# ORDER V OF 1957 KARACHI DEVELOPMENT AUTHORITY ORDER, 1957 [Gazette, 13th December 1957]

Whereas it is expedient to make provision for the development and improvement of certain areas in the Federal Capital by opening up congested areas, laying out or altering streets, providing public amenities like parks, gardens and playgrounds, executing works for water supply and sewerage or by demolishing, improving or constructing buildings; for the acquisition of land for such development or improvement, including the re-housing of persons affected thereby and certain other persons, for the preparation and execution of development or improvement schemes, building research schemes and similar other schemes; and for matters connected therewith or incidental thereto;

Now, therefore, in exercise of the powers conferred by clause (2) of Article 211 of the Constitution, and of all other powers enabling him in that behalf, the President is pleased to make the following Order:-

# CHAPTER I-PRELIMINARY

1. Short title, extent and commencement.-(1) This order may be called the Karachi Development Authority Order, 1957.

(2) It extends to the Federal Capital.

(3) It shall come into force, at once, except Chapter VII which shall come into force on such date as the Central Government may by notification in the Official Gazette appoint.

2. Definitions.-(1) In this Order, unless there is anything repugnant in the subject or context-

(a) "affected persons" means persons affected by the development or improvement carried out in accordance with the provisions of this Order;

(b) "Authority" means the Karachi Development Authority established under Article 3;

(c) "betterment Fee" means the fee prescribed by Article 104 in respect of an increase in the value of land resulting from the execution of any improvement scheme;

(d) "Chairman" means the Chairman of the Governing Body, appointed under clause (1) of Article 6;

(e) "City" means the city as defined in the Municipal Act;

KARACHI DEVELOPMENT AUTHORITY ORDER, 1957 [P. L. D. 160 ..... (f) "controlled area" means an area declared to be a controlled (f) "controlled 12;

(g) "constituent body" means any one of the following namely :\_\_\_\_\_\_\_ area under Article 12;

(i) the Corporation; (ii) the Karachi Port Trust;

(iv) the Cantonment Board of Karachi;

(iii) the Ministry of Defence; (v) the North Western Railway;

(v) the Sind and Landhi Industrial Trading Estates, and

(vi) the Sind and Deal authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (vii) any such local authority or Department of Government (viii) any such local authority of Government (viii) any such local author (vii) any such local authority of Department of Continuent as the Central Government may, by notification in the Official Gazette, declare to be a constituent body, and constituent bodies shall be construed to be a constituent body.

rdingly; (h) "Corporation" means the Municipal Corporation of the Gity accordingly;

(i) "Governing Body" means the Governing Body constituted of Karachi;

under Article 5; (j) "house" means any building intended for human habitation (j) "house" means which it is situated, comprising one or

(j) "house" means any building situated, comprising one or motion together with the land upon which it is situated, comprising one or motion family housing units and structures appurtenant thereto;

(k) "improved area" means any area which is under an improve (k) "improved area inclusion means a scheme connected with housing ment scheme and "scheme" means a scheme construction, sewerage, water water supply, development, construction, resettlement, financing and research and matters incidental thereto; improvement,

(1) "Industrial Trading Estate" means Sind Industrial Trading Estate (1) Industrial Trading Estate Ltd., or any other Estate which may be established;

(m) "land" has the meaning assigned to it by clause (a) of section ] of the Land Acquisition Act, 1894 (I of 1894);

(n) "Municipal Act" means the City of Karachi Municipal Ac, 1933 (Bom. Act XVII of 1933);

(o) "use area" means an area of land in private ownership which the Authority declares has been ripe for development and improvement, but which has remained unimproved and undeveloped for a period of two years from the date of such declaration;

(p) "prescribed" means prescribed by rules or regulations make under this Order:

(q) "Tribunal" means the Tribunal constituted under Article 96:

(r) "unauthorised building" means a building declared by the Authority to be unauthorised;

(2) All words and expressions not defined in this Order and defined in the Municipal Act shall have the meanings respectively assigned w them by that Act.

(3) All references to anything done, required, authorised permitted forbidden, or made punishable, or to any power vested, by or under the Order, shall include anything done, required, authorised, permitted forbidden, or made punishable, or any power vested-

(a) by or under any scheme made under the provisions of the Order; or

(b) by or under any provision of the Municipal Act or the Bombay (b) Boards Act, 1923 (Bom. Act XVII of 1953, Bom. Act VI of Local which the Authority has, by virtue of this Order which the Authority has, by virtue of this Order power to 1023).

### CHAPTER II-CONSTITUTION AND FUNCTIONS enforce. OF THE AUTHORITY

3. Establishment and incorporation.-(1) As soon as may be after the commencement of this Order, the Central Government shall establish the control of the purposes of this Order.

(1) The Authority established under clause (1) shall be a body corpo-

(d) the name of the Karachi Development Authority, having refrectual succession and a common seal, with power, subject to the perpetual of this Order, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

4. Management.-(1) The general direction and administration of the authority and its affairs shall vest in the Governing Body which the autorcise all powers and do all acts and things which may be excreised or done by the Authority.

(2) The Governing Body in discharging its functions shall act on sound principles of development, town-planning and housing with special regard to the re-housing of affected persons and shall be guided on questions of policy by such directions as the Central Government may from time to time give.

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

5. Constitution of the Governing Body .- (1) The Governing Body shall consist of five members to be appointed by the Central Government.

(2) Not less than two of the members appointed under clause (1) shall be whole time members.

(3) Each member shall-

(a) hold office for a period of three years unless sooner removed and may be re-appointed thereafter for such period or periods as the Central Government may in each case determine ;

(b) perform such duties as may be prescribed by regulations or as the Governing Body may by order in writing, assign to him; and

(c) receive such salary and allowances as may be prescribed by rules.

6. Appointment of Chairman.-(1) The Central Government shall appoint one of the members of the Governing Body to be the Chairman of the Governing Body.

(2) Subject to his continuing to hold office as member, the Chairman shall hold office for a period not exceeding three years, and may, subject as aforesaid, be re-appointed for such period or periods as the Central Government may determine :---

Provided that a Chairman my be required to continue to hold office until his successor is appointed.

7. Disqualification of the members of the Governing Body.-(1) No person shall be or shall continue to be a member of the Governing Body

(a) is or, at any time, has been, convicted of an offence involving moral turpitude; or

YOL X-1958] (b) by or under any provision of the Municipal Act or the Bombay (b) by of Act, 1923 (Bom. Act XVII of 1953, Bom. Act VI of local which the Authority has, by virtue of 1953, Bom. Act VI of which the Authority has, by virtue of this Order power to 1023). enforce.

