

Lahore Development Authority Act, 1975

30 of 1975

[03 April 1975]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title, Extent And Commencement
2. Alteration Of Boundaries
3. Definitions

CHAPTER 2 :- LAHORE DEVELOPMENT AUTHORITY

4. Establishment Of The Lahore Development Authority
- 4A. Vice Chairman
5. Qualifications Of The Member
6. Powers And Functions Of The Authority
7. Meetings

CHAPTER 3 :- DIRECTOR-GENERAL AND COMMITTEES

8. Appointment And Term Of Office
9. Resignation By Or Removal Of Director-General
10. Delegation
11. Appointment Of Officers And Employees
- 11A. Section 11A
- 11B. Liability For Loss
12. Committees

CHAPTER 4 :- PREPARATION AND EXECUTION OF SCHEMES

13. Preparation Of Schemes
14. Modification Of Schemes
15. Power To Give Directions
16. Power To Execute Any Scheme

CHAPTER 5 :- GENERAL

17. Directions By Government
- 17A. Transfer Of Functions, Etc
18. Controlled Area
19. Power To Act As A Local Government
20. Powers To Remove Sources Of Pollution
21. Beautification

- 22. Borrowing Money
- 23. Power To Levy Betterment Fee
- 24. Assessment Of Betterment Fee

CHAPTER 6 :- ACQUISITION

- 25. Liability To Acquisition
- 26. Application Of Act No. Viii Of 1973

CHAPTER 7 :- FINANCE, ACCOUNTS AND AUDIT

- 27. Lahore Development Authority Fund
- 28. Rates And Fees
- 29. Fees On Tube-Wells
- 30. Accounts
- 31. Budget
- 32. Audit

CHAPTER 8 :- PENALTY AND PROCEDURE

- 33. Penalty
- 34. Causing Damage To Property And Disobedience Of Orders
- 35. Cognizance Of Offences By Courts

CHAPTER 9 :- MISCELLANEOUS

- 36. Annual Report
- 37. Recovery Of Dues
- 38. Conversion Of Property To A Different Use
- 39. Summary Ejectment Of Unauthorized Occupants
- 40. Removal Of Building, Etc. Erected Or Used In Contravention Of This Act
- 41. Members, Officers And Employees To Be Public Servants
- 42. Immunity Of The Authority And Its Employees
- 43. Jurisdiction Of Courts Barred
- 44. Power To Make Rules
- 45. Power To Make Regulations
- 46. This Act To Prevail Over Other Laws
- 47. Succession

CHAPTER 10 :- REPEAL

- 48. Repeal And Savings

SCHEDULE 1 :- SCHEDULE I

Lahore Development Authority Act, 1975

30 of 1975

[03 April 1975]

An Act to provide for the constitution of the Lahore Development

Authority Preamble.- WHEREAS it is expedient in the public interest to establish a comprehensive system of metropolitan planning and development in order to improve the quality of life in the metropolitan area of Lahore, establish an integrated metropolitan and regional development approach and a continuing process of planning and development, to ensure optimum utilization of resources, economical and effective utilization of land and to evolve policies and programmes relating to the improvement of the environment of housing, industrial development, traffic, transportation, health, education, water supply, sewerage, drainage, solid waste disposal and matters connected therewith and incidental thereto; It is hereby enacted as follows:-

CHAPTER 1
PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Lahore Development Authority Act, 1975.
- (2) It shall extend to such area as may be notified as Lahore [2] [City District] area by the Government.
- (3) It shall come into force at once.

2. Alteration Of Boundaries :-

The boundaries of the [3][Lahore City District] may, from time to time, be altered by the Government through a notification in the official Gazette.

3. Definitions :-

In this Act, unless the context otherwise requires,-

- [4][(a) "Agency" means an Agency established by the Authority to perform one or more of its functions under this Act];
- [5][(aa)] "Authority" means the Lahore Development Authority constituted under section 4 of this Act;
- (b) "Area" means the Lahore [6][City District] area to which this Act applies;
- (c) "Chairman" means the Chairman of the Authority;
- [7][(cc) "Concession" means the grant by the Authority of its rights, privileges or powers under this Act to a person or persons in consideration of investments made or arranged by such person or persons at the instance of the Authority in public utility

infrastructure projects;]

(d) "[8][District Coordination Officer]" means the [9][District Coordination Officer]" of the District concerned and includes any other officer appointed by the Authority to exercise all or any of the powers and discharge any of functions under this Act;

