

ORDINANCE, 1960 [P.L.D.]

1960

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Civil Procedure, 1908

16th June 1960]

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eral information :—

ie Code of Civil Procedure,
; appearing ;

ation of the seventh day of
abling him in that behalf the
following Ordinance :—

his Ordinance may be called
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shall be deemed to have taken

Act V of 1908.—In the Code
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bove section 83 the following

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8.—In section 85 of the said

substituted, namely :—

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8.—In section 86 of the said

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e substituted.

08.—In section 87 of the said

Ruling Chief" the words "The
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" the word "Ruler" shall be

ion 87-A, Act V of 1908.—In the

VOL. XII—1960]

CENTRAL STATUTES

375

said Code, after section 87, the following new heading and section 87-A shall
be inserted, namely :—

"SUITS AGAINST RULERS OF ACCEDING AND MERGED STATES

87-A. *Application of sections 85 and 86 to Rulers of Acceding States,
etc.*—(1) In this section—

(a) "Merged State" means a State which being immediately before the
fourteenth day of October 1955, an Acceding State, was on that day incor-
porated into the Province of West Pakistan; and

(b) "Ruler of an Acceding State or of a Merged State" means the
person who for the time being is recognized by the President as the Ruler
of an Acceding State, or who, immediately before the fourteenth day of
October 1955, was the duly recognised Ruler of an Acceding State.

(2) The provisions of sections 85 and 86 shall apply in relation to the
Ruler of an Acceding State or of a Merged State as they apply in relation
to the Ruler of a foreign State.

ORDINANCE XXIII OF 1960

CAPITAL DEVELOPMENT AUTHORITY ORDINANCE, 1960

An Ordinance to establish a Capital Development Authority

[Gazette of Pakistan, Extraordinary, 27th June 1960]

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

Now, therefore, in pursuance of the Proclamation of the seventh day
of 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, extent 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. *Definition.*—In this Ordinance, unless there is anything repugnant in
the subject or context,—

(a) "agency" means any department or organization of the Central or
Provincial Government and includes a corporation, or other autonomous or
semi-autonomous body set up by the Central or Provincial Government ;

(b) "Authority" means the Capital Development Authority established
under section 4 ;

(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 resi-
dential or business purposes or not, made of masonry, bricks, wood, mud,
thatch, metal or any other material, but does not include a temporary struc-
ture 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 anything attached to the earth;

(j) "local body" means the local council or the municipal body as defined in clauses (23) 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 within such area;

(k) "market value" means the average market value prevailing during the period commencing the first day of January 1954, and ending on the thirty-first day of December 1958;

(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 areas specified in the Schedule, and such other area or areas as may from time to time be included therein by the Central Government by notification in the official Gazette;

(q) "Vice-Chairman" means the Vice-Chairman of the Authority.

3. **Declaration of Capital Site.**—(1) The Central Government may, from time to time, by notification in the official Gazette, declare any part or parts of the Specified Areas 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

4. **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 by 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 on

questions of policy by such time to time give.

(3) If any question arises or not the decision of the C

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(2) The Central Government and a Financial Adviser from

(3) The Chairman and of the Central Government; Financial Adviser shall hold

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(4) Any person, ceasing the Board, by reason of t

for re-appointment for another Government may decide.

(5) No act or proceeding ground of the existence of a

the Board.

(6) The Chairman or any

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8. **Disqualification of the**

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(b) is or, at any time, has

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(f) if he is for the time being body under the Elective Body 1959), or under any other law fo

9. **Duties and functions**

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(2) Until the Board is duly to such directions as the Centre exercise the powers, discharge the Board.

(3) The Vice-Chairman shall may be delegated to him by the C

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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 Central 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 Central Government.

(2) The Central Government shall appoint a Chairman, a Vice-Chairman
and a Financial Adviser from amongst the members.

(3) The Chairman and other members shall hold office during the pleasure
of the Central Government and unless sooner removed the Chairman and the
Financial Adviser 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 re-appointment for another term or for such shorter term as the Central
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
Central 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 Central Govern-
ment.

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 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 Central Government ;

(f) if he is for the time being disqualified for membership of an elective
body under the Elective Bodies (Disqualification) Order, 1959 (P. O. 13 of
1959), or under any other law for the time being in force.