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(b) is or, at any time, has been adjudicated insolvent ; (c) is found to be a lunatic or of unsound mind ; or

(d) is a minor; or

scheme or a confliction (e) has a financial interest in any (d) is a financial interest in his interests as a member conflict (e) has a financial interest his interests as a member of his interest directly or indirectly between his interests and has failed to of he interest directly and his private interests and has failed to directly directly and his private interests and has failed to directly directly and his private interests and has failed to directly directly directly and his private interests and has failed to directly di directly directly directly directly di directly directly di (e) has a failed or indirectly between interests and has failed to of a discussion of the contral Government. Governing Body and his private interests and appeal.-(1) Subject to the contral Government. such interest in writing to the Central Government.

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(a) in the case of posts the monthly salary or the maximum monthly salary of which does not exceed five hundred rupees and officers and servants holding such posts-the Chairman;

(b) in the case of posts the monthly salary or the maximum monthly

(b) in the case of point hundred rupees but does not exceed by salary of which exceeds five hundred servants holding such point of salary of which exceeds live hundred servants holding such posts the Governing Body; and

(c) in the case of posts the monthly salary or the maximum monthly (c) in the case of period one thousand rupees and officers and servant salary of which exceeds one Governing Body, subject to the previous sanction of the Central Government :

Provided that a servant of the Central Government or any Provincial Government or a local authority whose services have been lent to the Authority shall not be so punished except by an authority which would have been competent to inflict such punishment if his service had not been so lent, and the Chairman or the Governing Body, a the case may be, shall be entitled only to make a recommendation in that behalf to such authority.

(2) Against any order under clause (1) imposing any punishment on him, an officer or servant of the Authority may appeal-

(a) to the Governing Body, if the order was passed by the Chairman, and

(b) to the Central Government, if the order was passed by the Governing Body.

(3) Upon hearing an appeal under sub-clause (a) of clause (a) the Governing Body may enhance the punishment, but an appeal shall lie to the Central Government against such enhancement.

9. Meetings of Governing Body, etc.-(1) The meetings of the Governing Body shall be held at such times and such places as my be prescribed by regulations :

Provided that until regulations are made in this behalf such methods and be convened by the Chart and a made in this behalf such methods. ings shall be convened by the Chairman.

(2) To constitute a quorum at a meeting of the Governing Body not less than three members, including the Chairman, shall be present.

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(b) is or, at any time, has been adjudicated insolvent ; (c) is found to be a lunatic or of unsound mind ; or

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Such interest in writing to the outside and appeal.-(1) Subject to any such interest in writing to the outside and appeal.-(1) Subject to any 8. Appointment, punishment and appeal.-(1) Subject to any for the time being in force, the power of making appointments for the time being in force, the power of the Authority, of granting for the time being in the service of the Authority, of granting promotions to posts in the service of the posts, of censuring, fining promotions to posts and servants holding such posts, of censuring, fining for the unit posts in the service on posts, of censuring, fining promotions to posts and servants holding such posts, of censuring, fining to officers and servants holding, suspending, removing or dismined to officers and servants from, reducing, suspending, removing or dismined to officers and servants holding. promotions to postants holding such pending, removing or disminental rolling books and servants for any breach of departmental rolling holding promotion from, reducing, suspending, removing or disminental rolling holding promotion from, reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing, suspending, removing or disminental rolling holding promotion from reducing holding holding promotion from reducing holding h for any breach of departmental rules such officers and servants such officers and servants unfitness, neglect of duty or other discipline, or for carelessness, unfitness, and servants from the discipline, or for carelessness, unindicers and servants from the service conduct, and of discharging such officers and be exercised by the service conduct, and of any other reason, shall be exercised by the conduct, and of discharging such on, shall be exercised by the under of the Authority for any other reason, shall be exercised by the under meationed authorities-

(a) in the case of posts the monthly salary or the maximum (a) in the case of posts pot exceed five hundred rupes (a) in the case of posts the internet five hundred maximum monthly salary of which does not exceed five hundred rupees and monthly salary of which does not exceed five hundred rupees and officers and servants holding such posts-the Chairman;

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(3) The Chairman shall preside at every meeting at which he is (3) The order of the Chairman is absent from the meeting at which he is present, and if the Chairman is absent from the meeting, a member the Governing Body, present and chosen by the meeting, a member present, and the meeting. Body, present and chosen by the members present shall preside at the meeting.

(4) Each member, including the Chairman shall have one vote, (4) Each one vote, in the event of an equality of votes the Chairman shall have a scond or casting vote.

10. Office.-The Authority shall establish its office in Karachi.

11. Power to sanction, reject or revise scheme. -(1) The Authority

shall, as soon as feasible, prepare, and from time to time submit for the approval of the Central Government an outline programme for the application and improvement of such areas within the Federal development as it may consider necessary for the purpose, listing such areas and the approximate order or their development, and outlining the proposed improvements, including the water supply, sewage and buildings required for residential, commercial and other purposes incidental thereto.

(2) The Central Government shall, within such time as may be prescribed by rules, either approve or disapprove any programme referred to in clause (1), or approve with such additions or modifications as, in consultation with the Authority, it deems fit to make.

(3) The Authority shall, within such time as may be prescribed by rules, prepare for submission to the Central Government specific schemes set forth in the outline programme, including any other scheme or schemes which the Central Government in writing directs the Authority to prepare, and all such schemes shall contain plans for the proposed development, including approximation of posts proposed. methods of financing, ejectment, and resettlement or rehousing of affected persons :

Provided that the Authority may without reference to the Central Government execute any scheme the provisional estimated cost of which does not exceed rupees three hundred thousand and specific provision for which exists in the annual estimates of income and expenditure of the Authority.

(4) The Central Government may sanction, with or without modification, or may refuse to sanction, or may return for reconsideration, any scheme submitted to it under clause (3), or may call for such further details or information about the scheme, or may direct such further examination of the scheme as it may consider necessary.

(5) Where the Central Government has sanctioned a scheme for any area it shall be lawful for the Authority to execute and maintain all works and carry out all operations in the said area required for the execution of any such scheme.

(6) As soon as may be after the commencement of this Order, the Central Government may upon such terms and conditions as may be laid down, transfer to the Authority any scheme sanctioned or undertaken by the Central Government or by any local authority or other body and also place at the disposal of the Authority any properties. movable or immovable, connected with or ancillary or appurtenant to any such scheme, and any scheme so transferred shall be deemed to be a scheme sanctioned by the Central Government under this Order.

(P. I. B. (7) It shall be lawful for the Authority to execute and maintain (7) It shall be lawful for the Authority to execute and maintain (7) It shall be lawful for the unfinished works and operations maintain (7) It shall be lawful for the unfinished works and operations for the under clause (6). (7) It shall be lawful for the works and operations maintain all works and carry out all unfinished works and operations require all works and carry of any scheme transferred under clause (6). all works and carry our scheme transferred under clause (6).

