

C O N F I D E N T I A L

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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF THE STANDING COMMITTEE ON HOUSING, URBAN DEVELOPMENT AND PUBLIC HEALTH ENGINEERING REGARDING THE PUNJAB DEVELOPMENT OF CITIES (AMENDMENT) BILL 2014 (BILL NO.1 OF 2014)

The Punjab Development of Cities (Amendment) Bill 2014 (Bill No.1 of 2014) was referred to the Standing Committee on Housing, Urban Development and Public Health Engineering on 7 February, 2014. The Committee considered the bill in its meetings held on 19 and 26 February 2014.

2. The following were present:—

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|-----|--|--------------------------|
| 1. | Rana Abdul Rauf, MPA (PP-279) | Chairman |
| 2. | Mr Sajjad Haider Gujjar, MPA (PP-169)
Par Secretary for Housing, Urban Development
and Public Health Engineering
(attended on 19 February 2014) | <i>ex-officio</i> Member |
| 3. | Malik Muhammad Hanif Awan, MPA (PP-114)
(attended on 19 February 2014) | Member |
| 4. | Mr Faizan Khalid Virk, MPA (PP-166) | Member |
| 5. | Mrs Kiran Imran, MPA (W-299) | Member |
| 6. | Mr Ameer Muhammad Khan, MPA (PP-47) | Member |
| 7. | Syed Raza Ali Gillani, MPA (PP-187) | Member |
| 8. | Syed Muhammad Sibtain Raza, MPA (PP-260)
(attended on 19 February 2014) | Member |
| 9. | Mr Ahmad Ali Khan Dreshak, MPA (PP-243)
(attended on 19 February 2014) | Member |
| 10. | Ch Aamar Sultan Cheema, MPA (PP-32) | Member |

3. Mr Waseem Mukhtar, Secretary to Government of the Punjab, Housing, Urban Development and Public Health Engineering Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department, represented their Departments. Hafiz Muhammad Shafiq Adil, Additional Secretary (Legislation), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Secretary, HUD&PHE apprised the Committee that under the "Punjab Development Authorities Act 1976" various development authorities i.e. 'Multan Development Authority, Multan,' 'Rawalpindi Development Authority, Rawalpindi', 'Faisalabad Development Authority, Faisalabad' and 'Gujranwala Development Authority, Gujranwala' were constituted. He further explained that following the replacement of "Punjab Local Government Ordinance 2001" with "The Punjab Local Government Act 2013" and because of increase in size and population of the said cities, some amendments were necessitated in the "Punjab Development of Cities Act 1976". He further explained that the bill under consideration, focuses at amending the provisions of Principal law relating to 'composition of Authority', 'budget' and 'penalties'.

5. After detailed discussion on the aims and objects and clauses of the bill, the Committee decided to recommend that the bill may be passed by the Assembly, subject to the following amendments:-

AMENDMENTS IN THE BILL

(i) **LONG TITLE**

the word "further" be added before the words "to amend".

(ii) **CLAUSE 2**

in the proposed section 2 of the Principal Act, after clause (f), the following new clause (g) be added and the subsequent clauses be re-numbered accordingly;

"(g) "Commissioner" means Commissioner of the Division;"

(iii) **CLAUSE 3**

in the proposed sub-section (4) of the Principal Act, clause (k) be re-numbered as clause (a) and the remaining clauses be re-numbered accordingly.

(iv) **CLAUSE 8**

the word "for", occurring in line 2, be omitted.

(v) **CLAUSE 10**

(i) in the rider clause, the words and figures "in section 30", be substituted with the words and figures "for section 30"; and

(ii) in sub-section (2) of the proposed section 30, the word "notifications", be substituted with the word "modifications", and the word "sixty", be substituted with the word "thirty".

(vi) **CLAUSE 11**

in the rider clause, the words and figures "in section 32", be substituted with the words and figures "for section 32".

(vii) **CLAUSE 12**

in the proposed section 34 of the Principal Act, the brackets and figure "(1)" be added in the beginning.