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, the Chairman shall, subject
to such directions as the Central 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 manner as the regulations may provide :

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

CHAPTER III.—POWERS AND DUTIES OF THE AUTHORITY.

11. *Master-plan and master-programme.*—The Authority shall prepare a master-plan and a phased master-programme for the development of the Capital Site, and may prepare a similar plan and programme for the rest of the Specified Areas, and all such plans and programmes shall be submitted to the Central Government for approval.

12. *Preparation of schemes by local bodies or agencies.*—(1) The Authority may, pursuant to the master-plan and the master-programme, call upon any local body or agency operating in the Specified Areas 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 ;
- (f) utilization of water, power and other natural resources ;
- (g) community planning, housing, slum clearance, amelioration ;
- (h) community facilities including water supply, sewerage, drainage, sewage disposal, electricity supply, gas supply and other public utilities ;
- (i) preservation of objects or places of historical or scientific interest or natural beauty.

(3) The Central Government may by notification in the official Gazette, add to, alter or amend the list of subjects given in subsection (2), and any such addition, alteration or modification shall take effect as if it had been enacted in this Ordinance.

(4) The expenditure incurred on the preparation of any such schemes as aforesaid shall be borne as agreed to between the Authority and the local body or agency, and in the event of disagreement between them as may be determined by the Central Government.

(5) No planning or development scheme shall be prepared by any local body or agency without consulting the Authority.

13. *Preparation of schemes by Authority.*—The Authority may, pursuant to the master-programme, itself prepare, when it considers it desirable to do so in the public interest, schemes for the Specified Areas relating to the matters enumerated in subsection (2) of section 12.

14. *Manner and form.*—The Authority shall, in accordance with section 13 shall be required to furnish the Central Government may specify such information, namely :—

- (a) description of the scheme ;
- (b) estimate of cost ;
- (c) allocation of cost ;

15. *Power of the Authority.*—The Authority shall, in accordance with the Ordinance and the rules, exercise such powers as may be conferred on it by the Ordinance.

(2) Without prejudice to the powers conferred on the Authority by section (1), the Authority shall have power to—

- (i) acquire any land or interest in land in accordance with the procedure laid down in Chapter III of the Ordinance ;
- (ii) undertake any work or project or scheme prepared under the Ordinance ;
- (iii) incur any expenditure ;
- (iv) procure plant, machinery or other equipment for its use ;
- (v) enter into and execute any contract or agreement as may be necessary ;
- (vi) cause studies, surveys, investigations, made or contribute towards the carrying out of or technical researches in connection with the Ordinance ;
- (vii) issue interim orders or directions if it is under preparation and change in the use of land or buildings or installations ;
- (viii) cause removal of any structure or schemes ;
- (ix) seek and obtain the assistance of any planning scheme or for the carrying out of or agency and such local body or agency sought by the Authority ; and the additional expenses incurred by the Authority and the additional expenses shall be borne by the Central Government.

16. *Borrowing power.*—The Authority may, with the approval in writing of the Central Government, of raising its working capital or interest at such rates as may be determined by the Central Government.

(2) The repayment of the principal of the bonds and debentures issued by the Central Government.

17. *Execution of schemes.*—The Authority may require any particular area covered by the Ordinance to be executed in accordance with the Ordinance.

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DUTIES OF THE AUTHORITY

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14. *Manner and form, etc., of scheme.*—All schemes under section 12 and section 13 shall be prepared in such manner and form as the Central Government may specify, and shall contain among other things the following information, namely :—

(a) description of the scheme and the manner of its execution ;

(b) estimate of costs and benefits ;

(c) allocation of costs to the various purposes to be served by the scheme.

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 subsection (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 the 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 the 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 buildings, 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.

16. *Borrowing powers.*—(1) The Authority may, with the previous approval in writing of the Central Government, raise funds for the purpose of raising its working capital by issuing bonds and debentures carrying interest at such rates as may be approved by the Central 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 Central 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 area ;
 (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 Central Government.

18. *Consultation with the Authority.*—The Authority shall be consulted in the utilization and allocation of natural resources in the Specified Areas to various uses.

19. *Amendment of schemes.*—Any scheme prepared under section 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 the previous approval in writing of the Central Government, and

(b) in other cases, by the Authority :

Provided that all material changes made under this section shall be reported to the Central Government before their execution.