(8) The Central Government may, upon such terms and condition (8) The Laid down, place at the disposal of the Authority and condition (8) The Central Government indy, used of the Authority and condition as may be laid down, place at the disposal of the Authority and condition as may be laid down, place at the Central Government or by any log perties or funds held by the Central Government of by any log perties or other body, or permit the Authority to levy any log as may be funds held by the cut the Authority to levy any log perties or funds held by the permit the Authority to levy and log authority or other body, or permit the commencement of this feran duties which, immediately before this order, authority or body and there or duties which by such Government, authority or body and there were leviable by such Government or funds and levy such there were leviable by such hold such properties or funds and levy such there are a such and levy such there are a such and levy such there are a such and levy such and levy such a such are a such and levy such and levy such and levy such a such are a such as were leviable by such Government or funds and levy such dutes the Authority shall hold such properties or funds and levy such dutes the Authority shall be terms and conditions. in accordance with such terms and conditions.

12. Declaration of Controlled Area and issue of appropriate 12. Declaration of Controlled area for the purposes to this Orazonal directions.—The Authority may, by notification in the official Gazette directions.—The Authority may, declare any area to be a controlled area for the purposes to this Order declare any area in respect of any such area such directions as in declare any area to be a control such area such directions as it of this Order and may issue in respect of any such area such things as may be new to the and may issue in respect of any of all such things as may be necessary siders fit and appropriate, and do all such things as may be necessary buildings siders fit and appropriate, and growth of colonies, buildings and for the prevention of haphazard growth of colonies, buildings and operations in such area.

13. Additional powers of Authority to undertake work and inca 13. Additional powers of may, subject to such directions as the expenditure.—The Authority may, subject to such directions as the Central Government may give-

(1) prepare or arrange for the preparation of such land use and (1) prepare of all and generations the second for such modifications thereof as may from time to time b: deemed necessary.

(2) establish and maintain Housing Research Stations and conduct scientific industrial research on housing including research on low. cost housing.

(3) sponsor, for the purpose of giving effect to any of the provisions of this Order, limited liability companies under the Companies Act, 1913 (VII of 1913), Co-operative Societies under the Co-operative Societies Act, 1912 (II of 1912), or Registered Societies under the Literary, Scientific and Charitable Societies Act, 1860 (XXI of 1860) and upon its request be represented on the Management of any such company or society.

(4) undertake any work connected with or incidental to the put poses of this Order that may be assigned to it by the Central Govement from time to time.

14. Power of Government to make rules.-The Central Government may make rules not inconsistent with this Order for the purpose of giving effect to the provisions of this Order and where the rules mile under this Article are inconsistent with the regulations made under the next succeeding Article the rules shall prevail.

15. Power of the Authority to make regulations .-- (1) The Authority may make regulations not inconsistent with this Order or with the rule made under Article 14, to provide for all matters for which provision of this Order of this Order.

(2) In particular and without prejudice to the generality of the foregoing power such regulations may provide for-

(a) the meetings of the Governing Body and the manner in which business shall be conducted at such meetings.

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(b) the expenditure of the funds placed at the disposal of the

Authority; (c) recruitment policy :

(d) conditions and terms of service including provident fund and pensions, if any ; and

(e) any other matter for which provision is required for the efficient discharge of the business of the Authority.

16. Rules and regulations to be published in the official Gazette.-All rules and regulations made under this Order shall be published in the official Gazette and shall come into force upon such publication.

## CHAPTER III—FINANCE

17. Funds of the Authority .- Necessary funds shall from time to time be placed by the Central Government at the disposal of the Authority for the execution of its schemes and for the conduct of its business, upon such terms and conditions as may be laid down in each casc.

(2) The Central Government shall transfer such amount out of the Federal Capital's share of the Rehabilitation Tax to the Authority from time to time as may be decided by the Central Government.

(3) The Corporation shall contribute to the Authority every year by such date as may be prescribed such percentage of the proceeds of the property taxes realised by the Corporation during the previous financial year as the Central Government may determine.

(4) If the Corporation fails to make the contribution referred to in clause (3), the Central Government may make an order directing the bank in which any moneys of the Corporation are deposited or the person in charge of the local Government Treasury or any other place of security in which the moneys of the Corporation are deposited, to pay such contribution from such moneys as may be standing to the credit of the Corporation in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the Corporation by way of deposit by such bank or person and such bank or person shall be bound to obey such order.

18. Powers to borrow money .- The Authority may, from time to time, with the previous sanction of the Central Government, and on such terms and conditions as may be approved by the Central Government, borrow moneys necessary for the purpose of defraying any cost. charges or expenses, incurred or to be incurred-

(a) for the execution of any work authorised by or under this Order, or

(b) for the payment of compensation for any land acquired for the purposes of this Order, or

(c) for the repayment of a loan raised under this Order, or

(d) for any other purpose within the intendment of this Order.

19. Deposit Account.-The Authority may open a deposit account with the State Bank of Pakistan or with any agency of the State Bank or with the prior approval of the Central Government, with any Scheduled Bank.

20. Investment of Funds .- The Authority may invest its funds in any security of the Central Government or a Provincial Government or in any security that has been declared an approved security by IP. L. N.

in any security may if it so decides 21. Sinking fund.—The Authority may if it so decides the Central Government so requires, establish a sinking fund that the Central Government borrowed by the Authority and shall for the Central of any loan borrowed by the Authority and shall for the Central Government so received by the Authority and shall be repayment of any loan borrowed by the Authority and shall be repayment of any loan will, with accumulations of interest heavy the Central close loan borrowed by accumulations of interest he half for repayment of any loan borrowed by accumulations of interest he half for that fund such sums as will, with accumulations of interest he half by that fund such sums to pay off the loan : after the payment of all expenses to pay off the loan ;

the payment of all expenses the sum standing at credit in the provided that if at any time the sum standing at credit in the Provided that if allowed to accumulate with interest, be sufficient Provided that if at any time accumulate with interest, he such is such as will, if allowed to accumulate loan, then further payments provided in, if allowed to need of the loan, then further payment is such as will, if allowed to need of the loan, then further payment is repay the loan within the period of the loan, then further payment is repay the loan may be discontinued. such fund may be discontinued.

fund may be discontinued. fund may be discontinued. 22. Application of sinking fund.—Every sinking fund shall be 22. Application of sinking fund.—Every sinking fund shall be applied to the repayment of the loan in respect of which applied which applied to the repayment of the until such loan is fully discharged applied to the repayment of the loan is fully discharged applied to the repayment of the loan is fully discharged applied to the repayment of the loan is fully discharged applied to the repayment of the loan is fully discharged applied to the repayment of the loan is fully discharged applied to the repayment of the loan is fully discharged applied to the repayment of the loan is fully discharged applied to the 22. Application of sinking jund. in the first place to the repayment of the loan in respect of which which in the first place to the repayment not, until such loan is fully discharged in the first place to the repayment of, until such loan is fully discharged in the first place to the repayment of, until such loan is fully discharged in the any other purpose.

