

**THE CAPITAL DEVELOPMENT AUTHORITY
ORDINANCE, 1960**

(XXIII OF 1960)

(As modified up to the 30th April, 1997)

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The Schedule

LIST OF ABBREVIATIONS USED

Amdt..... for
amendment

Ins..... for
Inserted

S.
for Section

Subs..... for
Substituted

ORDINANCE NO. XXIII OF 1960

(27th June, 1960)

An Ordinance to establish a Capital Development Authority.

Whereas it is expedient to establish a Capital Development Authority for making all arrangements for the planning and development of Islamabad within the framework of a regional development plan;

Now, therefore in pursuance of proclamation of the seventh day 9of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: -

CHAPTER I.- PRELIMINARY

1. Short title, extend and commencement: -

(1) This ordinance may be called the Capital Development Authority Ordinance, 1960.

(2) It extends to the specified areas.

(3) It shall come into force at once.

2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "agency" means any department or organization of the ¹[Federal]or Provincial Government and includes a corporation, or other autonomous or semi-autonomous body set up by the ¹ [Federal]or Provincial Government.

(b) "Authority" means the Capital Development Authority established under section4;

(c) "Board" means the Board constituted under section 6;

(d) "building" includes any factory, industrial or business establishment, shop, godown, warehouse, house, outhouse, hut, hutment,

shed, garage, stable, well or platform, and any other structure, whether meant for residential or business purposes or not, made of masonry, bricks, wood, mud, thatch, metal or any other material, but does not include a temporary structure made for purposes connected with agriculture;

(e) "Capital Site" means the part or parts of the Specified Areas declared to be the site for the Pakistan Capital under section 3;

(f) "Chairman" means the Chairman of the Authority;

(g) "Commissioner" means the Commissioner of the Division concerned, and includes any other officer appointed by the Authority to exercise the powers of the Commissioner under this Ordinance;

(h) "Deputy Commissioner" means the Deputy Commissioner of the District concerned, and includes any other officer appointed by the Authority to exercise all or any of the powers and discharge all or any of the functions of the Deputy Commissioner under this ordinance;

(i) "Land" includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to any thing attached to the earth;

(j) "Local body" means ¹[the local body] the local council or the municipal body as defined in clauses (23) ¹[(24)] and (27) of Article 3 of the Basic Democracies Order, 1959 (P.O 18 of 1959), or the Cantonment Board, having jurisdiction in the area concerned, and includes an Improvement Trust with ⁹in such area;

²[(k) 'market value' means,-

(i) in relation to land acquired before the first day of January, 1968, the average market value thereof prevailing during the period commencing the first day of January, 1954, and ending on the thirty-first day of December, 1958; ³[]

(ii) in relation to land acquired on or after the first day of January, 1968, the aggregate of the average market value as aforesaid determined with reference to its classification recorded in the Register of Haqdaran Zamin as in force on that day and twenty-five per cent of such value.] ³[; and]

³[(iii) in relation to land acquired on or after the first day of January, 1996, the market value as may be determined in accordance with the provision of the land Acquisition Act, 1894, applicable in the Province of the Punjab.]

- (l) "Member" means a member of the Authority;
- (m) "Regulations" means regulations made under this Ordinance;
- (n) "Rules" means rules made under this Ordinance;
- (o) "Scheme" means a planning scheme or a development scheme made under this Ordinance;
- (p) "Specified Areas" means the area specified in the Schedule and such other area or areas as may from time to time be included therein by the ¹[Federal] Government by notification in the official Gazette;
- (q) "Vice-Chairman" means the Vice-Chairman of the Authority.

3. Declaration of Capital Site:-

(1) The ¹[Federal] Government may from time to time, by notification in the official Gazette, declare any part or parts of the Specified Area to be the site for the Pakistan Capital.

(2) Notwithstanding anything contained in this Ordinance or in any other law, any such notification as aforesaid may be made so as to be retrospective to any day not earlier than the first day of June, 1959, and where a notification is so made, the provisions of this Ordinance, shall, in so far as they affect the Capital site, apply as if this Ordinance were promulgated on the day to which the notification is made retrospective.

CHAPTER II - CONSTITUTION OF THE AUTHORITY

²⁴. Constitution of the Authority:-

(1) There shall be established an authority to be known as the Capital Development Authority for carrying out the purposes of this Ordinance.

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

5. **Management:-**

(1) The general direction and administration of the Authority and its affairs shall vest in the Board which may Exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board in discharging its functions shall act on sound principles of development, town planning and housing, and shall be guided in questions of policy by such directions as the ¹[Federal] Government may from time to time give.

(3) If any question arises as to whether any matter is a matter of policy or not the decision of the ¹ [Federal] Government shall be final.

6. **Constitution of the Board:-**

(1) The Board shall consist of not less than three members, to be appointed by the ¹[Federal] Government.

(2) The ¹[Federal] Government shall appoint a Chairman, Vice-Chairman and a financial advisor from amongst the members.

(3) The Chairman and other members shall hold office during the pleasure of the ¹[Federal] Government and unless sooner removed the Chairman and Financial Advisor shall hold office for a period of five years and other members shall hold office for a period of four years.

(4) Any person, ceasing to be Chairman, Vice-Chairman, or member of the Board, by reason of the expiry of the term of his office, shall be eligible for reappointment for another term or for such shorter term as the ¹[Federal] Government may decide.

