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ISLAMABAD, WEDNESDAY, SEPTEMBER 2, 2020

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

LAW AND JUSTICE DIVISION

Islamabad, the 1st September, 2020

No. F. 2(1)/2020-Pub.—The following Ordinance Promulgated on 31st August, 2020 by the President is hereby published for general information:—

ORDINANCE NO. XI OF 2020

AN

ORDINANCE

to establish the Pakistan Islands Development Authority.

WHEREAS it is expedient to establish an Authority for the development and management of the Islands in the internal waters and territorial waters of Pakistan;

AND WHEREAS the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

(527)

Price: Rs. 40.00

[5969(2020)Ex.Gaz.]

NOW, THEREFORE, in exercise of his powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

Chapter-I

PRELIMINARY

1. **Short title, extent, application and commencement.**—(1) This Ordinance shall be called the Pakistan Islands Development Authority Ordinance, 2020.

- (2) It extends to the whole of Pakistan.
- (3) It shall apply to specified areas as defined in this Ordinance.
- (4) It shall come into force at once.

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

- (a) **“acting Chairman”** means the acting Chairman of the Authority appointed under section 10;
- (b) **“agency”** means any agency established by the Authority to perform one or more of its functions under this Ordinance.
- (c) **“Authority”** means the Pakistan Islands Development Authority established under section 4;
- (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, not being for agricultural purposes or use, made of masonry, bricks, wood, mud, thatch, metal or any other material;
- (e) **“Chairman”** means the Chairman of the Authority;
- (f) **“land”** includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (g) **“finance”** shall have the same meaning as assigned thereto in the Financial Institutions (Recovery of Finances) Ordinance, 2001 (XLVI of 2001);

- (h) **“financial institution”** shall have the same meaning as assigned thereto in the Financial Institutions (Recovery of Finances) Ordinance, 2001 (XLVI of 2001);
- (i) **“Fund”** means the Pakistan Islands Development Authority Fund created under this Ordinance;
- (j) **“Government”** means the Federal Government of Pakistan;
- (k) **“internal waters”** means the internal waters of Pakistan determined in accordance with the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);
- (l) **“member”** means a member of the Authority;
- (m) **“Policy Board”** means the Policy Board of the Authority constituted under this Ordinance;
- (n) **“prescribed”** means prescribed by rules or regulations made under this Ordinance;
- (o) **“Patron”** means the Patron of the Authority;
- (p) **“regulations”** means regulations made under this Ordinance;
- (q) **“rules”** means rules made under this Ordinance;
- (r) **“scheme”** means a scheme or schemes, plan, facility or project, on profit or non-profit basis, comprising development or re-development, in the specified areas, of—
 - (i) new or existing islands or reclaimable coastal areas forming part of the sovereign territory of Pakistan, or
 - (ii) mix-use, housing, commercial or public amenity plots, buildings or units and related infrastructure, or
 - (iii) infrastructure and services including transportation systems and road networks, traffic management systems, healthcare facilities, educational facilities, recreational and cultural facilities, municipal and civic facilities and services, communications systems and facilities, utilities infrastructure and network including water supply, drainage, sewerage, sanitation, or

- (iv) energy generation, procurement, transportation, transmission and distribution systems including for electric power through any energy source and gas (LNG, RLNG, LPG etc.), or
 - (v) industrial estates and parks, technology parks; and
 - (vi) all facilities, systems and works incidental or ancillary thereto, planned, made, undertaken or supervised or approved by the Authority under this Ordinance.
- (s) **“specified areas”** means islands within the internal waters and territorial waters listed in the First Schedule;
- (t) **“territorial waters”** means the territorial waters of Pakistan determined in accordance with the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976); and
- (u) **“Vice-Chairman”** means the Vice-Chairman of the Authority.

3. **The specified areas.**—(1) The specified areas shall vest in the Federal Government and the Authority shall, for and on behalf of the Federal Government, possess, control, manage and deal with the specified areas in accordance with the provisions of this Ordinance.

(2) The Federal Government may, by notification in the official Gazette, amend the First Schedule.

Chapter-II

CONSTITUTION OF THE AUTHORITY AND FUNCTIONS

4. **Establishment of the Authority.**—(1) The Government shall, by notification in the official Gazette, establish the Pakistan Islands Development Authority.

(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 sue and be sued in the said name.