ied to any other purpose. 23. Annual Examination of sinking fund.-(1) Every sinking were sinking were been and every year been sinking for the second every year been second every year 23. Annual Examination of shall be examined every sinking the established by the Authority shall be examined every year by the Accountant General, Pakistan Revenues, who shall certify the by the cash and the current market value by Accountant General, Pakistan and the current market value of assets represented by the cash and the time of examination. assets represented at credit in such fund at the time of examination. (2) If the Accountant General certifies that such assets are by

(2) If the Accountant balance stood at credit had payment into the than the assets which would have stood at credit had payment into the than the assets which would have and had the rate of interest considered at the store of interest considered than the assets which would have dates and had the rate of interest considered fund been made on the fund was established been obtained the fund been made on the fund was established been obtained, the to be obtainable when the fund the fund a sum equivalent to the to to be obtainable when the fund a sum equivalent to the difference of the second state of the difference of the second state of ence so certified. Except in cases where private loans to the authorn are outstanding, the Central Government may by previous are or special order, sanction the payment of such sum into the fund instalments or permit the difference to be made up in any our manner.

(3) If any dispute arises between the Authority and the Accounting General as to the accuracy of any certificate under clause (2), Authority may, after making the payment referred to in that clause be always subject to any general or special order in that behalf as aim said, refer the matter to the Central Government whose decision mil be final.

24. Renewal and replacement fund.-The Authority may, if it a decides and shall, if the Central Government so require, for the purpos of the renewal and replacement of any or all works and property vester in it, maintain a fund or funds in such manner and subject to such come tions as the Authority may prescribe.

25. Audit.-(1) The Authority shall with the previous approval d the Central Government appoint Auditors who shall be persons holding certificates under section 144 of the Companies Act, 1913 (VII of 1913).

(2) A statement of accounts in the prescribed form audited by Auditors referred to in the preceding clause shall be furnished to Central Government as soon as possible after the end of every finance year.

(3) It shall be open to the Central Government to authorize Comptroller and Auditor-General of Pakistan to conduct a test or other audit of the accounts submitted to it in the form prescribed under Article 26 on such terms and conditions as the Central Government may determine.

in any security that has been declared an approved security by the

21. Sinking fund.—The Authority may if it so decides and shall, if Central Government.

21. Sinking fund.—The Authority may in a sinking fund shall, if the Central Government so requires, establish a sinking fund for the repayment of any loan borrowed by the Authority and shall pay into repayment of any loan will, with accumulations of interest be sufficient repayment of any loan borrowed by into interest be sufficient that fund such sums as will, with accumulations of interest be sufficient that fund such sums of all expenses to pay off the loan : after the payment of all expenses to pay off the loan :

the payment of all expension the sum standing at credit in such fund Provided that if at any time the sum ulate with interest, be sufficient

Provided that if at any time the secundate with interest, be sufficient to is such as will, if allowed to accumulate loan, then further payment to is such as will, if allowed to account the loan, then further payment into repay the loan within the period of the loan, then further payment into such fund may be discontinued.

fund may be discontinued. - Every sinking fund shall be applied 22. Application of sinking fund. - Every sinking fund shall be applied 22. Application of sinking fund. I the loan in respect of which such in the first place to the repayment of the loan is fully discharge such in the first place to the repayment of until such loan is fully discharged, be

applied to any other purpose. 23. Annual Examination of sinking fund.-(1) Every sinking fund 23. Annual Examination of shall be examined every year by the established by the Authority shall be examined every year by the Accountant General, Pakistan Revenues, who shall certify the total Accountant General, Pakistan Revenues, and the current market value of the state of the current market value of the state o Accountant General, Fakistan and the current market value of the assets represented by the cash and the time of examination securities standing at credit in such fund at the time of examination.

(2) If the Accountant General certifies that such assets are less (2) If the Accountant bare stood at credit had payment into the fund been made on the due dates and had the rate of interest considered to be obtainable when the fund was established been obtained, the authority shall forthwith pay into the fund a sum equivalent to the differ. ence so certified. Except in cases where private loans to the authority are outstanding, the Central Government may by previous general or special order, sanction the payment of such sum into the fund by instalments or permit the difference to be made up in any other manner.

(3) If any dispute arises between the Authority and the Accountant General as to the accuracy of any certificate under clause (2), the Authority may, after making the payment referred to in that clause but always subject to any general or special order in that behalf as aforesaid, refer the matter to the Central Government whose decision shall be final.

24. Renewal and replacement fund.-The Authority may, if it so decides and shall, if the Central Government so require, for the purpose of the renewal and replacement of any or all works and property vested in it, maintain a fund or funds in such manner and subject to such conditions as the Authority may prescribe.

25. Audit.-(1) The Authority shall with the previous approval of the Central Government appoint Auditors who shall be persons holding certificates under section 144 of the Companies Act, 1913 (VII of 1913).

(2) A statement of accounts in the prescribed form audited by the Auditors referred to in the preceding clause shall be furnished to the Central Government as soon as possible after the end of every financial year.

(3) It shall be open to the Central Government to authorize the Comptroller and Auditor-General of Pakistan to conduct a test or other audit of the accounts submitted to it in the form prescribed under Article 26 on such terms and conditions as the Central Government may determine.

Vol. X-1958] 26. Accounts.—The accounts of the Authority shall be maintained in such form as the Authority may prescribe.

27. anths after the end of every financial year, submit, within in 27. Annual report on the conduct of its are to the three Government an annual report on the conduct of its affairs for central line financial year. It shall also submit its proposals and budget estimates for three Government also submit its proposals and budget estimates for that year. It shall also submit its proposals and budget estimates for that year ensuing financial year six months before the commences for that year in shain their approval. the next and obtain their approval.

# CHAPTER IV-DEVELOPMENT, IMPROVEMENT, HOUSING AND OTHER SCHEMES

28. Schemes to be deemed to be for public purpose.—All schemes ramed under this Order and operated by the Authority or by an orga-framed sponsored by the Authority shall be deemed to be scheme orgaframed under the Authority shall be deemed to be schemes for a public purpose.