(5) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of the Board.

(6) The Chairman or any member may at any time resign:

Provided that his resignation shall not take effect until accepted by the ¹[Federal] Government.

7. **Remuneration and conditions of service:-** The Chairman and each member shall receive such salary and allowances and shall be subject to such conditions of service as may be determined by the ¹[Federal] Government.

8. **Disqualification of the members:-** No person shall be or shall continue to be a member who-

(a) is or, at any time, has been, convicted of an offense 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 conflict of interest directly or indirectly between his interests as member and his private interests and has failed to disclose such interest in within to the ¹[Federal] Government.

²[(f) if he is for the time being disqualified for membership of any body established by or under any law for the time being in force of which the constituent members are wholly or partly chosen by means of election.]

9. **Duties and functions of Chairman and other members:-**

(1) The Chairman and other members shall discharge such duties and perform such functions as are assigned to them by or under this Ordinance.

(2) Until the Board is duly constituted shall subject to such directions as the ¹[Federal] Government may from time to time give, exercise the powers discharge the duties and perform the functions of the Board.

(3) The Vice-Chairman shall have such powers, duties and functions as may be delegated to him by the Chairman.

10. Headquarters of the Authority and meetings of the Board:-

- (1) Until the Authority establishes its headquarters elsewhere within the specified Areas, its headquarters shall be situated at Rawalpindi.
- (2) The Meetings of the Board shall be held at such times and places and in such manners as the regulations may provide:

Provided that until regulations are made in this behalf, the meetings of the board shall be held as and then convened by the Chairman.

CHAPTER III .- POWERS AND DUTIES OF THE AUTHORITY

(11) Master-plan and master-program:-

The Authority shall prepare a master plan and a phased master program for the development of the Capital Site, and may prepare a similar plan and program for the rest of the specified areas and all such plans and programs shall be submitted to the ¹ [Federal] Government.

(12) Preparation of schemes by local bodies or agencies:-

(1) The Authority may pursuant to the master plan and the master program call upon any local body or agency operating in the specified area to prepare, in consultation with the authority, a scheme or schemes in respect of matters ordinarily dealt with by such local body or agency, and thereupon the local body or agency shall be responsible for the preparation of the scheme or schemes within a reasonable time.

(2) Such schemes, may relate to-

- (a) Land use, zoning and land reservation;
- (b) Public buildings;
- (c) Industry;

(d) Transportation and communications; highways, roads, streets, railways, aerodromes;

(e) Tele-communications, including wireless, television, radio telephone;

- (2) The size of plots for allotment to various classes of Federal government servants shall be as follows: -

Category	BPS or equivalent	Area of plot
I	20-22	600 Sq. Yard
II	17-19	356 Sq. Yard
III	14-16	272 Sq. Yard
IV	11-13	200 Sq. Yard
V	7-10	139 Sq. Yard
VI	1-6	111 Sq. Yard

14D. Disposal of commercial and business plots, etc:- All commercial and business plots shall be sold or leased through open auction.

14E. Disposal of community buildings and facilities plots:- (1) Plots for primary schools shall be placed at the disposal of the Federal government free of cost and for Government Secondary and Higher Education at such rates as the Authority may determine from time to time.

- (2) Land for mosques, churches and other places of worship and deeni madrassas established for free religious education shall be allotted free of cost.

- (3) Plots for private institutional purposes including educational institutions, hospitals, maternity homes, clinics, art-galleries, gymnasiums, amusement parks, etc., shall be sold or leased through open auction in such manner as the Authority may determine provided that for stated reasons the Authority may make sales otherwise than through open auction, but at rates not less than the market price.

- (4) Plots for other community buildings and facilities shall be allotted to Government organizations at such rates as the Authority may determine from time to time.

14F. Allotment of administrative buildings, public offices and Governmental residential plots:-

Administrative buildings, public offices and Government residential plots shall be allotted to respective Government organizations by the Authority at such rates as may be determined by it from time to time.

14G. Industrial plots:- Industrial plots shall be sold or leased through open auction provided that plots for extractive industries shall be allotted on licenses terminable on three months' notice and on payment of such periodical license fees as may be prescribed by the Authority from time to time.

14H. Allotment of plots for diplomatic enclaves:- Diplomatic plots shall be allotted on lease to foreign Governments for their diplomatic missions or for the residences of their diplomatic representatives on the recommendation of the Ministry of Foreign Affairs at the rates fixed by the Authority from time to time.

14I. Development and maintenance of public parks etc.:- Plots for public parks, playing fields, graveyards and incidental open spaces shall be developed and maintained by the Authority perpetuity.

14J. Disposal of agro-farming and agro-industries plots:- Agro-farming and agro-industries plots shall be sold or leased through open auction subject such reservation as may be required, for allotment to eligible affectees whose lands had been acquired by the Authority before the 1st January, 1996.

14K. Disposal of plots in agro-villages and sub-urban centers:-

Plots in agro-villages and sub-urban centers shall be sold or leased through open auction subject to such reservation, as may be required for allotment to eligible affectees whose lands had been acquired by the Authority

before the 1st January, 1996.

14L. Prohibition against conversion and exchange of plots: - (1) In all schemes of the Authority space reserved for roads, streets, footpaths, drains, parks, play grounds, parking areas, green belts, service lanes, roundabouts, traffic islands and such other similar uses as the Authority may prescribe, shall not be converted to any other use or permitted to be used in manner inconsistent with prescribed use.