(3) The head office of the Authority shall be at Karachi and the Authority may establish regional and such other offices in such other parts of Pakistan as it may deem necessary.

5. **Functions of the Authority.**—(1) The Authority shall—

- (a) initiate and maintain a continuous process of reclamation, master planning, urban planning, spatial planning for the specified areas;
- (b) establish policies, direction and strategies in relation to development within the specified areas and other functions in connection therewith;
- (c) identify immovable properties and projects suitable for the development of schemes; within the specified areas.
- (d) recommend to the Federal or relevant Provincial Government policies, laws and actions to be applied to the specified areas to enhance the international competitiveness of industry, tourism and commerce in specified areas;
- (e) recommend to the Government incentives in relation to taxes, customs and excise duties and other fiscal incentives applicable to investors in the specified areas;
- (f) promote and stimulate the specified areas as trade, investment and logistics centers and hubs, duty free areas and international tourist destinations in line with the directions of the Patron;
- (g) recommend to the Government to provide or procure immovable property or a project through any means permissible under law, including compulsory acquisition; purchase, lease or license through private agreement; donation by any private party or any state land or project by any government or other public authority, on such terms as may be mutually agreed between the Government and the relevant transferor or provider;
- (h) cause studies, surveys, experiments or technical researches to be undertaken or contribute towards the cost of any such studies, surveys, experiments or technical researches, to be undertaken by any other entity, public or private, for the development and efficient exploitation of the specified area;
- (i) if necessary, prepare and approve a master or site plan of a specified area containing zoning, spatial or town planning, infrastructure development, land use and building control regulations in consonance with the planning under the applicable building and town-planning dispensation;
- (j) undertake, design, approve and execute a scheme or schemes within the specified areas;

- (k) prescribe transparent criteria and procedure for registration, membership, possession, transfer and cancellation of immovable property in a scheme;
- (l) develop procedures for allocation, allotment, lease or auction, if any, of any type of immovable property, including the procedure to transact or exchange the actual property or allotment or allocation file thereof;
- (m) formulate and, from time to time, vary the organogram, job descriptions, human resource policies and terms and conditions of employment of all employees of the Authority;
- (n) create or abolish posts and oversee the performance of its employees;
- (o) take disciplinary action against employees in the prescribed manner;
- (p) establish all kinds of committees for assistance and advice in relation to the performance of its functions and determine the membership and terms of reference of a committee;
- (q) develop and maintain public amenities and common areas in a scheme;
- (r) maintain updated record of immovable property including title, leasehold rights, mortgage, easement, license, tenancy and possession thereof;
- (s) publish geo-tagged title, leasehold rights, mortgage and other rights or interests in an immovable property on its website;
- (t) collect all levies, taxes, duties, fees and charges on the transfer, or possession of an immovable property, or any encumbrance thereon, under any law after agreeing on an arrangement with the relevant agency;
- (u) exercise control over maintenance of buildings, their common areas and amenities in a scheme;
- (v) impose, levy and collect fines, fees, tolls, penalties, surcharges and charges as may be prescribed;

- (w) coordinate with similar agencies or bodies at the Federal, Provincial and local level for the achievement of the objectives of this Ordinance; and
- (x) perform any ancillary functions or a function under this Ordinance.
- (2) The Authority may—
 - (a) establish as many agencies and committees, as the Authority considers necessary or expedient to assist it in the performance of any of its functions under this Ordinance;
 - (b) raise funds through any means considered appropriate in the circumstances including through real estate investment trusts, bonds, sukuk and other forms of finances obtained on the basis of participation term certificate (PTC), musharika certificates, term finance certificates (TFC) or any other financial or debt instruments or securities;
 - (c) raise funds and obtain finance or loans from donor agencies, governmental bodies, and financial institutions, including on the security of its Fund or any portion thereof;
 - (d) provide or facilitate and support the provision of finance, including housing finance, for the achievement of the objectives of this Ordinance;
 - (e) generate electricity or obtain utilities in bulk or otherwise and carry out, maintain, arrange, manage and provide all facilities, services and utilities, including water, gas and sewerage in schemes;
 - (f) manage and maintain utilities or cause the management and maintenance of utilities within the specified areas;
 - (g) assign any function to a local government or local authority and vice versa on mutually agreed terms and conditions;
 - (h) outsource any function through public private partnership or any other mode;
 - (i) hire or utilize services for undertaking of schemes including design, technical evaluation and monitoring thereof;
 - (j) provide and release receipts, guarantees, indemnity bonds, cheques and enter into contracts, deeds, instruments, arrangements, joint ventures and agreements with any person or grant concessions, for the working of the Authority, for the preparation, planning,