29. Matters to be provided for by improvement schemes. An im-

29. Mantene may provide for all or any of the following matters, namely :-

(a) the development of land for housing or re-housing;

(b) the clearance or improvement of congested areas;

(c) the construction of houses, flats and other kinds of residential premises and of industrial, commercial and other buildings for compremises and buildings such as slaughter-houses, vocational training centres and amenity buildings like schools, dispensaries, and maternity or community development centres ;

(d) the acquisition by purchase, exchange or otherwise of any property or interest therein necessary for or affected by the execution of the scheme ;

(e) the laying out afresh of any land comprised in the scheme :

(f) the re-distribution of sites belonging to owners of property comprised in the scheme ;

(g) the closing, alteration or demolition of any dwelling or portion thereof unfit for human habitation :

(h) the demolition of any building or portion thereof unfit for the purpose for which it is being used or which obstructs light or air or projects beyond the building line :

(i) the demolition of any building inconsistent with the scheme ;

(i) the construction and re-construction of any building by the Authority or by the owner or by the Authority on default by the owner :

(k) the sale, lease, exchange, or disposal in any other manner of any property vested in or acquired by the Authority :

(1) the construction and alteration of streets (including bridges, causeways and culverts) and back lanes, and the provision of footpaths and sidewalks :

(m) the levelling, paving, metalling, flagging, channelling, sewering, and draining of the streets so constructed or altered, and the provision therein for lighting and sanitary facilities;

(n) parks, playing-grounds and other open spaces for the benefit of persons residing in any area comprised in the scheme or any adjoining

(P. L. D. 168 KARACHI Devisiting parks, playing-grounds and other of area and the extension of existing parks, playing-grounds and other of area and the extension of existing parks, playing-grounds and other of the area comprised of the area comprese o spaces and approaches to the same ;

area and the extension of the same; spaces and approaches to the same; (o) sanitation and conservancy for the area comprised (o) sanitation and conservancy for any ill-deal (o) sanitation (o) sanitatio (o) sanitatio (o) sa and other sources and means of water supply :

other sources and means of water amprovement of any ill-drained (p) drains and sewers for the improvement of any ill-drained

(q) accommodation for any class of inhabitants ; insanitary locality ;

(r) means of access and communication ;

(r) means of access and containing of land for markets and (r) the reclamation or reservation of land supply the other day (s) the reclamation or reservation grass and supply the other here the said area;

of persons in the said area; (t) the raising, lowering, levelling or reclamation of any land  $c_{0}$ 

rised in the scheme ; in the scheme ; (w) the rocovery of a betterment fee from owners of properties

improved by the scheme; (v) any other matter for which, in the opinion of the Authority (v) any other matter provision with a view to the improvement

(v) any other matter for which, in a view to the improvement it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area for the general efficiency of the scheme.

30. Types of improvement schemes.—An improvement scheme that 30. Types of improvements kinds or a combination of any two or more that be of one of the following kinds thereof, namely :such kinds or of any special incidents thereof, namely :-

- (a) a general improvement scheme;
- (b) a re-building scheme ;
- (c) a re-housing scheme ;
- (d) a street scheme ;
- (c) a deferred street scheme ;
- (f) a development scheme ;
- (g) a housing accommodation scheme;
- (h) a town-expansion scheme ;
- (i) a zonal plans scheme;
- (j) a transport scheme ;

(k) a drainage and sewage disposal scheme;

(1) a scheme for the re-distribution of sites ; and

(m) health and welfare scheme.

31. Loans for housing, etc .- The Authority may, in connection with any scheme, provide for the financing of housing or facilities incidental thereto and may advance loans to those persons or families who cannot be provided for by private enterprise or by the House Building Finance Corporation established under the House Building Finance Corporation Act, 1952 (XVIII of 1952). Such financing shall be upon such terms at conditions as the Authority shall consider feasible.

32. General Improvement scheme .- Whenever it appears to the Authority-

(a) that an area is in need of development,

(b) that, in any area, any buildings used or intended or likely tok used as dwelling places are unfit for human habitation, or

(c) that danger to the health of the inhabitants of any building!

Vol. X-1958] vol x of any building in the neighbourhood of such area results or any area result from slikely to result from -

arca result from a result from the results or bad arrangement or condition of the partowness, closeness, or bad arrangement or condition of condition of the paildings of light, air ventilation or proper (i) the partown groups of buildings in such area, or an area, or area, o

(i) the want of light, air ventilation or proper conveniences in such

(iii) any other sanitary defects in such area, sten, of

(iii) any other such as a resolution to the effect that such area (iii) with may pland that a general improvement that such area Authority area, and that a general improvement scheme ought is he framed in respect of such area, and shall then proceed to frame to a scheme.

such a scheme.

the scheme. and a scheme. 3. Re-building scheme. 3. area is an insanitary area and that it is not possible or the Authority the desirable to frame a general improvement scheme in respect to the or the any desirable is regard to the value of buildings. any area is an ageneral improvement scheme in respect thereof, and desirable to they stand, the most satisfactory method of dealise and of the and that having they stand, the most satisfactory method of dealing with and on which they part thereof is a re building scheme, the Authority may the area or any part thereof is a re building scheme, the Authority may the area of that effect and shall then proceed to frame. the area of any to that effect and shall then proceed to frame a scheme pass a resolution to that effect and shall then proceed to frame a scheme in accordance with the provisions of this Article. (2) A rebuilding scheme may provide for-

(2) A reperturing of streets, lanes, and open spaces to such (a) the Authority considers necessary for the nurses to such (a) the Authority considers necessary for the purposes of the

scheme ; (b) the laying out afresh of the sites of the area upon streets, lanes or open spaces so reserved or enlarged;

(c) the payment of compensation in respect of any such reservation or enlargement, and the construction of streets, lanes and open spaces so reserved or enlarged ;

(d) the re-construction, alteration or demolition of any existing building and its appurtenances by the owner, or by the Authority in default of the owner, and the erection of any building in accordance with the scheme by the said owner or by the Authority in default of the owner, upon any site defined under the scheme ;

(e) the acquisition by the Authority of any site or building comprised in the area included in the scheme.

34. Re-housing scheme.—The Authority may frame re-housing schemes, for the construction, maintenance and management of such and so many dwellings and shops as it may consider necessary for persons who-

(a) are affected by the execution of any improvement scheme sanctioned under this Order, or

(b) are likely to be affected by the execution of any improvement scheme which it intended to frame, or to submit to the Central Government for sanction, under this Order.

35. Street scheme.-(1) Whenever the Authority is of opinion that for the purposes of-

(a) providing building sites, or

(b) remedying defective ventilation, or

(c) creating or improving new or existing means of communication and passage for traffic, or

(d) providing better conservancy, (d) providing better conservancy, it is expedient to lay out new streets or alter existing streets (including it is expedient to lay out new streets) in any area, the Authority (including it is expedient to lay out and shall then proceed to frame a street of (d) providing bett out new streets of any area, the Authority linelud, it is expedient to lay out new streets) in any area, the Authority linelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts) in any area, the Authority finelud, bridges, causeways and culverts in any area, the Authority finelud, bridges, causeways and culverts in any area, the Authority finelud, bridges, causeways and culverts in any area, the Authority finelud, bridges, causeways area, the Authority finelud, the Authority finelud, bridges, causeways area, the Authority finelud, the Authorit for such area.