(2) In all schemes of the Authority, the community buildings and facilities plots shall not be converted to residential, commercial or industrial use provided that plot reserved for particular public use may be converted to some other public use with prior written permission of Authority.

(3) In all schemes of the Authority no plot of whatever category shall be permitted to be exchanged with any other plot of any category within the same sector or with any plot in any other sector.

14M. Consequences of violation etc: -

(1) Any allotment, sale, disposal or conversion of a plot in violation of section 14B to 14L shall be void and the plot together with any building or structure constructed thereon shall be liable to be forfeited to Authority notwithstanding any transfer of such plot whether by way of sale, or through operation of law, or otherwise.

(2) It shall be the duty of every purchaser or transferee of plot to satisfy himself that there has been no violation of the provisions of sections 14B to 14L with respect to such plot and it shall be no defense to forfeiture under sub-section (1) for any purchaser or transferee to claim that he was unaware of such violation.

(3) No order for forfeiture under sub-section (1) shall be passed except by the Chairman of the Authority who shall give all persons likely to be affected thereby a reasonable opportunity of showing cause against such order.

(4) Any person aggrieved by an order of the Chairman under sub-section (3) may, within thirty days, prefer an appeal to the High Court which

shall decide such appeal within six months.

15. Power of the Authority:-

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

(2) Without prejudice to the generality of powers conferred by sub-section (1), the Authority may:-

(i) Acquire any land in the Specified Areas in accordance with the procedure laid down in Chapter IV;

(ii) Undertake any works in Specified Areas in pursuance of any scheme prepared under section 13;

(iii) Incur any expenditure;

(iv) Procure plant, machinery, instruments and materials required for its use;

(v) Enter into and perform all such contracts as it may consider necessary;

(vi) Cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other agency at the request of Authority;

(vii) Issue interim development orders for areas for which a master-plan is under preparation and restrict or prohibit by general or special order any change in the use of land and alteration in building's structures and installations;

(viii) Cause removal of any works obstructing the execution of its schemes;

(ix) Seek and obtain advice and assistance for the preparation of any planning scheme or for the execution of any schemes from any local body or agency and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgment and the additional expenditure if any, involved in giving such advice or assistance shall be borne by the Authority.

15A. Municipal function:-

- (1) During such period and for such areas within the Islamabad Capital Territory as the Federal Government may, by notification in the official Gazette, specify, the Authority may, notwithstanding anything contained in any other law for the time being in force, exercise, to a Municipality under the Municipal Administration Ordinance, 1960.
- (2) For the purpose of sub-section (1), the provisions of sections 18,33 to 73,77 to 106,109,109,115 to 118 and 122 of the Municipal Administration Ordinance, 1960, (X of 1960 and Second, Third and Fifth Schedules thereto shall, so far as may be, apply to Islamabad Capital Territory as they apply to a municipality, references therein
- (a) to, or to the powers and functions of , the Controlling Authority being omitted; and
- (b) to Municipal Committee and Government being construed respectively as references to the Authority and the Federal Government.

16. Borrowing powers: -

- (1) The Authority may, with the previous approval in writing of the Federal government, raise funds for the purpose or raising its working capital by issuing bonds and debentures carrying interest at such rates as may be approved by the Federal Government.
- (2) The repayment of the principal and the payment of interest due on the bonds and debentures issued by the Authority shall be guaranteed by the Federal Government.

17. Execution of schemes etc., through local bodies and agencies: -

- (1) The Authority may require a local body or agency within whose jurisdiction any particular area 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 areas'

(c) 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 local body or agency, and, in the event of disagreement, as may be determined by the Federal Government.

18. Utilization of building material:-
Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, no person shall, without the prior concurrence of the Authority, allocate, exploit or in any manner utilize, except for the purpose of his own personal use, such natural resources used as building material as the Authority may, by notification in the official Gazette, specify in this behalf.

19. Amendment of schemes:- Any scheme prepared under 12 or section 13 may at any time be amended or modified:-

(a) in cases where the amended or modified scheme should exceed the financial powers of the Authority, by the Authority with previous approval in writing of the Federal Government, and

(b) in other cases, by the Authority.

20. Removal, etc. of buildings after hearing:-
The Authority shall not order or cause any building in the Specified Areas, excluding the Capital Site, to be removed or demolished unless any opportunity of being heard has been given to the owner or occupier thereof, and his objections, if any, have been duly considered, and the Authority is satisfied that removal or demolition of the building is essential to the execution of its schemes.

21. Schemes to be executed after calling objections:-
The Authority shall not execute or cause to be executed any scheme in the Specified Areas, excluding the Capital Site, unless the persons whose rights and interests are thereby affected have been given a reasonable opportunity to file their objection to such execution, and the Authority has heard such of them as it considers necessary.

CHAPTER IV- ACQUISITION OF LAND

22. Liability to requisition: - All land within the Specified Areas shall be liable to acquisition at any time in accordance with the provisions of this Chapter.

23. Entry upon land, preliminary survey, etc. -

(1) It shall be lawful for the Authority, and any member thereof, and for the Deputy Commissioner, and any such person as may either generally or specially be authorized by the Authority, in this behalf, -

(a) to enter upon and survey and take levels of any land;

(b) to dig or bore into the sub-soil;

(c) to do all other acts necessary to ascertain whether land is adapted for the purposes of this Ordinance;

(d) to set out the boundaries of the land proposed to be acquired and the intended line of the work, if any, proposed to be made thereon;

(e) to mark such levels, boundaries and line by placing marks and cutting; and

(f) where it is necessary for the purposes of the survey, taking of levels or marking of line, to cut down and clear away any park of any standing crop, fence or jungle.