- development, execution, implementation and maintenance of schemes and for carrying out the purposes of this Ordinance;
- (k) set up agencies, companies, subsidiaries, trusts, societies, associations, joint-ventures whether contractual or incorporated or any other vehicles for the purposes of carrying out its objectives;
 - (l) incur any expenditure and procure Plant, Machinery, equipment, instruments and necessary materials;
 - (m) plan, approve and execute mergers and amalgamations with other housing schemes or cooperative housing societies subject to the approval of the competent authorities of those housing schemes or housing societies for such merger or amalgamation;
 - (n) impose, vary, and recover development charges and transfer fees in respect of any immovable property within any scheme;
 - (o) lease, purchase, procure, sell, exchange, mortgage, rent out or otherwise dispose of or deal with any property under the management and control of the Authority;
 - (p) cancel or re-plan any scheme or part thereof;
 - (q) do all such acts, deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of schemes;
 - (r) frame, amend or repeal service, conduct of business and other regulations necessary for carrying out the purposes of this Ordinance;
 - (s) make recommendations to the Government for prescription of rules under this Ordinance;
 - (t) institute, commence, prosecute, defend, compromise, settle any and all actions, disputes, suits and legal proceedings whether civil or criminal before any court, tribunal, administrative body or authority; and
 - (u) exercise any other power that is necessary for the performance of any function.

(3) Except where any powers and functions are specified in this Ordinance to be exercised or performed by the Government or the Policy Board, all the powers and discretions of the Authority shall be exercised, and the functions and duties of the Authority shall be performed, by the Chairman.

(4) Notwithstanding anything contained in this Ordinance, all acts and proceedings of the Authority shall be subject to the control of the Government and the Government may revoke, suspend or modify any such acts or proceedings.

Chapter-III

PATRON, POLICY BOARD AND ADMINISTRATION

6. **Patron and Policy Board.**—(1) The Prime Minister shall be the Patron of the Authority, who shall review the performance of the Authority and may, from time to time, give to the Authority general policy directions to implement the same, subject to the terms of this Ordinance.

(2) The Government shall, by notification in the official Gazette, constitute the Policy Board comprising not less than five and not more than eleven members, including the Chairman for a term of five years. In case of any casual vacancy, a member other than the Chairman may, in the like manner, be nominated by the Patron for the remaining unexpired term of the outgoing member.

(3) The Chairman shall preside over the meetings of the Policy Board, however, in his absence, a member nominated by the Chairman may so preside.

(4) A member, unless disqualified under this Ordinance from holding office, may be re-appointed by the Patron in the above manner, provided that no individual shall serve for more than two consecutive terms as a member.

(5) Two-thirds of the members, including the Chairman or his nominee under sub-section (3) present in person or through video-conference or tele-conference, shall constitute the quorum for a meeting of the Policy Board. Subject to quorum, the decisions of the Policy Board shall be taken by majority of the members present and voting, provided that in the event of a tie, the Chairman or his nominee under sub-section (3) presiding at such meeting shall have a second and casting vote.

(6) The Policy Board shall meet at least once in every calendar quarter and a meeting of the Policy Board shall be held on such date and at such time and place, as the Chairman may determine.

(7) The Chairman shall appoint a Secretary of the Authority on such terms and conditions as may be prescribed and who shall perform such functions as the Chairman may direct. The Secretary of the Authority shall also be the secretary of the Policy Board and shall maintain or cause to be maintained, in the prescribed manner, the record of each meeting of the Policy Board including the minutes of the meetings as approved by the Chairman.

(8) The Chairman may invite any person other than a member to attend a meeting of the Policy Board for the purposes of advising or assisting the Policy Board on any agenda item taken up for consideration at such meeting.

(9) A member may resign from his office at any time by writing under his hand addressed to the Patron and such resignation shall be effective from the date of its acceptance by the Patron.

(10) No act or proceeding of the Policy Board shall be invalid merely by reason of existence of a vacancy in or defect in the constitution of the Policy Board.

