offender is proved to have persisted in the breach:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

81. Powers of Trust to execute works on failure to comply with notice.— If a notice has been given under this Act to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then the Trust may after giving six hours' notice cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided by ¹[²[section 142 of the Punjab Local Government Act, 1975]].

82. Liability of occupier to pay in default of owner.— (1) If the person to whom the notice mentioned in section 81 has been given is not the owner of the property in respect of which it is given, the Trust may (whether any action or other proceeding has been brought or taken against such owner or not) require the person (if any) who occupies such property or a part thereof under such owner, to pay to the Trust instead of to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 81; and any such payment made by the occupier to the Trust shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been made to the owner of the property.

(2) For the purpose of deciding whether action should be taken under sub-section (1) the Trust may require an occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and if the occupier refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner.

¹Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 14.

²Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 15.

(3) All money recoverable by the Trust under this section shall be recoverable in the manner provided by ¹²[section 142 of the Punjab Local Government Act, 1975].

83. Right of occupier to execute works in default of owners.— Whenever default is made by the owner of a building or land in the execution of a work required under this Act to be executed by him the occupier of such building or land may, with the approval of the Trust, cause such work to be executed and the expense thereof shall, in the absence of any contract to the contrary, be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

84. Procedure upon opposition to execution by occupier.— (1) If, after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to take such action, the owner may apply to a Magistrate.

(2) The Magistrate upon proof of such refusal may by order in writing require the occupier to give the owner reasonable facility for executing such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he deems fit, order the occupiers to pay to the owner the costs relating to such application or order.

(3) If, after the expiration of eight days from the date of the Magistrate's order the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable upon conviction, to a fine which may extend to twenty-five rupees for every day during which he has so continued to refuse.

(4) Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in the execution of such works.

85. Recovery of cost of work by the occupier.— When the occupier of a building or land has, in compliance with a notice issued under this Act, executed a work for which the owner of such building or land is responsible either in pursuance of the contract of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner by deduction from the rent payable by him or otherwise the reasonable cost of such work.

³**86. Recovery of expenses of removal by Trust.**— The expenses incurred by Trust in effecting any removal under section 86 of the Punjab Local Government Act, 1975, as applied by section 49 of this Act, or, in the event of a written notice under section 83 of the Punjab Local Government Act, 1975, not being complied with under section 81 of this Act, shall be recoverable by sale of the material removed, and if the proceeds of such sale do not suffice, the balance shall be recoverable from the owner of the said material in the manner provided by Section 142 of the Punjab Local Government Act, 1975.]

87. Relief to agents and trustees.— (1) When a person by reason of his receiving, or being entitled to receive, the rent of immovable property as trustee or agent of a person or society would, under this Act, be bound to discharge an obligation imposed by this Act on

¹Substituted by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 14.

²Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 16.

³Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 17.

the owner of the property for the discharge of which money is required he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) When an agent or trustee has claimed and established his right to relief under this section, the Trust may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which come to his hands on behalf or for the use of the owner, and should he fails to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

188. Application of Section 142 of the Punjab Local Government Act, 1975.— Whenever in this Act or in any Sections of the Punjab Local Government Act, 1975 made applicable by Section 49 of this Act, it is provided that any sum shall be recoverable in the manner provided by Section 142 of the Punjab Local Government Act, 1975, then in applying the provisions of that section all references to the Municipal Committee shall be construed as referring to the Trust.]

89. Penalty for removing fence, etc., in street.— If any person, without lawful authority—

- (a) removes any fence, or any timber used for propping or supporting any building, wall or other thing, or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the Trust for the purpose of carrying out any work, or
- (b) infringes any order given, or removes any bar, chain or post fixed by the Trust for the purpose of closing any street to traffic, he shall be punishable with fine which may extend to fifty rupees.

90. Power to prevent or demolish building in contravention of sections 30 and 31.— If any person without the permission of the Trust erects, re-erects, adds to or alters any building so as to make the same project beyond a street, alignment or building line by the Trust or erects, re-erects, adds to or alters any building in contravention of section 30 or 31 the Chairman of the Trust may, by a written notice,—

- (a) direct that the building, alteration or addition be stopped and
- (b) require such building, alteration or addition to be altered or demolished as he may deem necessary.

91. Penalty for obstructing contractor or removing mark.— If any person—

- (a) obstructs, or molests any person with whom the Trust has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

Disposal of Fines and Damages

92. ²[* * * * *]

CHAPTER X

¹Substituted by the Town Improvement (Punjab Amendment) Act, 1977, vide Notification No. PAP/Legis.2(14)/77/36, dated 27th June, 1977, published in the Punjab Gazette (Extraordinary), dated June 27, 1977, pp. 900-B – 900-H, s. 18.

²Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

Supplemental provisions

93. Trustees, etc. deemed public servants.— Every trustee, and every officer and servant of the Trust, and every member and officer and servant of the Tribunal shall be deemed to be a public servant within the meaning of section 21 of the ¹[Pakistan] Penal Code.

94. Contributions by Trust towards leave allowances and pensions of ²[servants of the ³[State]].— The Trust, shall be liable to pay such contributions for the leave allowances and pension of any ⁴[servant of the ⁵[State]] employed as Chairman or as an officer or servant of the Trust, or as a member or officer or servant of the Tribunal, as may be ⁶[required by the conditions of his service under the ⁷[State] to be paid by him or on his behalf].

Legal Proceedings

95. Authority for prosecutions.— Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act, except on the complaint of or upon information received from the Trust or some person authorized by the Trust by general or special order in this behalf.

96. Powers of Chairman as to institution etc., of legal proceedings and obtaining legal advice.— The Chairman may, subject to the control of the Trust—

- (i) institute, defend or withdraw from legal proceedings under this Act,
- (ii) compound any offence against this Act,
- (iii) admit, compromise or withdraw any claim made under this Act, and
- (iv) obtain such legal advice and assistance as he may from time to time deem it necessary or expedient to obtain, or as he may be desired by the Trust to obtain, for any of the purposes referred to in the foregoing clause of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Trust or any officer or servant of the Trust.

97. Indemnity to Trust, etc.— No suit shall be maintainable against the Trust, or any Trustee, or any officer or servant of the Trust, or any person acting under the direction of the

¹Substituted for the word "Indian" by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), vide Notification No.825-Leg., dated 21st January, 1955, published in the Punjab Gazette (Extraordinary), dated January 21,1955, pp. 87-108, s. 2 and Part-II of the First Schedule.

²Substituted for the words "Government servants" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

³Substituted for the word "Crown" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

⁴Substituted for the words "Government servant" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

⁵Substituted for the word "Crown" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

⁶Substituted for the words "prescribed in any general or special orders of the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 3 and Schedule.

⁷Substituted for the word "Crown" by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 19.

Trust or of the Chairman or of any officer or servant of the Trust in respect of anything lawfully and in good faith and with due care and attention done under this Act.

98. Notice of suit against Trust, etc.– (1) No suit shall be instituted against the Trust or any Trustee, or any person associated with the Trust under section 13 or any member of a committee appointed under section 14 or any officer or servant of the Trust, or any person acting under the direction of the Trust or of the Chairman or of any officer or servant of the Trust, in respect of an act purporting to be done under this Act, until the expiration of two months next after notice in writing has been, in the case of a Trust, left at its office, and in any other case delivered to or left at the office or place of abode of the person to be sued, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) If the Trust or other person referred to in sub-section (1) shall before the action is commenced have tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.

(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of the title thereto, be commenced otherwise than within six months next after the accrual of the cause of action.

(4) Provided that nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceedings.

Evidence

99. Mode of proof of Trust records.– A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Trust shall if duly certified by the legal keeper thereof, or other person authorized by the Trust in this behalf be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent, as the original entry or document would, if produced, have been admissible to prove such matters.

100. Restriction on the summoning of Trust servants to produce documents.– No Trustee or officer or servant of the Trust shall in any legal proceeding to which the Trust is not a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the Court made for special cause.

Validation

101. Validation of acts and proceedings.– (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of–

- (a) the existence of any vacancy in, or any defect in the constitution of, the Trust or any committee, or
- (b) any person having ceased to be a Trustee, or
- (c) any Trustee or any person associated with the Trust under section 13 or any other member of a committee appointed under this Act, having voted or taken any part in any proceeding in contravention of section 16, or
- (d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure, or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Trust, the minutes of the proceedings of which have been duly signed as prescribed in clause (e), sub-section (1), of section 12, shall be taken to have been duly convened and to be free from all defects and irregularities.

Compensation

102. General power of Trust to pay compensation.— In any case not otherwise expressly provided for in this Act, the Trust may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested under this Act in the Trust or the Chairman or any officer or servant of the Trust.

Dissolution of Trust

103. Ultimate dissolution of Trust, and transfer of its assets and liabilities to the committee.— (1) When all schemes sanctioned under this Act have been executed or have been so far executed as to render the continued existence of the Trust, in the opinion of the ¹[Provincial Government], unnecessary, or when in the opinion of the ²[Provincial Government] it is expedient that the Trust shall cease to exist, the ³[Provincial Government] may by notification declare that the Trust shall be dissolved from such date as may be specified in this behalf in such notification; and the Trust shall be deemed to be dissolved accordingly.