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 an 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 acquisition.*—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 authorised 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 subsoil ;
 (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 trenches ; and

(f) where it is necessary or marking of line, to cut crop, fence or jungle.

(2) No person shall cut or garden attached to a land (or occupier thereof) without giving 24 hours' notice in writing to the Authority.

24. *Compensation.*—The Authority shall be paid compensation for the land in consequence of the acquisition in the manner and in accordance with the provisions of the Ordinance, is to say,—

(a) where the amount of compensation shall be fixed in accordance with the provisions of the Ordinance ;

(b) where no such agreement is made, by the Deputy Commissioner.

25. *Power to acquire.*—The Authority, under the rules made by the Deputy Commissioner for the purposes of this Ordinance, may acquire land for the purposes of this Ordinance.

(2) No order under section 25 shall be made by the Deputy Commissioner.

26. *Land to be marked.*—Land proposed to be acquired shall be marked by the Authority, and the land (unless it has been measured, and if no plan is submitted, shall be the same.

27. *Notice to persons.*—The Authority shall then cause public notice to be taken, stating that the land is to be taken, and that claim may be made to him.

(2) Such notice shall require all persons interested in the land to appear before the Deputy Commissioner (such time not being earlier than 14 days after the notice), and to state the nature of their claim, the amount and particulars of their objections, if any, and the Deputy Commissioner shall hear them in writing and signed by the person concerned.

(3) The Deputy Commissioner shall have effect on the occupier, if any, or believed to be interested in the land.

28. *Enquiry and award.*—The Deputy Commissioner shall on any other day to which he may direct, the Deputy Commissioner shall proceed to enquire into the claims of any person interested in the land, and into the merits of the claims of the persons interested in the land, and award of—

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(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 part of any standing crop, fence or jungle.

(2) No person shall enter into 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 thereunder, and the directions of the Authority, the Deputy Commissioner may, by order in writing, acquire any land for the purposes of this Ordinance.

(2) No order under subsection (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 at convenient places on or near the land to be taken, stating that the Central Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the 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 interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 23, and the Deputy Commissioner may require any such statement to 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 on 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 interests of the persons claiming the compensation, and shall make an award of—

(i) the true area of the land ;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) 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 sections 30 and 31.

30. *Matter 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 consideration,

first, the market value of the land;

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 serving such land from his other land;

fourthly, the damage, if any, sustained by the person 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 earnings; and

fifthly, if, in consequence of the acquisition 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 a 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.

33. *Acquisition in cases of urgency.*—In cases of urgency, the Deputy Commissioner may immediately after the publication of the notice mentioned in subsection (1) of section 27 enter upon and take possession of the land which shall thereupon vest absolutely in the Central Government free from all encumbrances:

Provided that the Deputy Commissioner may, if he thinks fit, require the owner of any building or part of building thereof at least twenty-four hours' notice as may be necessary to remove his movable property from the building to avoid inconvenience.

34. *Power of Deputy Commissioner.*—The Deputy Commissioner may, in view to acquiring any land or to carrying out any other duty, the Deputy Commissioner may—

(a) require any person, in his possession relating to the land, to give up possession;

(b) enter or authorize a person to enter the land, or to take any action as may be necessary.

35. *Power of Authority.*—The Authority may give directions to the exercise of his powers under Chapter and the Deputy Commissioner in accordance with, such directions.

36. *Appeals.*—(1) Any person aggrieved by the order of the Deputy Commissioner may, within fifteen days of the date of the order, appeal to the Commissioner.

(2) The Commissioner may, in such manner as he may deem fit, refer the appeal to the Deputy Commissioner for his consideration.

(3) The order of the Commissioner shall be final and shall not be called in question.

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37. *Appointment of officers.*—The Authority may, from time to time, appoint such officers and conditions as it may deem fit, subject to the provisions of this Ordinance.

Provided that no officer shall be appointed except with the sanction of the Government.

(2) Subject to the provisions of this Ordinance, the Authority may, in cases of urgency, appoint such officers and conditions as he deems fit.

Provided that every appointment shall be reported to the Authority within fifteen days of the date of the appointment.

38. *Recruitment, conditions of service.*—The Authority shall lay down the rules and conditions of service for its servants, experts and consultants, including the constitution and management of the Authority, and shall be competent to take disciplinary action against any person employed by the Authority.