7. **Disqualification of members.**—The Government shall not nominate a person as a member or chairman who—

- (a) is or, at any time, has been convicted of an offence involving moral turpitude;
- (b) is or, at any time, has been adjudicated as an undischarged insolvent;
- (c) is found to be a lunatic or of unsound mind or otherwise physically incapacitated; or
- (d) is in a situation of irreconcilable conflict of interest with the Authority or has a financial interest in any scheme or a conflicting interest directly or indirectly between his interest as a Chairman or member and has failed to disclose such interest in writing to the Federal Government.

8. **Removal of a member.**—The Government shall remove a member including the Chairman during the term of their office if such member or chairman is—

- (a) disqualified from being a member or as the case may be the chairman; or
- (b) absent from three consecutive meetings of the Policy Board without leave of absence from the Policy Board; or
- (c) acting in any manner prejudicial to the objects of this Ordinance or any scheme; or
- (d) disqualified for employment in, or dismissed from service of Pakistan.

9. **Functions of the Policy Board.**—(1) Subject to sub-section (1) of section 6, the Policy Board shall have the responsibility of laying down the policies, plans and guidelines for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the functions mentioned in sub-section (1), the Policy Board shall—

- (a) establish and maintain strategic direction of the Authority;
- (b) recommend uniform standards, guidelines, best practices and administrative processes and procedures to be used by the Authority and or other entities engaged in the Specified Areas;
- (c) conduct inquiries, carry out surveys, collate, analyze and publish information, statistics and factors influencing or relevant to development, business or investment and to disseminate such information, statistics and factors to investors or potential investors, whether local or foreign, for furthering the objects of this Ordinance;
- (d) recommend to the Government incentives in relation to taxes, customs and excise duties and other fiscal incentives applicable to investors within the Specified Areas;
- (e) exercise general supervision and control on the performance of functions carried out by the Authority within the specified areas relating to—
 - (i) maintenance of public ways, public streets, public open spaces, graveyards, public gardens, play grounds, lighting of public ways, public streets and public places, plantation of trees, landscaping and beautification of public places, prevention and removal of encroachments on public ways, streets and places; and
 - (ii) provision and maintenance of water supply schemes and public sources of drinking water, including wells, water pumps, tanks, ponds and other works for the supply of water and open drains.
- (f) oversee implementation of overall strategic objectives of the Authority;
- (g) monitor performance and review achievements of the Authority;
- (h) approve the audited accounts of the Authority;

- (i) arrange for and oversee the provision of funds for the Authority;
- (j) approve feasibility studies and proposals for development of scheme or schemes in specified areas;
- (k) take measures for capacity building of the Authority for performing its objectives under this Ordinance;
- (l) transact such other business of the Authority as the Patron or the Chairman may place before it; and
- (m) to carry out and perform any other function that are supplemental, incidental, or consequential to any of the aforesaid functions.

10. **Chairman and acting Chairman.**—(1) The Government shall appoint a Chairman of the Authority on such terms and conditions as may be prescribed.

(2) The Chairman shall be a person of sound integrity and competence, meeting one of the following:—

- (a) that he is a serving or retired officer of the Government in BPS-22 or equivalent; or
- (b) that he is a serving or retired officer of the armed forces, not below the rank of a Lieutenant-General or equivalent;

Explanation—The serving officers from the civil bureaucracy and the armed forces shall be eligible to be appointed as the Chairman on deputation or secondment basis, as per the applicable laws and rules, or;

- (c) that he is an experienced professional or business person, not having less than fifteen years of experience in his field and possesses—
 - (a) a masters degree recognized by the Higher Education Commission of Pakistan, in the field of accounting, finance, business administration, management, commerce, engineering, economics, planning, law, real estate or urban development; or
 - (b) the qualification of chartered accountancy, cost and management accountancy, barrister-at-law or solicitor.

(3) The Chairman shall not be more than sixty-two years of age on the date of first appointment as Chairman.

(4) The Government shall constitute an evaluation committee, comprising at least one Minister and at least two Secretaries, respectively, of the Government, for the purposes of evaluating and recommending suitable candidates to the Government for appointment as Chairman. For this purpose, the evaluation committee shall, on behalf of the Government, solicit applications from candidates through advertisement and recommend at least three names to the Government. If the Government is not satisfied with the recommendations of the evaluation committee, it may require further recommendations in the like manner.

(5) The Chairman shall, subject to this Ordinance, hold office for a term of four years and may be re-appointed by the Government for an additional term of four years.