(2) From the said date—

(a) all properties, funds and dues which are vested in or realisable by the Trust and the Chairman respectively shall vest in and be realisable by the Municipal Committees; and

(b) all liabilities which are enforceable against the Trust shall be enforceable only against the Municipal Committee; and

(c) for the purpose of completing the execution of any scheme, sanctioned under this Act which has not been fully executed by the Trust, and of realizing properties, funds and dues referred to in clause (a) the functions of the Trust and the Chairman under this Act shall be discharged by the Municipal Committee and the President of the Municipal Committee respectively; and

(d) the Municipal Committee shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised hereunder have been repaid, and until all other liabilities referred to in clause (b) have been duly met.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

²*Ibid.*

³*Ibid.*

THE SCHEDULE

(Referred to in section 59)

Further modifications in the Land Acquisition Act, 1894, hereinafter called “the said Act”.

1. Amendment of section 3.— After clause (e) of section 3 of the said Act the following shall be deemed to be inserted, namely:—

“(ee) the expression, “local authority” includes a Trust constituted under the ¹[*] Town Improvement Act, 1922.”

2. Notification under section 4 and declaration under section 6 to be replaced by notifications under sections 36 and 42 of this Act.— (1) The first publication of a notice of any improvement scheme, under section 36 of this Act shall be substituted for and have the same effect as publication in the ²[Official Gazette] and in the locality of a notification under sub-section (1) of section 4 of the said Act, except where a declaration under section 4 or section 6 of the said Act has previously been made and is still in force.

(2) Subject to the provisions of clauses 10 and 11 of this Schedule, the issue of a notice under sub-section (1) of section 32 in the case of land acquired under that sub-section, and in any other case the publication of a notification under section 42 shall be substituted for and have the same effect as a declaration by the ³[Provincial Government] under section 6 of the said Act, unless a declaration under the last mentioned section has previously been made and is still in force.

3. Amendment of section 11.— The full stop at the end of clause 11 of the said Act shall be deemed to be changed to a semi-colon, and the following shall be deemed to be added, namely:—

“and

(iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation, and who is not entitled to receive the additional sum of fifteen per centum mentioned in sub-section (2) of section 23, as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector.

The Collector may disallow, wholly or in part, costs incurred by any person if he considers that the claim made by such person for compensation is extravagant.”

4. Amendment of section 15.— In section 15 of the said Act, for the word and figures “and 24” the figures, word and letter “24 and 24-A” preceded by a comma, shall be deemed to be substituted.

5. Amendment of section 17.— (1) In sub-section (3) of section 17 of the said Act, after the figures “24” the words, figures and letter “or section 24-A” shall be deemed to be inserted.

(2) To the said section 17 the following shall be deemed to be added, namely:—

“(4) Sub-sections (1) and (3) shall apply also to any area certified to be unhealthy by any Magistrate of the first class.

¹Substituted for the word “Punjab” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 21.

²Substituted for the words “Gazette” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18th March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344, s. 4 and Table of General Adaptations.

³Substituted for the words “Local Government” by the Order *ibid*.

(5) Before granting any such certificate, the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in sub-section (3) of section 9, and shall hear without any avoidable delay any objections which may be urged by them.

(6) When proceedings have been taken under this section for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession."

6. After section 17 of the said Act, the following shall be deemed to be inserted, namely:—

“17-A. Transfer of land to Trust.— In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Trust; and the land shall thereupon vest in the Trust, subject to the liability of the Trust to pay any further costs which may be incurred on account of its acquisition.”

7. Amendment of section 18.— The full stop at the end of sub-section (1) of section 18 of the said Act shall be deemed to be changed to a comma, and the words “or the amount of the costs allowed” shall be deemed to be added.

8. Amendment of section 19.— After the words “amount of compensation,” in clause (c) of section 19 of the said Act, the words “and of costs (if any)” shall be deemed to be inserted.

9. Amendment of section 20.— After the words “amount of the compensation,” in clause (e) of section 20 of said Act, the words “or costs” shall be deemed to be inserted.