39. *Members, officers, experts, servants, etc.*—No person shall be deemed to be acting or purporting to act in the name of the Authority or to be a member, officer, servant, expert or consultant of the Pakistan Penal Code (Act

inon should be allowed for the

compensation among all the persons
and of whom, or of whose claims,
have appeared before him.

is acquired under this Ordinance
int of which shall be determined
be guided by the provisions of

determining compensation.—(1) In
o be awarded for land acquired
missioner shall take into considera-

be person interested, by reason of
s which may be on the land ;

l by the person interested at the
ason of serving such land from his

d by the person interested at the
id by reason of the acquisition
ovable or immovable, in any other

quisition of the land the person
idence or place of business, the
uch change.

land determined as aforesaid, the
ase award a sum of fifteen per
1 of the compulsory nature of the

dining compensation.—In determining
Commissioner shall not take into

led to the acquisition ;
erson interested to part with the land

which, if caused by a private person
suit ;

to the value of the land acquired
put on acquisition ; and

to the value of the other land of the
the land acquired will be put.

—Immediately on the making of the
st in the Authority free from all

—In cases of urgency, the Deputy
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7 enter upon and take possession of
lutely in the Central Government free

Provided that the Deputy Commissioner shall not take possession of any building or part of building under this section without giving to the occupier thereof at least twenty-four hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

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

(a) 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 ;

(b) enter or authorize any person to enter 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 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. *Appeals.*—(1) Any person aggrieved by a final order of the Deputy Commissioner may, within fifteen days of the order, appeal to the Commissioner.

(2) The Commissioner may either reject the appeal or proceed to hear it in such manner as he may deem fit.

(3) The order of the Commissioner passed on any such appeal shall be final and shall not be called in question in any Court.

CHAPTER V.—ESTABLISHMENT

37. *Appointment of officers 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 the previous approval in writing of the Central Government.

(2) Subject to the proviso to subsection (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 subsection 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 of any of the provisions of this Ordinance be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

or other legal proceedings shall member, officer, servant, expert anything done or intended to be

n, etc.—The Authority may, by irman, or a member, or an officer r functions under this Ordinance, t to impose.

FINANCE

id.—(1) There shall be formed a elopment Authority Fund" which lised by the Authority to meet er this Ordinance including the ion to the Chairman, members, the Authority.

pment Authority Fund shall be

ment ;

vable property and receipts for h the special or general sanction

the International Bank of Recon- other source outside Pakistan, may be approved by, the Central

thority.

bruary each year the Authority for approval a statement of the upees in respect of the next

ntral Government the Authority t for approval a statement of the n exchange in respect of the next

cific sanction of the Central l scheme costing rupees twenty- Capital Development Authority

ounts of the Authority shall be ng certificates under section 144 of o shall be appointed by the Central nptroller and Auditor-General of itor-General) on such remunera- the Central Government may fix, power to give directions to the ethod 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 this Ordinance.

(2) Notwithstanding the provisions of the preceding subsection, the Auditor-General, may either of his own motion or upon a request received in this behalf from the Central 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 officer or officers authorized by him in this behalf may ask for.

(3) Every auditor appointed under subsection (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 or officer of the Authority.

(4) The auditors shall report to the Central 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's 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 Central Government may at any time issue directions 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 Central Government 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.

(6) The Authority shall comply with every direction issued by the Central Government for the rectification of matters objected to in audit.

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.

CHAPTER VII.—PENALTY AND PROCEDURE

46. *Penalty.*—Whoever contravenes any provision of this Ordinance, or 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.

47. *Cognizance of offences by Courts.*—No Court shall take cognizance of an 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 VIII.—MISCELLANEOUS

48. *Submission of yearly reports and returns, etc.*—(1) The Authority shall submit to the Central 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 Central 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; or
- (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 in it.

50. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance:

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

51. *Power to make regulations.*—Subject to rules, the Authority may make regulations on all matters for which regulations are necessary or expedient.

52. *Dissolution of Authority and transfer of its assets and liabilities to the Central Government and other agency determined by that Government.*—

(1) The Central Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on such date as may be specified in such notification, and the Authority shall stand dissolved accordingly.