(viii) **CLAUSE 15**

the marginal heading and the rider clause be substituted as under:-

"15. Insertion of Schedule in Act XIX of 1976.- In the said Act, after section 48, the following Schedule shall be inserted:-"

6. Ch Amar Sultan Cheema, MPA (PP-32), objected to the proposed composition of the Authority (relating to the nomination of the members of the Assembly) stating that the representation of Opposition member should have been indicated in that.

7. A copy of the bill, as introduced in the Assembly, is at Annexure-A; and a copy of the bill, as recommended by the Committee, is at Annexure-B.

Lahore
26 February 2014

(RANA ABDUL RAUF)
Chairman
*Standing Committee on Housing, Urban
Development and Public Health Engineering*

Lahore
26 February 2014

Mumtaz Hussain
(RAI MUMTAZ HUSSAIN BABAR)
Secretary

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 1 of 2014

**THE PUNJAB DEVELOPMENT OF CITIES
 (AMENDMENT) BILL 2014**

A
 Bill

to amend the Punjab Development of Cities Act, 1976.

Whereas it is expedient further to amend the Punjab Development of Cities Act, 1976 (XIX of 1976) for purposes hereinafter appearing;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Development of Cities (Amendment) Act 2014.

(2) It shall come into force at once.

2. Amendment in section 2 of Act XIX of 1976.— In the Punjab Development of Cities Act, 1976 (XIX of 1976), hereinafter referred to as the said Act, for section 2, the following shall be substituted:-

“2. Definitions.— In this Act—

- (a) “Agency” means an Agency established by the Authority to perform one or more of its functions under the Act;
- (b) “area” means the whole or any part of the city;
- (c) “Authority” means the Authority established under section 4 of the Act;
- (d) “Chairman” means the Chairman of the Authority;
- (e) “Chief Officer” means the Chief Officer of the Municipal Corporation;
- (f) “city” means an area declared by the Government to be a city for purposes of this Act;
- (g) “controlled area” means an area notified as controlled area by the Authority;
- (h) “Director General” means the Director General of the Authority appointed under section 11 of this Act;
- (i) “District Coordination Officer” means the District Coordination Officer of the District and includes any other officer appointed by the Government to exercise all or any of the powers and discharge any of the functions of the District Coordination Officer by whatever designation called;
- (j) “Government” means Government of the Punjab;
- (k) “Government agency” includes—
 - (i) a division, department, bureau, section, commission, board, office, or unit of the Government;
 - (ii) a local government; and
 - (iii) a developmental or any other public authority, company or corporation owned or controlled by the Government or a local government;
- (k) “land” includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and the benefits arising out of land and things attached to earth or permanently fastened to earth;
- (l) “local government” means a local government as defined in the Punjab Local Government Act 2013 (XVIII of 2013) or under any other law for the time being in force;
- (m) “Mayor” means the Mayor of the Municipal Corporation concerned;
- (n) “member” means a member of the Authority and includes its Chairman;

- (o) "person" includes an individual, company, firm, institution, Government agency, co-operative society or association of individuals whether incorporated or not; and
- (p) "prescribed" means prescribed by rules or regulations."

3. Amendment in section 4 of Act XIX of 1976.— In the said Act, in section 4—

(a) for subsection (4), the following shall be substituted:-

"(4) The Authority shall consist of the Chairman who shall be the Chief Minister or any other person nominated by him, and the following members:-

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

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

"(5) The Government may, by notification, alter, increase or decrease the membership of the Authority."

4. Amendment in section 12 of Act XIX of 1976.— In the said Act, in section 12, in subsection (5), for the expression "Punjab Local Government Ordinance, 2001 (XIII of 2001)", the expression "Punjab Local Government Act 2013 (XVIII of 2013)" shall be substituted.

5. Amendment in section 18 of Act XIX of 1976.— In the said Act, in section 18, for the expression "Punjab Local Government Ordinance, 2001 (XIII of 2001)", the expression "Punjab Local Government Act 2013 (XVIII of 2013)" shall be substituted.

6. Amendment in section 24 of Act XIX of 1976.— in the said Act, for section 24, the following shall be substituted:-

"**24. Acquisition.**— The Authority may, in accordance with law, acquire any land or property within the controlled area."