(2) A street scheme within the limits of the area comprised (2) A street scheme following matters, that is to say, (2) A street scheme land necessary in the opinion (2) A street scheme following matters, that is to say,

(2) A street the following me may provide for the following and necessary in the opinion (a) the acquisition of any land necessary in the opinion of (a) the acquisition of all or any lands so acquired Authority for its execution ;

(a) the acquired includes the any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh or any lands so acquired includes (b) the laying out afresh of all or any lands so acquired includes (b) the laying out afresh or any lands so acquired includes (b) the laying out afresh or any laying out afres (b) the laying out afresh of all of buildings by the include the construction and re-construction of buildings by the Authority in that behalf, Authority the construction authorized by the Authority in that behalf, and there are also been also be or by persons authorized of alteration of streets and thoroughfares in inying out, construction and alteration of streets and lighting of streets

(c) the draining, water supply and lighting of streets and thorough fares so laid out, constructed or altered ;

(d) the raising, lowering or reclamation of any land vested in  $or_{b}$  (d) the raising, lowering for the purposes of the scheme; be acquired by, the Authority for the purposes of the scheme ;

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(e) the provision of open spaces for the better ventilation of the area comprised in the scheme ;

comprised in the scheme, (f) the acquisition of any land adjoining any street, thorough  $f_{are, br}$ open space to be formed under the scheme.

36. Deferred street scheme.-(1) Whenever the Authority is of the ø 36. Deferred street scheme, any of the purposes mentioned in opinion that it is expedient for the ultimate widening of any street Article 35 to provide for the ultimate widening of any street by Article 35 to provide for the properties lying between by drawing up new alignments any of the properties lying between the existing alignments, and the aforesaid new alignments, the Authority may pass a resolution to that effect, and shall proceed to make a scheme to be called a "deferred street scheme" and draw up an alignment for each side of the street.

(2) A deferred street scheme shall provide for-

(a) the acquisition, within the time limit specified in the scheme (which may be extended by the Central Government), of the whole or any part of any property lying within the improved alignments;

(b) the laying out afresh of all or any such property including the construction and reconstruction of any building by the Authority or by any other person, and the formation and alteration of any street ;

(c) the drainage, water-supply and lighting of any street so formed or altered.

street scheme has been sanctioned by the (3) After a deferred Central Government,-

shall, except with the written permission of the (a) no person Authority, erect, re-erect, add to or alter any building or wall so as to make the same project beyond the improved alignment of the street :

(b) if the Authority fails to acquire or to institute proceedings for the acquisition of any property within the improved alignment of any street within the time limit specified in the scheme or extended by the Central Government, the owner of such property may at any time thereafter give the Authority notice requiring it to acquire of to institute proceedings for the acquisition of such property before

spiration of six months from the date of such notice, and expiration Authority shall itself acquire the property or institute expension to acquire the property or institute the proceeding, it shall to reacting to acquire the same, and if the Authority fails itself to the proceeding, it shall pay any damage sustained by him

contequence of such failure ; ontequence proceeding to acquire any property lying within the (c) before protect of any street [other than property lying within the slignment of any street [other than property regarding mented has received a notice under sub-clause (b)], the Authoritarding months' notice to the owner of its intention to accuse that which it months' notice to the owner of its intention to acquire such

(d) notwithstanding anything contained in the Municipal Act, (d) notwithin shall have no power to require any alignment of a comporation the limits of the scheme and any alignment of a eroperty : be Corporation limits of the scheme and any alignment of a within within such limits shall cease to be the alignment required within such limits shall cease to be the alignment of

37. Development scheme.-(1) In regard to any area the Authority the street. 37. Develop directed by the Central Government shall prepare a

may and it so be developed and the purposes for which it reference to the locality to be developed and the purposes for which particular porthe locality are to be utilised, the direction of such streets, the tions of such and building line on each side of them, their intended width and such other details as may appear desirable.

(2) When any such scheme has been notified under Article 45 (2) which it refers shall be deemed to be a projected public street.

(3) No person shall, without the permission of the Authority, erect, re-erect, add to, or alter any building, or well so as to make the same project beyond the street alignment or beyond the building line shown in any plan so adopted.

(4) If the Authority refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid and if it does not proceed to acquire such land within one year from the date of such refusal, the Authority shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(5) When any building or wall projecting beyond or remaining behind the street alignment or building line shown in any plan adopted as aforesaid has fallen, or been demolished or otherwise damaged beyond repair, the Chairman may by written notice require or permit the same to be set back, or set forward, as the case may be, from or towards the street alignment or building line.

(6) When any building or wall is required under clause (5) to be set back or set forward and is so set back or set forward accordingly, the Authority shall make full compensation to the owner of the building or wall for any damage that he may sustain thereby.

(7) If the setting forward of any building or wall in pursuance of a notice under clause (5) brings within the precincts of the building or wall set forward any land belonging to the Authority, the notice shall operate as a conveyance of such land to the owner of the building or wall on the terms and conditions specified in the notice.

(8) Any owner aggrieved by any term or condition aforesaid may

KARACHI DEVELOPMENT AUTHORITY ORDER, 1957 within fifteen days of the communication to him of such term or conduction to him of such term or conduct to the Chairman in writing for a reference of his case to the case t within fifteen days of the communication or a reference of his case to the tion, apply to the Chairman shall forthwith refer the case to the to the the the tribunal shall be final. tion, apply to the Chairman in shall forthwith refer the case to Tribunal and the Chairman of the Tribunal shall be final. Tribunal, and the decision of the Tribunal shall be final, lbg !

(9) When any scheme under this Article is sanctioned by (9) When any scheme notwithstanding anything contained by (10) When any scheme is shall have no power to reach in the shall have no power to powe (9) When any scheme under third anything contained by the Central Government, then notwithstanding have no power to require the Corporation shall have no power to require the limits of the scheme, and (9) When any then notwithis that have no power to require the Municipal Act, the Corporation shall have no power to require the Municipal Act, the Corporation the limits of the scheme, and any all the such limits shall cease any all the such limits shall be such lin be such l Municipal Act, the Corporation since of the scheme, and any all alignment of any street within the limits of the scheme, and any alignment of any street within such limits shall cease to be the cease to be the ment previously required within such limits shall alignment of the street.

ment of the street. 38. Housing scheme.—Whenever the Authority is of the opinion 38. Housing scheme. and for the public advantage to provide housing 38. Housing scheme.—Whenever the advantage to provide housing that it is expedient and for the public advantage to provide housing that it is expedient and for the inhabitants of any area, the Author that it is expedient for any class of the inhabitants of any area, the Author that it is expedient for any class of the inhabitants of any area, the Author that it is expedient and the inhabitants of any area. that it is expedient and for the publicants of any area, the Authority accommodation for any class of the inhabitants of any area, the Authority may frame a scheme, to be called a "housing scheme".