(2) No person shall enter in to any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

24. **Compensation for damage:** Where any damage is caused to any land in consequence of anything done in pursuance of section 23, there shall be paid compensation, the amount of which shall be determined in the manner and in accordance with the provisions hereinafter set out, that is to say:

a. Where the amount of compensation can be fixed by agreement, it shall be fixed in accordance with such agreement; and

b. Where no such agreement can be reached, it

shall be fixed by the Deputy Commissioner.

25. **Power to acquire land:**

1. Subject to the other provisions of this Ordinance, the rules made there under, and the directions of the Authority, the Deputy Commissioner may, by order in writing acquire and land for the further purposes of this Ordinance.
2. No order under sub-section (1) shall be issued except on the receipt by the Deputy Commissioner of specific directions from the Authority.

26. **Land to be marked out, measured and planned:**

Where any land is proposed to be acquired under section 25, the Deputy Commissioner shall cause the land (unless it has been already marked out) to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

27. **Notice to persons interested:**

1. The Deputy commissioner shall then cause public notice to be given of convenient places on or near the land to be taken, stating that the (Federal) Government intends to take possession to the land, and that claims to compensation for all interests in such land may be made to him.
2. Such notice shall state that particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Deputy Commissioner at a time and place therein mentioned (such time not being earlier than ten days after the date of publication of the notice) and to state the nature of their respective interested in the land and the amount and particulars of their claims to compensation for such interest, and their objections, if any to the measurements made under section 23, and the Deputy commissioner may require any such statement ot be made in writing and signed by the party or his agent.
3. The Deputy commissioner shall also serve notice to the same effect on the occupier, if any of such land and no all such persons known or believed to be interested therein, or to be entitled to act for persons so interested.

28. **Enquiry and award by Deputy Commissioner:** On the day so fixed, or on any other day to which the enquiry has been adjourned, the Deputy

Commissioner shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to the notice given under section 27, and into the market value of the land and into the respective interest of the persons claiming the compensation, and shall make an award of;

1. The true area of the land.
2. The compensation which in his opinion should be allowed for the land.
3. The apportionment of such compensation among all the persons known or believed to be interested in the land of whom, or of whose claims he has information, whether or not they have appeared before him.

29. **Compensation:** Where any land is acquired under this Ordinance there shall be paid compensation the amount of which shall be determined by the Deputy Commissioner who shall be guided by the provisions of section 30 and 31.

30. **Matters to be considered in determining compensation.**

1. In determining the amount of compensation to be awarded for land acquired under this ordinance the Deputy Commissioner shall take into considerations.

First. The market value of the land (on the date of order of its acquisition made under section 25).

Secondly The damage sustained by the person interested, by reason of dispossession of any standing crops or trees which may be on the land.

Thirdly The damage, if any sustained by the person interested at the time of taking possession of the land by reason of severing such land from his other land.

Fourthly the damage, If any sustained by the persons interested at the time of taking possession of the land by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earning, and

Fifthly If, in consequence of the acquisitions of the land the person interested is compelled to change his residence or place of business, the reasonable expenses, if any incidental to such change.

2. In addition to the value of the land determined

as aforesaid, the Deputy Commissioner shall in every case award a sum of fifteen per centum on such value in consideration of the compulsory nature of the acquisition.

31. **Factors to be ignored in determining compensation**

In determining compensation as aforesaid the Deputy Commissioner shall not take into consideration.

First the degree of urgency which has led to the acquisition.

Secondly Any disinclination of the person interested to part with the land acquired.

Thirdly Any damage sustained by him which, if caused by a private person would not render such person liable to s suit.

Fourthly Any increase likely to accrue to the value of the land acquired from the use to which such land will be put on acquisition, and

Fifthly Any increase likely to accrue to the value of the other land of the person interested from the use to which the land acquired will be put.

32. **Vesting of land in the Authority,**

Immediately on the making of the award under section 28, the land shall vest in the Authority free from all encumbrances (and thereupon the Deputy Commissioner may, after giving reasonable notice to the occupier, enter upon and take possession of the same).

33. **Acquisition in case of urgency.** In case of urgency, the Deputy Commissioner may immediately after the publication of the notice mentioned in sub-section (1) of section 27 enter upon and take possession of the land which shall thereupon vest absolutely in the (Authority) free from all encumbrances.

34-A **Temporary occupation and use of land.**

1. Where the Authority requires any land for temporary occupation and use for the purposes of this Ordinance for a period not exceeding five year. It may direct the Deputy Commissioner to take possession of the land in accordance which the provisions of this section for such occupation and use.

2. Upon a direction under sub-section (1) in

respect of any land, the Deputy Commissioner shall give the person having interest in the land notice in writing of his intention to take possession of the same for the purpose and period specified therein calling upon such persons to submit within ten days of the receipt of the notice written statements describing the nature and extent of their interest in such land.