(2) On and from the said date—

(a) (i) all properties, funds and dues placed at the disposal of the Authority by the Central Government; and

(ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to the properties, funds and dues referred to in sub-clause (i) which, immediately before the said date, were held by or were realisable by the Authority shall vest in, and be realisable by, the Central 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 realisable by the Authority shall vest in and be realisable by such agency as the Central 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 Central Government or such agency as the Central 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 Authority under this Ordinance shall be discharged by the Central Government or by the agency determined by the Central 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 accounts of all monies respectively received and expended by it under this Ordinance, as the Central Government may prescribe.

From Triangulation Point 5264 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/1) along the Rawalpindi Tehsil boundary east again along Rawalpindi Tehsil Nala junction at Map Ref. 22 1 mile, sheet No. 33 G/1); from the junction in the Nala at map, scale 1 in. to 1 mile, sheet No. 43G/1). From across the range of hills and Village Karlot Map Ref. 287693 1 mile, sheet No. 43G/1). From Nala and Kurang Nala junction Kurang Nala and Murree load n and 6 furlongs, Map Ref. 304685 1 mile sheet No. 43G/1). From pindi Tehsil boundary at Map. 1 in. to 1 mile, sheet No. 43G/5 to the junction of the Tehsil boundary then north-east along the Kurang boundary at Map Ref. 327618 1 mile, sheet No. 43G/5). From spot height 2954 Map Ref. 3451 1 mile, sheet No. 43G/5) across the Ref. 358655 (Survey of Pakistan n located near Rawalpindi Tehsil boundary to junction Ref. 369636 (Survey of Pakistan n From this junction south-east a river Soan, Map Ref. 405615; the boundary east up to Map Ref. 457 again along Tehsil boundary to Pakistan map, scale 1 in. to 1 mile, the Lehtrar Road. Then west (400 yards south of the road) to a (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/2) south-west along the Malal Kas to Map Ref. 225455 (Survey of P. No. 43G/2). From here north-west River Kurang and Nala at Map Ref. 1 in. to 1 mile, sheet No. 43G/2 Village Sohan Map Ref. 166528 1 mile, sheet No. 43G/2 to the 1 Mile stone 6, Map Ref. 154537 (Sheet No. 43G/2); from this junction in Lei Nala (near Village Narah) map, scale 1 in. to 1 mile, sheet Nala to the junction of Lei Nala (Survey of Pakistan map, scale

THE SCHEDULE

[See section 2 (p)]

LIMITS OF THE CAPITAL SHIE

From Triangulation Point 5264 (near Village Nilan Bhotu), Map Ref. 191698 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/1) north-east along the Rawalpindi Tehsil boundary to spot height 4949 Map Ref. 223713 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet 43G/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 No. 33 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 in. to 1 mile, sheet No. 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 in. to 1 mile, sheet No. 41G/1). From Village Karlot south-east along the Nala to Nala and Kurang Nala junction and along Kurang Nala to junction of Kurang Nala and Murree road near Village Chatter Parao at mile-stone 18 and 6 furlongs, Map Ref. 304685 (Survey of Pakistan map, scale 1 in. to 1 mile sheet No. 43G/1). From here due east across country to the Rawalpindi Tehsil boundary at Map Ref. 310683 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/5) 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 in. to 1 mile, sheet No. 43G/5). From this junction south-east across country via spot height 2954 Map Ref. 345664 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/5) across the range south-east to spot height 2276 Map Ref. 358655 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 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 in. to 1 mile, sheet No. 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 (bend in the boundary) and south-west again along Tehsil boundary to a point at Map Ref. 424541 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/6) 400 yards south of the Lehtrar Road. Then west along a line parallel to Lehtrar Road (400 yards south of the road) to a point on Malal Nala at Map Ref. 302523 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/2). Then south-west along the Malal Kas to junction Malal Kas and River Kurang Map Ref. 225455 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/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 in. to 1 mile, sheet No. 43G/2); then north-west along this Nala via Village Sohan Map Ref. 166528 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/2) to the junction of Nala and Murree Road near Mile stone 6, Map Ref. 154537 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/2); from this junction south-west across country to the bend in Lei Nala (near Village Narala) at Map Ref. 138530 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/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 in. to 1 mile, sheet No. 43G/2). Then

CITY ORDINANCE, 1960 [P.L.D.]