7. Omission of section 25 of Act XIX of 1976.— in the said Act, section 25 shall be omitted.

8. Amendment in section 26 of Act XIX of 1976.— In the said Act, in section 26, in subsection (5), for the words "City District" shall be omitted.

9. Amendment in section 27 of Act XIX of 1976.— In the said Act, in section 27, in subsection (1), the words "City District Government and the Provincial" shall be omitted.

10. Amendment in section 30 of Act XIX of 1976.— In the said Act, in section 30, the following shall be substituted:-

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

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

11. Amendment in section 32 of Act XIX of 1976.— In the said Act, in section 32, the following shall be substituted:-

“32. Penalty.— (1) If a person contravenes any provision of this Act, or any rules or regulations made under this Act, he shall, if no other penalty is provided for such contravention, be liable to punishment with an imprisonment for a term which may extend to one year or with fine which may extend to two hundred thousand rupees or with both.

(2) The Magistrate competent to try an offence under subsection (1) may try the offence in a summary manner in accordance with the provisions of sections 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).”

12. Amendment in section 34 of Act XIX of 1976.— In the said Act, for section 34, the following shall be substituted:-

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

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

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

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

13. Amendment in section 35 of Act XIX of 1976.— In the said Act, in section 35, in subsection (1), the words “City District Government and the Provincial” shall be omitted.

14. Amendment in section 37 of Act XIX of 1976.— In the said Act, for section 37, the following shall be substituted:-

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

15. Amendment of section 48 of Act XIX of 1976.— In the said Act, for section 48, the following Schedule shall be inserted:-

"SCHEDULE
(see section 34)

Part-A

1. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in, managed, maintained or controlled by the Authority or an Agency in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, or risk or injury to property or causing harm to the environment.
2. Failure of industrial or commercial concerns or such property holders to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.

Part-B

1. Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Act.
2. Failure to deliver back possession of a property to the Authority on expiration or cancellation of lease or allotment or exemption of a plot.
3. Doing an act without license, approval or permission when the doing of such act requires a license or permission under any of the provisions of the Act, the rules or regulations.
4. Violation of the master plan, building plan or sanctioned site development scheme including the plans and schemes sanctioned under the repealed enactments, allotting, selling or using the land for the purpose other than the approved layout plan.
5. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules or bylaws for using such space for any purpose which is not approved.
6. Changing or converting into any other use any portion of a commercial or residential building or area specified or earmarked for public parking or amenities.
7. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by the Authority or any Agency.
8. Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden khokas or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority.
9. Obstructing or tampering with any road, street, drain or sewer pipe or pavement or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system or laying out a drain or altering any drain in a street or road.

10. Connecting any house drain with a drain in a public street without approval of the Authority.
 11. Drawing off, diverting or taking any water except with the permission required under this Act, rules or regulations.
 12. Willfully causing damage, or allowing damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converting it to his own or any other person's use.
 13. Refusal or willfully neglecting to provide any officer or servant of the Authority with the means necessary for entering into any premises for purposes of collecting any information or making an examination or enquiry in relation to any water works.
 14. Failure or neglect of the sponsor to abide by or fulfill the commitment made to a person regarding allotment of a plot, housing unit or price of the same in any scheme.
 15. Without lawful excuse, filing or refusing to comply with any direction or order issued by the Authority under this Act.
 16. Unauthorized occupation without permission of the owner of land or plot in a housing scheme developed and controlled by the Authority.
 17. Attempting to commit or abetting the commission of an offence punishable under this Act.
- 16. Repeal.**— The Lahore Development of Cities (Amendment) Ordinance 2014 (I of 2014) is hereby repealed.