[10][(dd) "District Government" means the District Government consisting of Zila Nazim and District Administration as provided in section 13 of the Punjab Local Government Ordinance, 2001 (XIII of 2001)];

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

(f) "Government Agency" includes-

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

[11][(ii) a local government as defined in the Punjab Local Government Ordinance, 2001 (XIII of 2001); and

(iii) a developmental or any other public authority, company or corporation (whether autonomous or semi-autonomous) owned or controlled by Government or a [12][local government] body;

(g) "Land" includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and benefits arising out of land and things attached to earth or permanently fastened to earth;

[13][(gg) "Managing Director" means the principal executive of an Agency];

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

[14][(hh) "Nazim" means the Zila Nazim or Town Nazim, as the case may be;]

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

[15][* * *];

(j) "Prescribed" means prescribed by rules or regulations; [16][*]

[17][(k) "Service area" means an area to be notified as such by the Government and in which Agency provides services] [18][; and]

[19][(l) "Toll" means charge or levy of a sum or sums of money collected for the use of a road, bridge, flyover, underpass or similar other facility.

CHAPTER 2

LAHORE DEVELOPMENT AUTHORITY

4. Establishment Of The Lahore Development Authority :-

(1) As soon as may be after the commencement of this Act, the Government shall establish an Authority to be called the Lahore Development Authority for carrying out the purposes of this Act.

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

[20] (3) The Authority shall consist of-

(a) Zila Nazim of Lahore City District. Member/
Chairman

(b) Town Nazims of all the Towns of Lahore City District. Members

(c) Director General of the Authority. Member

(d) District Coordination Officer of Lahore City District. Member

(e) Representative of the Planning and Development Board Punjab, not below the rank of Additional Secretary/ Deputy Secretary. Member

(f) Representative of the Finance Department, not below the rank of Additional Secretary/Deputy Secretary. Member

(g) Representative of the Housing, Urban Development and Public Health Engineering Department, not below the rank of Additional Secretary/Deputy Secretary. Member

(h) Representative of Local Government and Rural Development Department, not below the rank of Additional Secretary/ Deputy Secretary. Member

(i) All the Heads of the Agencies established by the Authority. Member

(4) The membership of the Authority may be altered, increased or decreased by the [21][Zila Council with the approval of] Government.

(5) [* * * * *

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

4A. Vice Chairman :-

(1) The Government may designate from among the members not more than two Vice Chairmen of the Authority.

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

5. Qualifications Of The Member :-

No person shall be, or shall continue to be a member who-

- (a) is or, at any time, has been convicted of an offence involving moral turpitude; or
- (b) is or, at any time, has been adjudicated insolvent; or
- (c) is found to be a lunatic or of unsound mind; or
- (d) is a minor; or
- (e) has a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interests as a member and his private interests, and has failed to disclose such interest in writing to the Government.

6. Powers And Functions Of The Authority :-

(1) Subject to the provisions of this Act and any rules framed thereunder, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act.

[23][(2) Without prejudice to the generality of the foregoing subsection, the authority shall-

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

(ii) periodically update such Metropolitan Development Plan and co-ordinate its implementation by the Authority [24][and] other Government Agencies[25][* * *] within the Area;

(iii) develop, operate and maintain water-supply, sewerage and drainage systems within the service area of the Water and Sanitation Agency to be established under section 10(2) of this Act;

(iv) prepare Annual Development Programme for the area, ensure compliance of the Annual Development Programme with priorities established in the Metropolitan Development Plan after its preparation, and evaluate performance under the Annual Development Programme at the end of each year;

(v) establish, maintain and periodically revise as necessary, planning controls and building regulations for the Area to-

(a) provide appropriate urban design and protect public safety;

(b) ensure compliance with the Metropolitan Development Plan after its preparation; and

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

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

- (i) prepare, implement and enforce schemes for environmental improvements, housing, urban renewal including slum improvement and redevelopment, solid waste disposal, transportation and traffic, health and education facilities and preservation of objects or places of historical, archaeological, scientific, cultural and recreational importance;
- (ii) take any steps or adopt any measures for the face lifting and beautification of the area;
- (iii) acquire property, both movable and immovable;
- (iv) sell, lease, exchange or otherwise dispose of [26][or grant licence or concessions in respect of] any property vested in it;
- (v) undertake any works and incur any expenditure;
- (vi) procure machinery, instruments or any other material required by it;
- (vii) enter into contracts;
- (viii) cause studies, surveys, experiments or technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches, made by any other Agency;
- (ix) issue interim development orders for areas for which a scheme is under preparation and restrict or regulate by general or special order any change in the use of land and alteration in building structures and installations;
- (x) cause removal of any works obstructing the executions of its schemes;
- [27][(x-a) construct, maintain, upgrade and exclusively charge toll on roads, bridges, flyovers, underpasses or such other facilities within the area, grant concession in respect thereof;]
- (xi) seek and obtain advice and assistance for the preparation of any scheme, or for the execution of any scheme from any Government Agency or person, and such Agency or person shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgement and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority; and
- (xii) establish as many Agencies as it may consider necessary].