10. Amendment of section 23.— (1) In clause first and clause sixthly of sub-section (1) of section 23 of the said Act, for the words “publication of the declaration relating thereto under section 6” and the words “publication of the declaration under section 6” shall be deemed to be substituted—

(a) if the land is being acquired under sub-section (3) of section 32 of this Act the words “issue of the notice under sub-section (3) of section 32 of the ¹[*] Town Improvement Act, 1922,” and

(b) in any other case, the words “first publication of the notification under section 36 of the ²[*] Town Improvement Act, 1922.”

(2) The full stop at the end of sub-section (2) of section 23 of the said Act shall be deemed to be changed to a colon and the following proviso shall be deemed to be added:—

“Provided that this sub-section shall not apply to any land acquired under the ³[*] Town Improvement Act, 1922.”

(3) At the end of section 23 of the said Act, the following shall be deemed to be added, namely:—

“(3) For the purposes of clause first of sub-section (1) of this section—

(a) the market-value of the land shall be the market-value according to the use to which the land was put at the date with reference to which the market-value is to be determined under that clause;

¹Substituted for the word “Punjab” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 21.

²*Ibid.*

³*Ibid.*

- (b) if it be shown that before such date, the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on his actual loss may be paid to him;
- (c) if any person without the permission of the Trust required by sub-section (1) of section 31 of the ¹[*] Town Improvement Act, 1922, has erected, re-erected, added to or altered any building or wall so as to make the same project beyond a street alignment or building line duly prescribed by the Trust then any increase in the market-value resulting from such erection, re-erection, addition or alteration shall be disregarded;
- (d) if the market-value has been increased by means of any improvement made by the owner or his predecessor-in-interest within two years before the aforesaid date, such increase shall be disregarded unless it be proved that the improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under the ²[*] Town Improvement Act, 1922;
- (e) if the market-value is specially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market-value shall be deemed to be the market-value of the land if put to ordinary use; and
- (f) when the owner of the land or building has after the passing of the ³[*] Town Improvement Act, 1922, and within two years preceding the date with reference to which the market-value is to be determined, made a return under any enactment in force of the rent of the land or building, the rent of the land or building shall not in any case be deemed to be greater than the rent shown in the latest return so made, save as the Court may otherwise direct and the market-value may be determined on the basis of such rent:

Provided that where any addition to, or improvement of, the land or building has been made after the date of such latest return and previous to the date with reference to which the market-value is to be determined the Court may take into consideration any increase in the letting-value of the land due to such addition or improvement.”

11. Amendment of section 24.– For clause seventhly of section 24 of the said Act, the following shall be deemed to be substituted, namely:–

“*Seventhly*, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market-value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.”

12. After section 24 of the said Act, the following shall be deemed to be inserted, namely:–

“**24-A. Further provision for determining compensation.**– In determining the amount of compensation to be awarded for any land acquired for the Trust under this Act, the Tribunal shall also have regard to the following provisions, namely:–

¹*Ibid.*

²Substituted for the word “Punjab” by the Punjab Town Improvement (West Pakistan Amendment) Ordinance, 1962 (XVIII of 1962), vide Notification No. Leg.3(18)/62, dated 19th May, 1962, published in the Gazette of West Pakistan (Extraordinary), dated May 19, 1962, pp. 2057-2063, s. 21.

³*Ibid.*

- (a) When any interest in any land acquired under this Act, has been acquired after the date with reference to which the market-value is to be determined, no separate estimate, of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.
- (b) If, in the opinion of the Tribunal, any building is in a defective state, from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation for such building shall not exceed the sum which the Tribunal considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the estimated cost of putting it into such condition or state.
- (c) If, in the opinion of the Tribunal any building which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation for such building shall not exceed the value of the materials of the building, minus the cost of demolishing the building.”

13. Amendment of section 31.– (1) After the words “the compensation” in sub-section (1) of section 31 of the said Act, and after the words “the amount of compensation” in sub-section (2) of that section, the words “and cost (if any)” shall be deemed to be inserted.

(2) After the words “any compensation” in the concluding proviso to sub-section (2) of section 31 of the said Act, the words “or cost” shall be deemed to be inserted.

14. After section 48 of the said Act, the following shall be deemed to be inserted namely:–

“48-A. Compensation to be awarded when land not acquired within one year.–

(1) If within a period of one year, from the date of the publication of the declaration under section 6 in respect of any land, the Collector has not made an award under section 11 with respect to such land, the owner of the land shall, unless he has been to a material extent responsible for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.”

15. Amendment of section 49.– After sub-section (1) of section 49 of the said Act, the following shall be deemed to be inserted, namely:–

“Explanation.– For the purposes of this sub-section land which is held with and attached to a house and is reasonably required for the enjoyment and use of the house shall be deemed to be part of the house.”