3. The Deputy Commissioner shall, after giving the person having interest in the land an opportunity of being heard, determine the amount of compensation payable for the temporary occupation and use of the land at the rate at which it was rented during the preceding agricultural year and if it was not so rented, at such rate as he any consider fair and equitable, and make an award specifying.

a. the area and description of the land.

b. The purpose and the period for which the land is required.

c. The amount of compensation and shares therein of the persons, if their be more than one entitled thereto and

d. The mode of payment of compensation.

4. After making an award under sub-section (3) in respect of any land, the Deputy Commissioner may enter upon and take possession of such land for the purpose and the periods specified in the notice under sub-section (2).

5. If it appears that as a result of the occupation and use as aforesaid any land proposed to be taken possession of under this section is likely to be permanently unfit for the use for which it is of the time being used and the owner applies for its acquisition under this Ordinance, Deputy Commissioner shall report the fact to the Authority and shall, if the Authority so direct.

a. Acquire the land under this Ordinance or

b. Assess the damage likely to be caused to the land and make an award for reasonable compensation for such damage or

c. Termination proceedings for taking possession of the land.

33B. **Payment of compensation to person under**

disability and heirs of deceased person.

1. If any person entitled to the payment of any compensation under this Ordinance is a minor, or of unsound mind, or under some other legal disability to receive payment, the Deputy Commissioner may by order direct that the payment of such compensation shall be made to the person applying for hit on behalf of the person entitled thereto if the Deputy Commissioner after making such enquiry as he may deem fit, is satisfied that the person so applying is the proper person to receive payment for the benefit of the person entitled to compensation.
2. Where a person entitled to receive compensation under the Ordinance dies after the making of an award, the Deputy Commissioner may, to provide relief in suitable cases, on the application of the heirs or legal representatives of such person and after holding an enquiry into the title of the applicants, direct, that compensation shall be paid to be application on such terms and conditions as the Deputy Commissioner may deem fit to impose.
3. Any payment made under sub-section (1) or sub-section (2) shall afford full indemnity to the Authority for the payment made but shall not affect the liability of the person who has received the payment to account therefore to the person lawfully entitled thereto

34. **Power of Deputy Commissioner to call for information.** With a view to acquiring any land or determining any compensation there for or to carrying out any other purpose of this Ordinance, the Deputy Commissioner may-

1. Require any person, by order in writing, to furnish such information in his possession relating to any land as may be specified in the order.
2. Enter or authorize any person to entire upon any land and take such action as may be necessary.

35. **Power of Authority to give directions to Deputy Commissioner.** The Authority may give direction to the Deputy Commissioner, as respects to the exercise of his powers and the discharge of his functions under this Chapter and the Deputy Commissioner shall be guided by and act in accordance with such directions.

36. **Appeal and review.**

1. The Authority or any person aggrieved by an award or final order of the Deputy Commissioner may, within fifteen days of such award or order, appeal to the Commissioner.
2. The Commissioner may, after giving the Authority and the person affected by the award or order appealed against an opportunity of submitting any objections to the appeal and of being heard, pass such orders thereon as he may think fit.
3. The Deputy Commissioner or the Commissioner, either of his own motion or on an application made in this behalf at any time within five years from the date of an award or order made or before the commencement of the Capital Development Authority (Amendment), Act 1996 may after giving the parties concerned a notice and an opportunity of being heard, review the award or order and pass such order thereon as he may deem fit.
4. Provided that an order under this sub-section shall not, except in so far as it corrects an arithmetical clerical or patent error or mistake in the award or order under review, enhance the amount of compensation award.
5. Any amount paid to any person which is found, for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award or order, as reviewed under sub-section(3) shall be recoverable by the Authority and the Deputy Commissioner shall call upon such person to refund it.
6. Subject to the provision of sub-section(3) the order of the Commissioner passed on any appeal shall be final and shall not be called in question in any court

36A. **Deputy Commissioner and Commissioner to have powers of civil Court etc.**

1. The Deputy Commissioner making any enquiry or conducting any proceeding for an award under this Ordinance, or the Commissioner hearing an appeal or holding a review under sections 36, shall have the same powers in respect of the following matters as are vested in a civil court. When trying suit, under the Code of Civil procedure, 1908, (Act. Of 1908) namely.

- a. Summoning and enforcing attendance of any person and examining him on oath or affirmation.
 - b. Requiring the discovery and production of any document.
 - c. Requisitioning any record from any court or office.
 - d. Issuing commissions for examination of witnesses inspection of property or making any local investigations,
 - e. Appointing guarding and item or next friend.
 - f. Adding or substituting representative of deceased parties to proceedings.
 - g. Adding or dropping parties from pending proceeding.
 - h. Restoration of cases dismissed for default.
 - i. Consolidating and splitting up cases, and
 - j. Any other matter connected with the holding of an inquiry or hearing of an appeal.
2. The Deputy Commissioner or the Commissioner exercising powers under this Ordinance shall be deemed to be a court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898) and a proceeding before him shall be deemed to be a judicial proceeding with the meaning of section 193 and 228 of the Pakistan Penal Code (XV OF 1860).

36B. **Fees on application** The Authority may prescribe fees on application made to it.

CHAPTER V – ESTABLISHMENT

37. **Appointment of officer and servants, etc.**

1. The Authority may, from time to time appoint such officers, servants, experts or consultants as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit. Provided that salaried officers and servants whose remuneration exceeds two thousand and five hundred rupees per mensem shall not be appointed except with previous approval in writing of the (Federal), Government.
2. Subject to the proviso to sub-section(1), the chairman may in cases of urgency, appoint such officers, servants, experts or consultants and on such terms and conditions as he deems fit. Provided that every appointment made under this sub-section shall be reported to the Authority without unreasonable delay.