7. Meetings :-

(1) The Authority shall meet at such place and at such time and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

[28][(2) The meetings of the Authority shall be presided over by -
(i) the Chairman;
(ii) in the absence of the Chairman, the Vice Chairman;
(iii) in case there are more than one Vice Chairmen, in accordance with such priority as may be determined by the Authority; and
(iv) in the absence of the Chairman as well as the Vice Chairman, by a member of the Authority elected for the purpose by the members present, from amongst themselves.

CHAPTER 3

DIRECTOR-GENERAL AND COMMITTEES

8. Appointment And Term Of Office :-

(1) The Director-General shall be appointed by Government on such terms and conditions as may be determined by the Government.

(2) The Director-General shall be the chief executive of the Authority and shall-

(a) be a whole time officer of the Authority;

(b) perform such duties as may be assigned to him and exercise such powers as may be delegated to him by the Authority; and

(c) hold office for a term of three years and shall remain in office for three months thereafter or until a successor in that office is appointed, whichever is earlier.

(3) Nothing in this section shall preclude Government from extending the term of office of Director-General for such period as the Government may determine.

9. Resignation By Or Removal Of Director-General :-

Notwithstanding anything contained in this Act, the Director-General may, at any time before the expiry of his term and upon three months notice, resign his office, or upon similar notice, be removed by Government without assigning any reason:

Provided that Government may upon payment of three months salary and allowances in lieu of the notice, remove him immediately without assigning any reason.

10. Delegation :-

(1) The Authority may, by general or special order, delegate to the Director-General, a committee constituted under section 12, an Agency, a member or an officer of the Authority, any of its powers,

duties or functions under this Act or the rules made thereunder subject to such conditions as it may deem fit to impose.

(2) The Authority shall establish, by special order, an Agency, hereinafter called the Water and Sanitation Agency.

(3) Save as provided in sections 13, 14, 19, 22, 23, 24 and 28 of this Act and the matters specified in the Schedule, the Agency established under sub-section (2) shall perform all functions and exercise all powers of the Authority with regard to water supply, sewerage and drainage with power to collect rates, fees and charges for water supply, sewerage and drainage.

(4) The Managing Director of the Water and Sanitation Agency and other Agencies shall-

(a) be appointed by Government on such terms and conditions as may be determined by Government;

(b) hold office for a period of three years and will be responsible for its administration in accordance with such powers as shall be prescribed; and

(c) remain in office for three months thereafter or until a successor in that office is appointed, whichever is earlier.

(5) Nothing in this section shall preclude the Government from extending the term of office of the Managing Director for such period as the Government may determine.

(6) Notwithstanding anything contained in this Act, the Managing Director may, at any time before the expiry of his term and upon three months notice, resign this office or, upon similar notice, be removed by Government without assigning any reason:

Provided that Government may, upon payment of three months salary and allowances in lieu of the notice, remove him immediately without assigning any reason].

11. Appointment Of Officers And Employees :-

The Authority may appoint such officers, advisors, experts, consultants and employees, as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

11A. Section 11A :-

Notwithstanding anything contained in section 11 or any rules or regulations made or orders or instructions issued thereunder or contained in the terms and conditions of service of any person employed or serving under the Authority or an Agency, the Authority may, at any time, retire or remove from such service any person after informing him in writing of the grounds on which such action is proposed to be

taken and giving him an opportunity of showing cause in writing against the action within a period of 14 days.

11B. Liability For Loss :-

Any person employed by or serving under the Authority or an Agency charged with the administration of the affairs of the Authority or an Agency or acting on behalf of the Authority or an Agency or acting under a contract with the Authority or an Agency who is responsible for the loss, waste, misappropriation or misapplication of any money or property belonging to the Authority or an Agency which is a direct consequence of his negligence or misconduct in the discharge of his duties shall be liable to pay the loss suffered by the Authority or an Agency on the same being determined by the Authority after giving the person concerned a reasonable opportunity of being heard.