MINISTER INCHARGE

7 FEBRUARY 2014

RAI MUMTAZ HUSSAIN BABAR
SENIOR SECRETARY

ANNEXURE – B

**(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON
HOUSING URBAN DEVELOPMENT AND PUBLIC HEALTH
ENGINEERING)**

A
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- (g) “Commissioner” means Commissioner of the Division;
- (h) “controlled area” means an area notified as controlled area by the Authority;
- (i) “Director General” means the Director General of the Authority appointed under section 11 of this Act;
- (j) “District Coordination Officer” means the District Coordination Officer of the District and includes any other officer appointed by the Government to exercise all or any of the powers and discharge any of the functions of the District Coordination Officer by whatever designation called;
- (k) “Government” means Government of the Punjab;
- (l) “Government agency” includes—
 - (i) a division, department, bureau, section, commission, board, office, or unit of the Government;
 - (ii) a local government; and
 - (iii) a developmental or any other public authority, company or corporation owned or controlled by the Government or a local government;
- (m) “land” includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and the benefits arising out of land and things attached to earth or permanently fastened to earth;
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- (a) three members, including one woman member, of Provincial Assembly of the Punjab to be nominated by the Government;
- (b) Mayor;
- (c) Chairman Planning and Development Board or his representative not below the rank of Additional Secretary;
- (d) Secretary to Government, Finance Department or his representative not below the rank of Additional Secretary;
- (e) Secretary to Government, Housing, Urban Development and Public Health Engineering Department or his representative not below the rank of Additional Secretary;
- (f) Secretary to Government, Local Government and Community Development Department or his representative not below the rank of Additional Secretary;
- (g) Commissioner;
- (h) District Coordination Officer;
- (i) Director General;
- (j) all Managing Directors; and
- (k) two technical experts to be nominated by the Government;"; and

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

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“32. Penalty.— (1) If a person contravenes any provision of this Act, or any rules or regulations made under this Act, he shall, if no other penalty is provided for such contravention, be liable to punishment with an imprisonment for a term which may extend to one year or with fine which may extend to two hundred thousand rupees or with both.

(2) The Magistrate competent to try an offence under subsection (1) may try the offence in a summary manner in accordance with the provisions of sections 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).”

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

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

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

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may extend to ten thousand rupees per day from the date of its conversion till the default continues or with both."

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"SCHEDULE
(see section 34)

Part-A

1. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in, managed, maintained or controlled by the Authority or an Agency in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, or risk or injury to property or causing harm to the environment.
2. Failure of industrial or commercial concerns or such property holders to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.

Part-B

1. Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Act.
2. Failure to deliver back possession of a property to the Authority on expiration or cancellation of lease or allotment or exemption of a plot.
3. Doing an act without license, approval or permission when the doing of such act requires a license or permission under any of the provisions of the Act, the rules or regulations.
4. Violation of the master plan, building plan or sanctioned site development scheme including the plans and schemes sanctioned under the repealed enactments, allotting, selling or using the land for the purpose other than the approved layout plan.
5. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules or bylaws for using such space for any purpose which is not approved.
6. Changing or converting into any other use any portion of a commercial or residential building or area specified or earmarked for public parking or amenities.
7. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by the Authority or any Agency.
8. Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden khokas or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority.

9. Obstructing or tampering with any road, street, drain or sewer pipe or pavement or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system or laying out a drain or altering any drain in a street or road.
 10. Connecting any house drain with a drain in a public street without approval of the Authority.
 11. Drawing off, diverting or taking any water except with the permission required under this Act, rules or regulations.
 12. Willfully causing damage, or allowing damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converting it to his own or any other person's use.
 13. Refusal or willfully neglecting to provide any officer or servant of the Authority with the means necessary for entering into any premises for purposes of collecting any information or making an examination or enquiry in relation to any water works.
 14. Failure or neglect of the sponsor to abide by or fulfill the commitment made to a person regarding allotment of a plot, housing unit or price of the same in any scheme.
 15. Without lawful excuse, failing or refusing to comply with any direction or order issued by the Authority under this Act.
 16. Unauthorized occupation without permission of the owner of land or plot in a housing scheme developed and controlled by the Authority.
 17. Attempting to commit or abetting the commission of an offence punishable under this Act."
- 16. Repeal.**— The Lahore Development of Cities (Amendment) Ordinance 2014 (I of 2014) is hereby repealed.
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