38. **Recruitment conditions of service and disciplinary powers.** The Authority shall lay down the procedure for the appointment of its officers, servants, experts and consultants and the terms and conditions of their service including the constitution and management of provident fund for them, and shall be competent to take disciplinary action against them,

39. **Members, Officers, Experts - Public Servants.** The Chairman, Members, Officers, Servants Experts and consultants of the Authority shall, when acting or purporting to act in pursuance any of the provisions of this Ordinance be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

40. **indemnity.** No suit, prosecution or other legal proceedings shall lie against the Authority, the Chairman any Member officer servant expert of consultant of the Authority in respect of any thing done or intended to be done, in good faith under this Ordinance.

41. **Delegation of Powers to Chairman etc.** The Authority may, by general or special order, delegate to the Chairman, \ or a member , or an officer of the Authority, any of its powers, duties or functions under this Ordinance, subject to such conditions as it may think fit to impose.

CHAPTER VI - FINANCE.

42. **Capital Development Authority Fund.**

1. There shall be formed a fund to be known as the "Capital Development Authority Fund" which shall vest in the Authority and shall be

utilized by the Authority to meet charges in connection with its function under this Ordinance including the payment of salaries and other remuneration to the Chairman, Members, Officers, Servants, Expert, and consultants of the Authority.

2. To the Credit of Capital Development Authority fund shall be placed.

a. Grants made by the (Federal) Government.

b. Loans obtained from the (Federal) Government.

c. Grants made by local bodies.

d. Sale proceeds of movable and immovable property and receipts of services rendered.

e. Loans obtained by the Authority with the special or general sanction of the (Federal) government.

(f) foreign aid and loans obtained from the international Bank of reconstruction and development or from any other source outside Pakistan. With the sanction of and on such terms as may be approved by , the [federal] Government; and

(g) all other sums receivable by the authority.

43. Budget: (1) In the month of February each year the authority shall submit to the [federal] government for approval a statement of the estimated receipts and expenditure in rupees in respect of the next financial year.

(2) in the manner prescribed by the [federal] government the authority shall also submit to the [federal] government for approval statement of the estimated receipts and expenditure in foreign exchange in respect of the next financial year.

(3) the authority shall obtain specific sanction of the [federal] government In respect of each individual scheme costing rupees twenty-five lacs or more to be financed out of the capital development authority fund.

44. audit and accounts. (1) the accounts of the authority shall be audited by less than two auditors holding certificates under section 144 of the companies act, 1913, (V11 of 1913), who shall be appointed by the [federal] government, in consultation with the [auditor-general] of Pakistan (hereinafter referred to as the auditor – general) on such remuneration, to be paid by the authority, as the [federal] government may fix, and the auditor – general shall have the power to give directions to the auditors in regard to the extent and method of their audit subject to the provisions of the companies act, and to prescribe the forms of accounts to be maintained by the authority consistent with the requirements of his ordinance.

(2). Notwithstanding the provisions of the preceding sub-section, the auditor – general, may either of his own motion or upon a request received in this behalf from the [federal] government, undertake such audit of the accounts of the authority at such time as may be considered necessary, and the authority shall, at the time of such audit , produce the account books and connected documents at such place or places as the auditor-general may fix, and furnish such explanations and information as the auditor-general or an officers authorized by him in this behalf may ask for.

(3). Every auditor appointed under sub-section (1) shall be given a copy of annual balance sheet of the authority and shall examine it together with the accounts and vouchers relating thereto, and shall have a list delivered to him of all books kept by the authority and shall at all reasonable times have access to the books accounts and other documents of the authority and may in relation to such accounts examine any member for officer of the authority.

(4). The auditors shall report to the [federal] government upon the annual balance sheet and accounts and in their report they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the authority affairs, and in case they have called for any explanation or information from the board. Whether it has been given and whether it is satisfactory.

(5). The [federal] government may at any time issue direction to the auditors requiring them to report to it upon the adequacy of measures taken by the authority for the protection of the interests of the [federal] governments and of the creditors of the authority or upon the sufficiency of their procedure in auditing the affairs of the authority ,and may at any time enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted or that any other examination be made

by the auditor if in its opinion the public interest so requires.

45. consultation with the financial adviser: save as provided in the rules or regulations, the financial adviser shall be consulted on every proposal of expenditure.

46. penalty: whoever contravenes any provision of this ordinance of any rules or regulations made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment which may extend to six months or fine or with both.

46A. causing damage to property: whoever willfully causes damage or allows damage to be caused to any property which vests in the authority or unlawfully converts it to his own use or to that of any other person shall be punishable with imprisonment for a term which may extend to one year ,or with fine ,or with both.

46B. Disobedience of orders. Whoever, without lawful excuse fails or refuses to comply with any direction or order issued by the authority under this ordinance shall be guilty of an offence punishable under section 46.

46C. Attempts and abetment: whoever attempts to commit or abets the commission of an offence punishable under this ordinance shall be deemed to have committed that offence.

46d. Summary trial of offences: any magistrate or bench of magistrates empowered for the time being to try in a summary way the offence specified in sub-section(1) of section 260 of the code of criminal procedure, 1898(act v of 1898), may , if such magistrate or bench of magistrates thinks fit, on application being made in this behalf by the prosecution try any offence punishable under this ordinance in accordance with the provisions contained in section 262 to 265 of the said code.