Town expansion scheme.-(1) Whenever the Authority is of the Town expansion scheme.-(1) Whenever the Authority is of the two the public advantage to control. 39. Town expansion scheme. of the public advantage to control the opinion that it is expedient and for the public advantage to control the opinion that it is expedient of development of the City, the And opinion that it is expedient and for development of the City, the Auto provide for the future expansion or development of the City, the Auto provide for the future expansion by the Central Government shall, fraprovide for the future expansion by the Central Government shall, frame, rity may, and if so directed by the Central Government. scheme to be called a "town expansion scheme".

(2) Such scheme shall ordinarily be framed in respect of an are (2) Such scheme shall or partly within and partly without the City :

Provided that the Central Government shall, before giving in sanction to any such scheme, satisfy itself that a development scheme under Article 37 in respect of the areas would not be suitable.

(3) Such scheme shall specify the proposed lay out of the area h be developed and the purposes to which particular portions thereof an to be put.

(4) After any such scheme has been notified no person shall, with out written permission of the Authority, erect, re-crect, add to, or alter any building or wall within the area comprised in the scheme.

(5) If the Authority refuses to grant permission to any person to erect, re-erect, add to, or alter any building or wall on his land in the area aforesaid and does not proceed to acquire such land within one year from the date of such refusal, the authority shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

40. Zonal plan schemes.-(1) The Authority may, from time to time in regard to any area wholly within or wholly without or partly within and partly without the City, make Zonal Plans, showing the purposes for which any land in any area shall be primarily used; such plans my indicate any area reserved for residential purposes, commercial purposes, industrial purposes, agricultural purposes, open spaces, height, coverage, type, density, spacing and any other purpose, which the Authority may consider necessary.

(2) The procedure laid down in Article 36 for proposed delared street scheme shall, so far as applicable, apply to plans under clause (1).

(3) An order of the Central Government sanctioning the Zonal Plan Scheme shall be notified in the official Gazette and thereafter it shall be unlawful for any person to use or cause to be used any land for any purpose other than that laid down in the Zonal Plan Scheme unless he has been permitted to do so under section (4).

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vpr x-10:58] is the south of the Authority for permission to do so, and the Authority here and give notice to all. and the public hearing and give notice to all persona is donity apply a public hearing and give notice to all persons it deems

and Anthority refuses permission to any person, such person if the thirty days of the Authority's refusal, move the person the the Authority of the Authority's refusal, move the Central an end mit month for a revision of the case.

The decision of the Central Government on any such revision

der te final. Constructions of all buildings, structures, etc., in an area under<math>Constructions -(1) All plans with proposals for the <sup>an</sup> Constructions (1) All plans with proposals for the erection of *plan structures in any area covered by a Zonal Plan Selection of* Plan Scheme. In any area covered by a Zonal Plan Scheme shall wildings of the Authority in triplicate for sanction. mendings of the Authority in triplicate for sanction.

(1) The Authority may refuse sanction, if the purpose for which the (2) The Automation of structure is to be used is contrary to the provision provided building or structure is to be used by the Central Convision proposed building blan Scheme sanctioned by the Central Government, mate in the Zonal height, coverage, or elevation of the proposed building of the proposed building of the proposed building et if the proposed invitable for the locality or is likely to deteriorate the structure is unsuitable or any other reasonable grounds et atructure of adjoining lands or on any other reasonable grounds.

(3) If the Authority refuses sanction under clause (2), it shall (3) If the reason for such refusal to the owner of the site and communicate the of such refusal to the Corporation if the area in forward a copy of such proposal for building has been made the area in ferward a copy such proposal for building has been made is within the

(4) The owner of the site may, within a period of one month from City. the date of issue of the Authority's refusal, move the Authority to the case and the decision of the Authority thereon shall be

fimi. (5) The Corporation or any other local authority shall refuse to mant permission for erection of any structure or building which is not metioned by the Authority.

(6) The Authority may make regulations for giving effect to the movisions of this Article.

PROCEDURE TO BE FOLLOWED IN FRAMING DEVELOPMENT, IMPROVEMENT, HOUSING AND OTHER SCHEMES

42. Official representation.-(1) An improvement scheme may be famed by the Authority of its own motion, or on an official representabon by the Corporation, the Karachi Port Trust or the Cantonment Board of Karachi, or on an order of the Central Government in writing.

(2) The official representation referred to in clause (1) may be ande by the Corporation or Port Trust or Cantonment Board as foresaid-

(a) of its own motion, or

(b) on a written application by its Chief Officer, Chairman or President, or

(c) in respect of any area comprised in any ward of the City on a whiten application signed by twenty-five or more residents of such which who are liable to pay property tax under the Municipal Act.

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(3) If the Corporation, Port Trust or Cantonment Board as atom (3) If the Corporation, ficial representation on any application at a store (2), it is not to make an official sub-clause (c) of clause (2), it is not to make an official representation on any application at the sub-clause (c) of clause (c). (3) If the Corporation, Port Interest and any application as along said decides not to make an official representation on any application along said decides not to make an official representation of clause (2), it shall make to it under sub-clause (b) or sub-clause (c) of clause (2), it shall make to it under sub-clause (b) be sent to the Authority with a statement of such application to be sent to the Authority with a statement of such application of such application of such application of such application to be sent to the Authority with a statement of such application of such said decides not clause (b) or subject to the Authority with a statement to it under sub-clause (b) or subject to the Authority with a statement a copy of such application. of the reasons for its decision.

43. Consideration of official representation.—(1) The Authority that 43. Consideration of opticial representation made under Article 42, and consider every official representation made under Article 42, and satisfied of the necessity for an improvement scheme on the lines record satisfied of the necessity for an improvement scheme on the lines record satisfied of the sufficiency of its resources for executing satisfied of the necessity for an increase of its resources for executing and of the sufficiency of its resources for executing and mended therein and of the sufficiency of its resources for executing and mended therein and of the sufficiency of its resources for executing and mended therein and of the sufficiency of its resources for executing and formation of the sufficiency of its resources for executing and the sufficiency of the sufficiency of the sufficience o mended therein and of the sufficiency scheme should be framed forther scheme, it shall decide whether its decision to the body which made scheme, it shall decide whether decision to the body which made the representation.

(2) If the Authority decides that it is not necessary or that it is but (2) If the Authority decides more scheme or to frame a scheme expedient to frame any improvement scheme body of the reasons for the reasons fo expedient to frame any improvement body of the reasons for in forthwith, it shall inform the aforesaid body of the reasons for in decision.

sion. If the Authority fails, for a period of twelve months after the receipt of any official representation made under Article 42, to intimate its of any official representation, or intimate its decision thereon to the body which made the representation, or intimate its decision thereon to the body which made the representation, or intimate its a decision that it is not necessary or that it is not expedient to frame a a decision that it is forthwith or a decision to frame a scheme of a kind improvement scheme forthwith or a decision to frame a scheme of a kind other than that recommended by the said body, the body may, if it thinks COST. fit, refer the matter to the Central Government.