Explanation—In the event of re-appointment as Chairman, subsection (3) shall not apply.

(6) In case of—

- (a) death, resignation or removal of the Chairman; and
- (b) immediately upon the notification of establishment of the Authority under section 4 and pending appointment of the first Chairman,

the Patron shall, in his discretion, appoint an acting Chairman to exercise the powers and discretions and discharge the functions and duties of the Chairman under this Ordinance, till a full-time Chairman is appointed, which shall be done within three months of the occurrence of the vacancy under clause (a) or notification referred to in clause (b), as applicable.

Explanation—An acting Chairman, appointed under this Act, shall not be precluded from appointment as the permanent Chairman.

11. Functions and powers of Chairman.—The Chairman shall be the chief executive officer of the Authority responsible for the management, administration and operations of the Authority and, subject to the provisions of this Ordinance, shall exercise all powers and discretions and perform all functions and duties of the Authority under this Ordinance.

12. Appointments of employees etc.—(1) The Authority may, in such manner and on such terms and conditions as may be prescribed by regulations,

appoint, remove and regulate the working of the employees, consultants and advisers of the Authority as may be necessary for the purposes of this Ordinance.

(2) The Authority may, from time to time, request the Government to arrange for the secondment or deputation of employees of the Government to the Authority for the purposes of this Ordinance and the Government may depute such employees, subject to their relevant service rules and regulations.

13. **Members, officers, experts to be 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, 1860 (Act XLV of 1860).

14. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Patron, Authority, the Chairman, any member, officer, servant, expert or consultant of the Authority in respect of anything done or intended to be done, in good faith and in line with the provisions of this Ordinance.

15. **Delegation of functions.**—The Chairman may, through a written order, delegate any powers, functions or duties of the Authority to any other officer or employee of the Authority and may at his discretion, through a written order, revoke and rescind such delegation.

16. **Conflict of interest.**—(1) A member of the Policy Board other than the Chairman, shall not directly or indirectly receive any remuneration for his position as the member except the reasonable expenses incurred by the member in the performance of duties under this Ordinance and such fee for attending the meetings as may be prescribed.

(2) The pecuniary interests of the immediate family members or close personal or business associates of a member or an employee of the Authority shall also be considered to be the pecuniary interest of the member or employee.

(3) A member or an employee of the Authority shall be in conflict of interest, if the member or employee —

- (a) is an employee or a consultant of a business entity that has, or of a trade association of business entities that have, a substantial pecuniary interest in any of the functions of the Authority;
- (b) owns, controls or has directly or indirectly more than ten per cent equity in a business entity that has a substantial pecuniary interest in any of the functions of the Authority;

- (c) receives more than twenty-five per cent of his individual income from a business entity that has a substantial pecuniary interest in any of the functions of the Authority; or
- (d) benefits either directly or indirectly, financially or otherwise, from any other organization for being the member or employee of the Authority.

(4) An employee of the Authority shall disclose to the Chairman a potential, real or perceived conflict of interest as soon as he becomes aware of the potential conflict. A member of the Policy Board other than the Chairman shall disclose before the Policy Board or any of its committees seized of the matter a potential, real or perceived conflict of interest as soon as he becomes aware of the potential conflict. The Chairman shall disclose to the Patron a potential, real or perceived conflict of interest as soon as he becomes aware of the potential conflict. Any uncertainty or doubt on part of the disclosing party with respect to the existence of conflict of interest shall be decided by the corresponding person or forum as applicable to whom disclosure is to be made in terms of this sub-section.

(5) A member shall not take part in the proceedings of the Policy Board in which any question of conflict of interest of that member is on the agenda.

(6) The disclosure of conflict of interest and the decision of the Chairman, Policy Board or the Patron, as the case may be, shall be specifically recorded in writing and form part of the records of the Authority.

17. Committees and sub-committees.—(1) The Chairman may constitute committees and sub-committees and assign specific tasks to the said committees or sub-committees for efficient performance of the functions of the Authority. The committees or sub-committees, so constituted, shall perform their mandated tasks in the manner to be specified by the Chairman.

(2) A committee or sub-committee may comprise one or more members of the Policy Board, employees or officers of the Authority or such experts or persons as the Chairman may consider appropriate for the relevant mandate of the said committee or sub-committee.

(3) The committees or sub-committees, as applicable, shall submit their reports to the Chairman.