12. Committees :-

The Authority may constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.

CHAPTER 4

PREPARATION AND EXECUTION OF SCHEMES

13. Preparation Of Schemes :-

(1) The Authority shall, in such form and in such manner as may be prescribed, prepare schemes for the area or any part thereof.

(2) All schemes prepared by the Authority shall be submitted to the Government for its approval, except those schemes, the provisional estimated cost of which does not exceed [32][such limit as may be prescribed by rules] or for which no loan or grant is required from the Government.

(3) The Authority shall publish the sanctioning of any scheme in the official Gazette and shall forthwith proceed to execute the scheme.

(4) The publication of a sanction under sub-section (3), shall be conclusive evidence that the scheme has been duly framed and sanctioned.

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

[33][(6) In every scheme provision for a plot or plots for mosques shall be made.

14. Modification Of Schemes :-

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

15. Power To Give Directions :-

(1) The Authority may require a Government Agency, within whose jurisdiction any particular locality or aspect of development covered by a scheme lies-

- (a) to execute a scheme in consultation with the Authority;
- (b) to take over and maintain any of the works and services in that area;
- (c) to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided; and
- (d) to enforce regulations on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme or on the taking over or maintenance of any work, or the enforcement of regulations, under this section, shall be borne as may be agreed to between the Authority and the Government Agency and in the event of disagreement, as may be determined by the Government.

16. Power To Execute Any Scheme :-

(1) Where the Authority is satisfied that any direction given by it under sub-section (1) of section 15 with regard to any scheme, has not been carried out by the Government Agency, the Authority may, itself, undertake any works for the execution of that scheme and the cost thereof, shall be borne as may be agreed between the Authority and the Government Agency and in the event of disagreement, as may be determined by the Government.

(2) Where any work is undertaken by the Authority under sub-section (1), it shall be deemed to have, for the purposes of execution of such work, all the powers which may be exercised under any law for the time being in force, by the Government Agency concerned.

CHAPTER 5 **GENERAL**

17. Directions By Government :-

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

17A. Transfer Of Functions, Etc :-

Where the Authority ceases to perform a function and another organization controlled by the Government assumes that function, the Government may direct-

(i) that the servants of the Authority connected with that function shall become servants of the said organization on such terms and conditions as the said organization may determine, subject to the condition that the said terms and conditions are not less favourable than those admissible to them as servants of the Authority; and

(ii) that such part of the Fund of the Authority as the Government may determined shall stand transferred to the said organisation.

18. Controlled Area :-

The Authority may, by notification in the official Gazette, declare any locality within the area to be a controlled area, for the purposes of this Act and may issue in respect of such locality such directions as it considers fit and appropriate and do all such things as may be necessary for the prevention of haphazard growth, encroachments and unauthorised constructions in such area.

19. Power To Act As A Local Government :-

During such period and for such locality, as the District Government may, by notification, specify, the Authority may, notwithstanding anything contained in any other law for the time being in force, exercise and perform such powers and functions as a local government may exercise and perform under the Punjab Local Government Ordinance 1979 (VI of 1979)].

20. Powers To Remove Sources Of Pollution :-

The Authority shall have full powers to undertake improvements of the environment of the area or any part thereof, and to check, replace, eliminate, remove, demolish, conserve, resettle or relocate the sources of environmental pollution such as milch cattle, horses or other animals, tongas, vehicular exhaust, industrial waste, solid waste, congestion, blight and slums, etc:

Provided that the Authority shall provide alternate accommodation or compensation, to be determined in accordance with the provisions in Chapter VI, to any person evicted from the premises owned by him.

21. Beautification :-

The Authority shall also undertake beautification of the area or part

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

22. Borrowing Money :-

(1) The Authority shall be deemed to be a Local Authority for the purpose of borrowing money and any scheme or project prepared or undertaken by the Authority shall be deemed to be "work" as defined in section 2 of the Local Authorities Loans Act, 1914, (Act No. IX of 1914):

Provided that no local or foreign loan shall be obtained by the Authority without the previous sanction of the Government.

(2) The Authority may, in consultation with the Finance Department, Government of the Punjab, borrow money or raise funds by issuing bonds or debentures or otherwise for carrying out the purposes of this Act, at such rate of interest as may be approved by the Government.