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south along Leh Nala to a point Map Ref. 117479 being junction of Leh Nala and a tributary (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43G/2). Then north-west and west to the source of this tributary near a point Map Ref. 047477 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14); from this point north-west along the Kutcha road to the junction of this Kutcha road and a track at Map Ref. 044480 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 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 in. to 1 mile, sheet No. 43 C/14); then north-west along a line parallel to the G. T. Road, and at a distance of 100 yards from it to Nicholson Monument at Map Ref. 884568 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No. 43 C/14). Then east along the ridge of Maragala Range via spot heights 2613, 2981, 3371 and 3338 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 No. 43 C/14). Then east along this boundary line back to the starting point triangulation height 5264.

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 miles North of Kohala on Azad Kashmir-West Pakistan border running south along River Jhelum (boundary of Azad Kashmir and West Pakistan) up to a point, Map Ref. 641678 (sheet 43 G/9) being the junction of boundaries of Murree Tehsil, Kahuta Tehsil and Azad Kashmir. Then along the southern boundary of Murree Tehsil up to junction of Khad Nala and Murree Tehsil boundary Map Ref. 568699 (sheet 43 G/9). Then south-west along Khad Nala to a point Map Ref. 504608 (sheet 43G/6) being the junction of Khad Nala and a Tributary. Then south-east along the tributary via Village Lehtrar Nala to Nala and track junction at map reference 518594 (sheet 43 G/6). Then along this track via Village Marhiman south-west to the track and a Nala junction at map reference 506561 (sheet 43 G/6). Then south-west along this Nala via Village Jambhiri and Pihar to this Nala and River Ling junction at map reference 463483 (sheet 43 G/6). From here south-west along River Ling to the junction of Rawalpindi Tehsil boundary and River Ling at map reference 369382 (sheet 43 G/6). Then along eastern-southern and western boundary of Rawalpindi Tehsil upto bend at map reference 910683 (sheet 43 C/13), about a mile south of Village Salargah. Then follow along River Harro north-east up to a point map ref. 168810 (sheet 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 Abbottabad Tehsil of Hazara District up to point map reference 253833 (sheet 43 G/1) at the intersection of Abbottabad Tehsil boundary and River Karral Harro; along River Karral Harro due north-east to point map reference 344933 (sheet 43G/5) being junction of Karral, Harro and Samundar Katha near spot height 3730 and then along Samundar Katha. Stream up to point Map Ref. 381017 (sheet 43F/8) on junction of Samundar Katha Stream and boundary line between Villages Tatrila and Nagribala of Tehsil Abbottabad. Then running along the boundary line between Villages Tatrila and Nagribala (near spot height 7799), Bagh and Nagribala, Bagnotar and Bara Gali, Namli Mira, Phalkot and Bakot and Mulla and Bakot including Villages Nagribala, Bara Gali, Namli Mira and Bakot back to the starting point map reference 534125 (sheet 43 F/8).

PRESIDENT'S RULERS (RECOGNITION)

[Gazette of Pakistan]

No. F. 2/14/58-D&L.—The Order of the 11th June 1960 is hereby published.

In pursuance of the Proclamation in exercise of all powers enabling me to make and promulgate the following Order, 1960.

1. (1) This Order may be made.

(2) It shall come into force.

2. It is hereby declared that the Laws (Continuance in Force) Act, 1960, in any reference to the Ruler of a reference to the person recognised as a successor to that Ruler.

3. Notwithstanding anything to the contrary in any Order shall have effect in respect of any time after the 14th day of March 1956 or granted thereafter.

PRESIDENT'S

ALLOWANCES AND PROVISIONS (SECOND AMENDMENT)

[Gazette of Pakistan, Extraordinary]

In pursuance of the Proclamation in exercise of all powers enabling me to make the following Order, 1960.

1. (i) This Order may be made by the Governor-General's (Second Amendment).

(ii) It shall come into force.

2. Paragraph 12 of the All India Order, 1951 (G. G. O. No. 7 of 1951), shall be re-numbered as paragraph 13 of the Order, to the paragraph so re-numbered added, namely:—

“(2) No customs duty shall be levied on manufacturers in Pakistan for the manufacture of cigarettes and on the importation of such cigarettes are for consumption of the guests referred to in clause (1) of the Order, 1960.”

3. The provisions of sub-paragraph (2) of the Order as added by paragraph 2 of the Order, 1960, shall require the refund of any customs duty paid in pursuance of this Order.