Chapter-IV

DEVELOPMENT OF SCHEMES AND PROCUREMENTS ETC.

18. **Development of schemes.**—(1) The Authority shall prepare or cause to be prepared feasibility studies for the development of a scheme or schemes and determine the mode of development accordingly.

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

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

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

19. **Procurement, outsourcing and public private partnership etc.**—

(1) The Authority may outsource any of its activities, including development works, through any mode including public private partnership and joint ventures.

(2) Notwithstanding anything contained in the Public Private Partnership Authority Act, 2017 (VIII of 2017), any rules and regulations made thereunder or any similar laws, the Authority may, by regulations, prescribe the manner, methods and procedures for undertaking public private partnerships and joint ventures under this Ordinance and such prescribed conditions shall exclusively govern public private partnerships and joint ventures by the Authority.

(3) Notwithstanding anything contained in the Public Procurement Regulatory Authority Ordinance 2002 (XXII of 2002), any rules and regulations made thereunder or any similar laws, the Authority may, by regulations, prescribe the manner, methods and procedures for undertaking procurements under this Ordinance and such prescribed conditions shall exclusively govern procurements by the Authority.

20. **Redevelopment schemes.**—(1) The Authority may undertake redevelopment including renewal, reconstruction, or upgradation of whole or a part of a scheme within the specified area.

(2) The provisions of this Ordinance for development of a scheme shall, with necessary changes, apply to redevelopment under sub-section (1).

21. **Common property.**—(1) The common property or common areas in a scheme including common areas in buildings shall remain vested in the Government. The Authority shall control, manage and deal with all such common property and common areas for and on behalf of the Government, for the purposes of this Ordinance.

(2) The Authority may delegate and regulate the management of the common property or common areas in a scheme in the prescribed manner.

Chapter-V

REGISTER OF TITLES

22. **Registrar.**—(1) The Authority may appoint one or more Registrars of titles for specified area or part thereof on the terms and conditions as may be prescribed.

(2) In the course of performance of his duties under this Ordinance, the Registrar may exercise the powers of a civil court under the Code of Civil Procedure, 1908(Act V of 1908), as may be enforced in the specified area, for summoning any person, document, enforcing attendance of any person or compulsory production of any document or taking statement on oath.

23. **Record of titles.**—(1) The Authority may, in the prescribed manner, maintain the records of titles itself or outsource the same in the specified area or part thereof, to a central depository company or any other similar entity registered under the applicable law.

(2) The Authority may link the record of titles in the specified area with the record of the National Database and Registration Authority on mutually agreed terms and conditions.

(3) The Authority shall maintain computerized record of titles which may be exhibited on the website of the Authority, in the prescribed manner.

24. **Registration of properties.**—(1) The certificate of title issued by the Registrar shall be deemed to constitute a title document of the relevant immovable property.

(2) The Registrar shall maintain the particulars and holding rights of each immovable property including certificate of title, leasehold rights, mortgage, an easement, a right of occupation or any other right or interest which shall be available online on the website of the Authority with geo-tagged system, in such manner as may be prescribed.

(3) The Registrar may issue certified copies of certificates of title in the prescribed manner.

25. **Regulation of transfers etc.**— Dealings with immovable property in the specified areas including transfer, lease, licence or encumbrance of such immovable property may be restricted and controlled in such manner as may be prescribed under this Ordinance.

Chapter-VI

FINANCE

26. **Fund.**—(1) There shall be created Authority Fund which shall be formed, administered and controlled by the Authority.

(2) The Fund shall consist of —

- (a) funds, loans or grants provided by the Government, a Provincial Government a local government or any donor agencies;
- (b) grants and loans negotiated and raised or otherwise obtained by the Authority;
- (c) fee, charges, rentals, tolls, fines and other moneys received or collected by the Authority;
- (d) income from lease or sale of property;
- (e) funds from bonds, sukuk and other forms of finances obtained on the basis of participation term certificate, musharika certificates, term finance certificates or any other financial or debt instruments or securities issued by the Authority; and
- (f) all other sums received by the Authority.

27. **Bank accounts.**—The Authority may open and maintain its bank accounts at such scheduled banks as it may determine.

28. **Budget and accounts.**—(1) The Chairman shall cause to be prepared the budget of the Authority for each financial year commencing on the first day of July of a year and ending on the thirtieth day of June of the succeeding year.