23. Power To Levy Betterment Fee :-

Where, as a consequence of any scheme having been executed by the Authority, the value of any property in that locality, in the opinion of the Authority, has increased or will increase, the Authority shall, with the previous consent of the Government, be entitled to levy upon the owner of the property or any person having an interest therein, a betterment fee in respect of the increase in value of the property resulting from the execution of the scheme.

24. Assessment Of Betterment Fee :-

(1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment fee, the execution of the scheme shall be deemed to have been completed and shall, thereupon give notice in writing to the owner of the property, or any person having an interest therein, that the Authority proposes to assess the amount of the betterment fee in respect of the property under

section 23.

(2) The betterment fee under section 23 or under sub-section (1) of this section, shall be assessed and be payable, in the manner prescribed.

CHAPTER 6 ACQUISITION

25. Liability To Acquisition :-

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

26. Application Of Act No. Viii Of 1973 :-

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

CHAPTER 7 FINANCE, ACCOUNTS AND AUDIT

27. Lahore Development Authority Fund :-

(1) There shall be formed a fund to be known as the "Lahore Development Authority Fund" which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act including the payment of salaries and other remunerations to the members, officers, servants, experts and consultants of the Authority.

(2) To the credit of the Lahore Development Authority Fund shall be credited-

- (a) grants [36][and loans] made by the Government;
- (b) all moneys received from Federal Government or any international agency by way of grants, loans, advances or otherwise;
- (c) all fees, rates and charges received by the Authority under the Act;
- (d) all moneys received by the Authority from the disposal of lands,

buildings and other properties, movable and immovable;

(e) proceeds from the self-financing schemes of urban development and environmental sanitation; and

(f) all other sums receivable by the Authority.

[37][(3) The aforesaid sums in respect of services related to water supply, sewerage and drainage shall be credited separately to the head "water supply and sanitation" and all other sums to the head "urban development". The sums credited to the head "water supply and sanitation" shall be exclusively utilized for the purposes of water supply, sewerage and drainage].

(4) In case of deficit revenue of the Authority, the [38][District] Government shall provide from its own revenues or from any other source, such sum as may be necessary for the efficient performance of the functions of the Authority under this Act.

(5) The Authority may keep in current account of any scheduled bank such sum as may be prescribed and any amount in excess of the said amount shall be invested in Government securities, Government sponsored saving schemes or in such manner as may be determined by the Authority.

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

28. Rates And Fees :-

(1) With the previous consent of the [39][District Government and Provincial] Government, adequate funds may be raised by the Authority from time to time, to meet the cost of its schemes by imposing rates, fees and other charges.

(2) The rates, fees and other charges [40][for water supply, sewerage and drainage schemes] shall be such as to provide sufficient revenues-

(i) to cover the operating expenses including taxes, if any, and interest to provide adequate maintenance and depreciation;

(ii) to meet repayments on long term indebtedness to the extent that such repayments exceed the provision of depreciation;

(iii) to finance the normal year to year extension of any of such schemes and to provide a reasonable portion of the cost of future major expansion of such schemes.

29. Fees On Tube-Wells :-

(1) The Authority shall have the exclusive right to use ground water resources within the area.

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

30. Accounts :-

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

31. Budget :-

The Authority shall prepare every year and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and each of its Agencies and shall submit the same through District Government to the Zila Council for approval. After approval the budget of the Authority shall be reflected in the budget of the District Government. If the Zila Council does not approve or modify the budget within thirty days of its receipt, the budget as prepared by the Authority shall be deemed to be the approved budget.

32. Audit :-

The accounts of the Authority and each of its Agencies shall be audited annually by duly qualified auditors appointed by the Authority and each Agency respectively. This will be in addition to the pre-audit by the Government Auditors].

CHAPTER 8

PENALTY AND PROCEDURE

33. Penalty :-

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

34. Causing Damage To Property And Disobedience Of Orders :-

(1) Whoever wilfully causes damage, or allows damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converts it

t o his own or any other persons use, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever refuses or wilfully neglects to provide any officer or servant of the Authority with the means necessary for entering into any premises for the purpose of collecting any information or making an examination or enquiry in relation to any water works shall be punishable with imprisonment extending to one year or fine or both.

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

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

[44] [(4A) Whoever negligently does any act in the performance of his duties which causes loss of money or property to the Authority or an Agency shall be liable to be punished with imprisonment for a term which may extend to two years.]