47. Cognizance of offences of courts. No court shall take cognizance of any offence punishable under this ordinance except on a complaint in writing made by the authority or by an officer authorized for the purpose by the authority.

CHAPTER V111- MISCELLANEOUS.

48. Submission of yearly reports and returns, etc.
(1) the authority shall submit to the [federal] government, as soon as possible after the end of every financial year but before the last day of December next

following , a report on the conduct of its affairs for that year.

(2). the [federal] government may after giving sufficient notice to the authority, require it to furnish the government with.

(i). any return statement , estimate, statistics, or other information regarding any matter under the control of the authority.

(ii). A report on any subject with which the authority is concerned, or

(iii) A copy of any document in the charge of the authority. And the authority shall comply with every such requisition.

49. power to dispose of land: the authority may retain, or may lease, sell, exchange, rent or otherwise dispose of any land vested it.

49A. recovery of dues, etc. any sum due to the authority from or any sum wrongly paid to any person under this ordinance shall be recoverable as arrears of land revenue.

49B. summary adjustment of unauthorized occupants. The deputy commissioner or any person authorized by him or the authority I this behalf may after giving fifteen days notice summarily eject any person in unauthorized occupation of any land or property vested in the authority and may for such adjustment, use such force including police force as may be necessary.

49C. Removal of building, etc, erected or used in contravention of this ordinance: (i) if any building, structure, work or land is erected, constructed or used in contravention of the provisions of this ordinance or of any rule, regulation or order made thereunder, the deputy commissioner or any person empowered in this behalf by the authority, 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 so after the building, structure of work or to desist from using or to so use the land, as to be in accordance with the said provision.

(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 deputy commissioner, or any person empowered in this behalf by the authority, may, after giving the building, structure or work, or stop the use of the land and, in so doing, may use such force including police force as may be necessary and may also structure, work or land in contravention of the provisions as aforesaid.

49D. Police assistance. The officer-in-charge of a police station shall render such police assistance as the deputy commissioner may require In the discharge of his functions under this ordinance.

49E. Jurisdiction of courts barred. Save as otherwise provided by this ordinance no court of other authority shall have jurisdiction to question the legality of anything done or any action taken under this ordinance by at the instance of the authority.

49F. Admissibility of document of entry as evidence. A copy of any receipt, application, plan notice, order or other document or of any entry in a register, in the possession of the authority shall, if duly certified by the legal keeper thereof or other person authorized by the authority In this behalf, be admissible in evidence of the existence of the documents or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, produced, have been admissible to prove such matters.

50. Power to make rules. The [federal] government may by notifications in the official Gazette. Make rules to carry out the purposes of the ordinance.

Provided that no rules shall be on any of the matters specified in section 38.

51. Power to make regulations. The authority may make regulations, not inconsistent with the rules, if any, on all matters for which regulations are necessary or expedient; and such regulations shall be published in the official Gazette.

52. Dissolution of authority and transfer of its assets and liabilities to the [federal] Government and other agency determined by that Governments.

1. The (Federal) Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on such dates as may be specified in such notification, and the Authority shall stand dissolve accordingly.
2. On and from the said date.
 - a. i. All Properties, funds and dues placed at the disposal of the Authority by the (Federal) Government and
 - ii. All properties, funds and dues exchanged for derived from, or otherwise attributable to the properties, funds and dues

- refereed to in sub-clause (i) which immediately before the said date, were held by or were realizable by the Authority shall vest in, and be realizable by the (Federal) Government.
- b. All Properties, funds and dues, other than those referred to in clause (a) which immediately before the said date, were vested in or were realizable by the Authority shall vest in and be realizable by such agency as the (Federal) Government may determine, and its decision thereon shall be final.
- c. All liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the (Federal) Government or such agency as the (Federal) Government determines under clause (b), as the case may be.
- d. For the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realizing properties, funds, and dues referred to in clauses (a) and (b) the functions of the Authorities under this Ordinance shall be discharged by the (Federal) Government for by the agency determined by the (Federal) Government under clauses (b) and (c) as the case may be and
- e. The agency referred to in clauses (b) , (c) and (d) shall keep such accounts of all moneys respectively received and expended by it under this ordinance, as the (Federal) Government may prescribe.

THE SCHEDULE

[(See Section 2(p))]

"LIMITS OF THE CAPITAL SITE.

From Triangulation Point 5264 (near Village Nilan Bhoru), Map ref 191698 (Survey of Pakistan Map, scale 1 in to 1 mile, sheet no. 43 G/1), north east along the Rawalpindi Tehsil boundary to spot height 4949 Map Ref:223713