(2) The Chairman shall cause the budget prepared under sub-section (1) to be placed before the Policy Board for its approval.

(3) The books and accounts of the Authority shall be maintained in such manner as may be prescribed in accordance with Article 170 of the Constitution.

29. **Audit.**—(1) Subject to Article 170 of the Constitution, the Authority shall appoint a firm of chartered accountants, which is placed in category “A” by the State Bank of Pakistan, for the annual audit of the accounts of the Authority.

(2) The Chairman shall cause the audited financial statements to be placed before the Policy Board for its approval.

Chapter-VII

TAXES, FEES AND CHARGES

30. **Authority to be exempt from taxation.**—Notwithstanding anything contained in any other law, for a period of ten years starting from the date of notification under sub-section (1) of section 4, the Authority shall be exempt from payment of tax on its income, profits and gains.

31. **Authority to collect property charges.**—The Authority shall collect property charges, if any, in respect of any properties situated within the specified areas in the prescribed manner.

32. **Authority to levy fees and rates.**—The Authority shall fix fees or rates for rendering of any service in a scheme including registration fee, water rate, sanitation fee, solid waste management fee, development or redevelopment charge and maintenance fee or any other fees, dues and charges as may be determined by the Authority from time to time.

33. **Additional charge or surcharge.**—If a person fails to pay a tax, fee or charge to the Authority, the Authority may in the prescribed manner, levy and collect additional charge and surcharge for non-payment of dues within the specified time.

Chapter-VIII

PENALTY AND PROCEDURE

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

35. **Offences and cognizance.**—(1) If a person commits an offence specified in—

- (a) Part-A of the Second Schedule, such person shall be liable to imprisonment for a term which may extend to seven years or fine which may extend to five hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence and which is still continuing, the court may impose a further fine which may extend to fifty thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission; and
- (b) Part-B of the Second Schedule, such person shall be liable to imprisonment for a term which may extend to three years or fine which may extend to one hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence and which is still continuing, the court may impose a further fine which may extend to ten thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission.

(2) An offence punishable under sub-section (1) shall be cognizable on a complaint in writing of an officer authorized by the Authority made to the officer in-charge of the police station.

36. **Offences to be cognizable and bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), offences under this Ordinance shall be bailable and cognizable by the magistrate of first class on the complaint of an employee authorized by the Authority.

37. **Offences by companies.**—(1) Where an offence under this Ordinance has been committed by a company, every person who at the time of commission of offence was in charge of and was responsible for the conduct of its activities shall be deemed to be guilty of the offence and shall be liable to be proceeded against under this Ordinance.

(2) Nothing contained in this section shall render any such person liable if it is proved that the offence was committed without the person's knowledge or that such person exercised due care to prevent the commission of the offence.

38. **Summary trial of offences.**—Any magistrate 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 sections 262 to 265 of the said Code.

39. **Cognizance of offences.**—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-IX

MISCELLANEOUS

40. **Duty to assist the Authority.**—(1) The Authority may in the performance of its functions seek assistance of any office, authority or agency working under the Government, a Provincial Government or a local government.

(2) The office, authority or agency shall comply with the direction of the Authority under sub-section (1) unless, for reasons to be recorded in writing and within thirty days of the direction, an officer not below the rank of head of the office, authority or agency requests the Authority to place the matter before the Chairman whose decision, on such matter, shall be final.

41. **Authentication of instruments of the Authority.**—All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Chairman or any other employee of the Authority authorized by the Chairman, in the prescribed manner.

42. **Annual report.**—(1) The Authority shall, within three months of the end of a financial year, submit to the Patron an annual report.

(2) The Annual report under sub-section (1) shall consist of—

- (a) the statement of accounts and audit reports of the Authority;
- (b) a comprehensive statement of the work and activities of the Authority during the preceding financial year and its proposed projects; and
- (c) such other matters as may be prescribed or as the Authority may consider appropriate.

43. **Recovery of dues.**—Any sum due to the Authority from, or any sum wrongly paid by the Authority to, any person under this Ordinance, shall be recoverable as arrears of land revenue.

44. **Conversion of property to a different use.**—If a person converts a property to a different use or purpose than the one provided under a scheme, master plan or classification map without the previous approval in writing of the Authority, he shall be liable to punishment of fine which may extend to

ten thousand rupees per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to one year or with both.