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

35. Cognizance Of Offences By Courts :-

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

CHAPTER 9

MISCELLANEOUS

36. Annual Report :-

The Authority shall prepare for every year a report of its activities during that year and submit the report to the [45][District Government and Provincial] Government in such form and on or before such date, as may be prescribed.

37. Recovery Of Dues :-

Any sum due to the Authority from, or any sum wrongly paid by the Authority to, any person under this Act, shall be recoverable as arrears of land revenue.

38. Conversion Of Property To A Different Use :-

Any conversion of property to a different use or purpose than the one provided under a scheme, by a person or agency, without the previous approval of the Authority in writing, shall be punishable with a fine which may extend to rupees five hundred per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to one year, or with both.

39. Summary Ejectment Of Unauthorized Occupants :-

The [46][District Coordination Officer] or any person authorized by him or the Authority in this behalf, may summarily eject any person in unauthorized occupation of any land or property vested in the Authority, and may for such ejectment use such force as may be necessary:

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

40. Removal Of Building, Etc. Erected Or Used In Contravention Of This Act :-

(1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Act or of any rule, regulation or order made thereunder the [48][District Coordination Officer] or any person authorized by him or the Authority in this behalf, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or alter the building, structure or work or to use it in such manner so as to bring such erection, construction or user in accordance with the said provisions of this Act.

(2) If an order under sub-section (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the [49][District Coordination Officer] or any person authorized by him or the Authority in this behalf, may, after giving the person affected by the order an opportunity of

being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force as may be necessary and may also recover the cost therefor, from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

41. Members, Officers And Employees To Be Public Servants :-

The Chairman, [50][Vice Chairman,] members, Director-General, officers, servants, experts and consultants of the Authority [51][or the Managing Director of an Agency] shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

42. Immunity Of The Authority And Its Employees :-

No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, [52][Vice Chairman,] the Director General, any member, officer, servant, expert or consultant of the Authority [53][or the Managing Director of an Agency], in respect of anything done or intended to be done in good faith under this Act.

43. Jurisdiction Of Courts Barred :-

Save as otherwise provided by this Act, no court or other Authority shall have jurisdiction to question the legality of anything done or any action taken under this Act, by or at the instance of the Authority.

44. Power To Make Rules :-

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

45. Power To Make Regulations :-

Subject to the provisions of this Act, and the rules framed thereunder the Authority may make regulations as may be necessary, to carry out the purposes of this Act.

46. This Act To Prevail Over Other Laws :-

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

47. Succession :-

On the establishment of the Authority under this Act-

(i) all functions and powers with respect to the formulation, sanction and execution of schemes, and all functions with regard to water supply, sewerage and drainage within the area, heretofore performed by the Lahore Improvement Trust, shall be exercised and performed by the Authority.

(ii) all properties, assets and liabilities pertaining to the Lahore Improvement Trust, shall vest in and be the properties, assets and liabilities, as the case may be, of the Authority.

CHAPTER 10

REPEAL

48. Repeal And Savings :-

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

(2) On the establishment of the Authority under this Act, the Town Improvement Act, 1922, shall cease to apply to the Area and all schemes, projects, or works started under the said Act but not completed, shall be taken over by the Authority and executed under the provisions of this Act.

[54][(3) Notwithstanding the repeal of the Lahore Water and Sewerage Authority Act, 1975 and the fact of the Town Improvement Act, 1922, ceasing to apply to the Area-

(i) all rules, regulations and orders made, notifications issued, land acquired, schemes prepared or executed, rates and fees imposed, penalties or other charges levied, contracts entered into, suits instituted by or against Lahore Water and Sewerage Authority or the Lahore Improvement Trust or any other right accrued, or liability incurred or action taken or proceedings initiated, shall so far as they are consistent with the provisions of this Act continue in force and be deemed to have been made, imposed, levied, entered into, instituted, prepared, executed, accrued or incurred, taken and initiated under this Act;

(ii) the provisions of sections 45, 56, 57, 58, 59, 60, 61, 62, 63, 64

and 65 of the Town Improvement Act, 1922, shall continue to apply in so far as the acquisitions made under the Land Acquisition Act, 1894, are concerned and shall be deemed to have always applied].

SCHEDULE 1

SCHEDULE I

[See SECTION 10(3)]

- (1) Major questions of policy.
- (2) Determining tariff of rates, fees and charges.
- (3) Appointment of Managing Directors and officers immediately subordinate to them.
- (4) Fixing salary structures and staffing levels.
- (5) Incurring long term loans.
- (6) Making of regulations].