(Survey of Pakistan Map, Scale 1 into 1 mile, sheet 43 G/1): then South-East again along Rawalpindi tehsil boundary to the Tehsil Boundary and Nala Junction at Map Ref: 227707 (Survey of Pakistan Map, Scale 1 in to 1 mile, Sheet 43 G/1): from here South-East along the Nala to the Junction in the Nala at Map Ref. 250701 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/1). From this junction South-East across the range of hills and via village Mangial (Map Ref. 268696) to Village Karlot Map Ref.. 287693 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/1). From Village Karlot South-East along the Nala to Nala South-East along the Nala to Nala and Kurgang Nala Junction and along Kurang Nala to junction of Kurang Nala and Murree Road near Village chatter Parao at mile-stone 18 to 6 furlongs, Map Ref.304685 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/5). From here due East across country to the Rawalpindi Tehsil boundary at Map Ref. 310683 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/1) and South-East along the tehsil boundary to the junction of the tehsil boundary and Kurang Nala at Map Ref. 315676, then North-East along the Kurang Nala to the junction of the Nala and tehsil boundary at Map Ref. 327678 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/5). From this junction South-East across country via spot height 2954 Map Ref. 345664 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/5). Across the range south-East to spot height 2276 Map Ref. 358655 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/5). Located near Rawalpindi tehsil boundary then South-East along the Rawalpindi tehsil boundary to junction of boundary and Gumrah Kas at Map Ref.369636 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/6). From this junction South-East across Country to Village Sambli Tijal on the River Soan, Map Ref. 405615, then along River soan and Rawalpindi tehsil boundary east up to Map Ref. 457595 (behind in the boundary) and South-West again along tehsil boundary to a point at Map Ref. 424541 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/6). 400 yards south of the Lehtrar Raod. Then west along a line parallel to Lehtrar Raod (40 Yards South of the road) to a point on Malal Nala at Map Ref. 302523 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2). Then South-West along the Malal Kas to junction Mala Kas and River Kurang Map Ref.225455 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2).From here north-west along River Kurang to the junction of River Kurang and Nala at Map Ref.172528 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2). Then-North-West along this Nala via village Sohan Map Ref. 166528 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2). To the junction of Nala and Muree Road near Mile Stone 6, Map Ref. 154537 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2) from this junction South-West across country to the bend in lei Nala (near village Naral) at Map Ref. 138530 ((Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2). Then South-West along lei Nala to the junction of Lei Nala and Bedarawali Kas, Map Ref. 119510 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2). Then South along Leh Nala to a point Map Ref. 117479 being junction of Leh Nala and a tributary (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 G/2). Then North-West and West to the source of this tributary near a point Map Ref. 047477 (Survey of

Pakistan Map, Scale 1 into 1 mile, Sheet 43 C/4). From this point North-West along the Kutcha road to the junction of this Kutcha road and track at Map Ref.044480 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 C/14). From here, South-West across country to a point 100 Yards west of G.T Road Map Ref. 040478 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 C/14). Then North-West along a line parallel to the G.T Road and at a distance of 100yards from to Nicholson Monument at Map Ref.0884568 (Survey of Pakistan Map, Scale 1 into 1 mile, Sheet 43 C/14). Then East along the ridge of Margalla Range via spot height 2613, 2981, 3371 and 3388

To triangulation point height 3352, map ref. 979604 on the boundary line of districts HAZARA and RAWALPINDI (Survey of Pakistan map, scale 1 in to 1 mile, sheet 43 C/14). Then east along this boundary line back to the starting point triangulation height 5064.

LIMITS OF THE SPECIFIED AREAS.

Starting from a point, map reference 534125(sheet 43 F/8, 1 In .to 1 mile map of G.T.S.) nearly 2 mine North of Kohala on Azad Kashmir [pakistan] border running south along reiver jhelum(boundary) of azad Kashmir and [Pakistan] up to a point, map ref.641678(sheet NO.43 G/9) being the junction of boundaries of Muree tehsil Kahuta tehsil and Azad Kashmir. Then along the southern boundary of Muree tehsil up to junction of Khad Nala and Muree tehsil boundry map ref.568699(sheet NO.43 G/9). Then south west along Khad Nala to a point map ref.504608(sheet NO.43 G/6) being the junction of Khad Nala and a tributary. Then south-east along the tributary via village lehterar nala to nala and track jumction at map ref.518594 (sheet NO.43 G/6). Then south-west along this nala via village Jambhiri and Pihar to this Nala and river ling junction at map ref.463483(sheet NO.43 G/6). From here south-west along river ling to the junction of Rawalpindi tehsil boundary and river Ling at Map ref.369382 (sheet No. 43 G/6). Then along eastern southern and western boundary of Rawalpindi Tehcsil up to bank at Map re. 910683 (sheet No. 43 C/13), about a mile soth of village Salargah. Then follown along River Harro noth east up to a point Map Ref. 168810 (sheet No. 43 G/1)near spot height 2518, which is the junction of River harro and boundary line of Haripur and Abbottabad Tehsils of Hazara District. Then along southern boundary of Abbosttabad Techsil of Hazara District up to point Map ref. 253833 (sheet No. 43 G/1) at the intersection of Abbottabad Tehsil boundary and River Karral Harro; along River Karral Harro due noth east to point Map Ref. 344933 (sheet No. 43 G/5) being junction of Karral, Harro and Sammundar Katha near spot height 3730 and then along Sammundar Katha steam up to point Map Ref. 381017 (sheet No 43 F/8) on junction of Sammundar Katha Stream and boundary line between billages Tatrila and Negribala of Tehsil Abbottabad. Then running along the boundry line between Villages Tarrila and Nagribala (near spot height 7799), Bagh and Nagribala.

Bagnotar and Bara Gali. Namli Mira, Phalkot and Bakot and Mulia and Bakot including Villages Nagribala, Bara Gali, Namli Mira and Bakot back to the starting point Map Ref. 534125 (sheet No. 43 F/8).