45. **Ejectment of unauthorized occupants.**—(1) Subject to provision of an opportunity of hearing, the Chairman or any person authorized by the Chairman may summarily eject any person in unauthorized occupation of any land or property vested in the Authority and may for such ejectment use such force as may be necessary.

(2) Subject to provision of an opportunity of hearing, the Chairman or any person authorized by the Chairman may, on his own motion or on the application of the owner, summarily eject any person in unauthorized occupation of any land or plot in a housing scheme developed and controlled by the Authority and may, for such ejectment, use such force as may be necessary.

(3) Nothing contained in sub-sections (1) and (2) shall prohibit the Chairman or any person authorized by the Chairman to proceed against such person on commission of an offence, as provided in this Ordinance.

46. **Removal of building, etc. erected or used in contravention of this Ordinance.**—(1) 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 Chairman or any person authorized by him or the Authority in this behalf, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or alter the building, structure or work or to use it in such manner so as to bring such erection, construction or user in accordance with the said provisions of this Ordinance or of any rule, regulation or order made thereunder.

(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 Chairman or any person authorized by him or the Authority in this behalf, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land by sealing the premises or land and, in so doing, may use such force as may be necessary and may also recover the cost therefor, from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

47. **Power to dispose of land.**—The Authority may retain, or may lease, sell, exchange, rent or otherwise dispose of any land vested in it.

48. **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.

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

50. **Power to make rules.**—(1) The Government may, on the recommendation of the Authority and by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) Prior to formal prescription, the draft rules shall be published in the official Gazette and on website of the Authority for eliciting public opinion within such time period as may be considered appropriate in the circumstances.

51. **Power to make regulations.**—(1) Subject to the provisions of this Ordinance and any rules prescribed hereunder, the Authority may, by publication in the official Gazette and uploading on its website, make regulations as may be necessary to carry out the purposes of this Ordinance.

(2) Prior to formal prescription, the draft regulations shall be published on the website of the Authority for eliciting public opinion within such time period as may be considered appropriate in the circumstances.

52. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Ordinance, the President may make such orders or give such directions as are necessary to remove the difficulty.

53. **Overriding effect.**—The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

FIRST SCHEDULE

(see section 3)

LIMITS OF THE SPECIFIED AREAS

- (1) The Bundal and Buddo Islands

SECOND SCHEDULE:

(see section 35)

LIST OF OFFENCES

Part- A

1. Discharging any dangerous chemical, inflammable, hazardous or offensive article in the ocean, any drain, or sewer, public water course or public

land vested in, managed, or controlled by Authority or an agency in such manner as causes oils likely to cause danger to persons passing by or living or working in any neighborhood or area, or risk or injury to property or causing harm to the environment.

2. Failure of industrial or commercial concerns or such property holders to provide adequate and safe disposal of affluent or prevention of their mixing up with the ocean or water supply or sewerage system.

Part-B

3. Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Ordinance.

4. Failure to deliver back possession of property to the Authority on expiration and cancellation of lease or allotment or exemption of plot.

5. Doing an act without licence, approval or permission when the doing of such act requires a licence or permission under any of the provisions of the Ordinance or any rules or regulations made thereunder.

6. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules or bylaws for using such space for any purpose which is not approved.

7. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by the Authority.

8. Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden Khokas or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority.

9. Obstructing or tampering with any road, street, drain or sewer pipe or pavement or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system or laying out a drain or altering any drain in a street or road.

10. Connecting any house drain with a drain in a public street without approval of the Authority.

11. Drawing off, diverting or taking any water except with the permission required under this Ordinance, rules or regulations.

12. Willfully causing damage, or allowing damage to be caused to any property which vests in the Authority, or unlawfully converting it to his own or any other person's use.

13. Refusal or willfully neglecting to provide any officer or servant of the Authority with the means necessary for entering into any premises for the purpose of collecting any information or making an examination or enquiry in relation to any water works.

14. Failure or neglect of a sponsor to abide by or fulfill the commitment made to a person regarding allotment of a plot, housing unit or price of the same in any scheme.

15. Without lawful excuse, failing or refusing to comply with any direction or order issued by the Authority under this Ordinance.

16. Attempting to commit or abetting the commission of an offence punishable under this Ordinance.

DR. ARIF ALVI,
President.

FARRUKH ALI MUGHAL,
Solicitor General.