(4) The Central Government shall consider every reference made to it under clause (3), and-

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(AC) (a) if it considers that the authority ought, in the circumstances, 121 III. to have made a decision within the period mentioned in clause (3), it 2012 shall direct the Authority to make a decision within such further period as the Central Government may think reasonable, or

13: (b) If it considers that it is, in the circumstances, expedient that 10 scheme should forthwith be framed, it shall direct the Authority to proceed forthwith to frame a scheme, and in giving such direction my 31 prescribe the kind of scheme to be framed. 

63 (5) The Authority shall comply with every direction given by the 翻 Central Government under clause (4).

44. Matters to be considered when framing improvement schemes.-When framing an improvement scheme in respect of any area, the Authority shall have regard to-

(a) the nature and the conditions of neighbouring areas of the City as a whole ;

(b) the directions in which the City appears likely to expand; and

(c) the likelihood of improvement schemes being required for other parts of the City.

45. Preparation, publication and transmission of notice as to improve 5 ment scheme and supply of documents to applicants.-(1) When and 1 improvement scheme has been framed, the Authority shall give notice thereof specifying-Ŋ 6

(a) the boundaries of the area comprised in the scheme, and

(b) the place at which particulars of the scheme may be seen a reasonable hours.

Not X-1958] (2) The authority share (2) The authority share (2) the said notice to be published weekly for three conse-(3) cause in the official Gazette and in newspapers published weeks (4) weeks in the specifying the period within automatic published weeks in the specifying the period within automatic published weekly for three conse-(2) cause the said include to be published weekly for three conse-(2) cause in the official Gazette and in newspapers published in (a) weeks in specifying the period within which objections will in redive rederal Capital specifying the period within which objections will (a) weeks in the onlying the period within which objections will be entire and a copy of the notice to the Chief or

Federard a copy of the notice to the Chief Officer, Chairman or (b) send the Corporation, Port Trust or Cantonment Board is (b) send the Corporation, Port Trust or Cantonment Board, if any president of effects any such agency or has been undertaken at any president of them. President of the Composition and agency or has been undertaken at the such scheme of any of them.

request of any of them. (3) The Chairman shall cause copies of all documents containing (3) The Chairman to be delivered to any applicant on payment of particulars of the scheme to be delivered to any applicant on payment of the fixed by the Authority. the fee fixed by the Authority.

fee fixed by the formal sector of the Authority of representation by Corporation, 46. Transmission to the Authority of representation by Corporation,

46. Transmission Officer, Chairman or President of the Corporation, 46. The Chief Officer, Chairman or President of the Corpora-46. Trust or Cantonment Board, to whom a conv of the as 10. Trust or Cantonment Board, to whom a copy of a notice tion, sent under sub-clause (b) of clause (2) of Article 16 notice tion, port inust under sub-clause (b) of clause (2) of Article 45 shall, his been sent of thirty days from the receipt of the said copy, forward within a period of thirty any representation which the Corporation, forward within a period of any representation which the Corporation thinks fit to the said to the scheme. to make with regard to the scheme.

47. Notice of proposed acquisition of land.-(1) During the thirty 47. Joint the day on which the first notice required under Article

days following of any improvement scheme is first published, the Authority shall serve a notice on-

(a) every person whose name appears in the assessment list of the Corporation or Cantonment Board as being primarily liable to pay property tax on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the authority proposes to recover a betterment fee.

(b) every occupier (who need not be named) of premises entered in the assessment list of the Corporation or Cantonment Board which the Authority proposes to acquire in executing the scheme, and

(c) the occupier of any land (who need not be named) within the Federal Capital in respect of which a local cess is payable under sections 93 and 95 of the Eombay Local Boards Act, 1923 (Bom. Act VI of 1923).

(2) Such notice shall-

(a) state that the Authority proposes to acquire such land or to recover such betterment fee for the purpose of carrying out an improvement scheme, and

(b) require such person or occupier, if he objects to such acquisition or recovery, to state his reasons in writing within a period of thirty days from the service of the notice.

(3) Every such notice shall be signed by the Chairman or by a person authorised by him in that behalf.

48. Furnishing of copies or extracts from the assessment book of the Corporation, etc.-The Chief Officer of the Corporation or the President of the Cantonment Board shall furnish the Chairman at his request with a copy of, or extracts from, the assessment list of the Corporation or Cantonment Board on payment of such fees as may be prescribed by rules.

49. Abandonment of improvement scheme, or application to Government for sanction.-(1) After considering any objection and representation

KARACHI DEVELOPMENT AUTHORITY ORDER, 1957 176 received in pursuance of clause (2) of Article 45, Article 46 received in pursuance of Article, 47 and after hearing all persons and the maximum who may desire to be that received in pursuance of clause (2) of after hearing all persons making clause (b) of clause (2) of Article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (2) of article, 47 and after hearing all persons making clause (b) of clause (clause (c received in pursuance (2) of Article, 47 and who may desire to be heard in clause (b) of clause (2) of Article, 47 and who may desire to be heard any such objection or representation who may desire to be heard any such objection or representation who may desire to be heard any such objection or representation who may desire to be heard any such objection or representation who may desire to be heard any such objection or representation who may desire to be heard any such objection or representation who may desire to be heard any such objection or representation who may desire to be heard be heard to be heard any such objection or proceed therewith in accordance with the be any such objection abandon the with in accordance with the proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith in accordance with the proceed the official Gazette or proceed therewith the proceed therewith the proceed the official Gazette or proceed therewith the proceed therewith therewith the proceed therewith therewith the proceed therewith therewith the proceed therewithet therewith therewithet the proceed therewithet the proceed the

visions of this Order. (2) Any persons whose objection or representation has been refused (2) Any persons whose such refusal appeal to the Central Government shall dispose of the contral government shall dispose and the cont

(2) Any persons whose objection appeal to the Central refuse may within 15 days after such refusal appeal to the Central Government shall dispose of it with may within 15 days after such terestion shall dispose of it within ment in writing and the Central Government shall dispose of it within 60 days thereafter and its decision shall be final.

ays thereafter and its decision of a scheme.—(1) An order of the Centre 50. Notification of sanction of a scheme shall be published in the Centre 50. Notification of sanction of a scheme shall be published in the Central Government sanctioning any scheme of a deferred street scheme, a device Government sanctioning any scheme deferred street scheme, a develop Gazette and, except in the case of a deferred street scheme, a develop Gazette and, except in the case of a scheme, the Authority shall form ment scheme or a town expansion scheme, the Authority shall form ment scheme or a town expansion there directly or through an agency with proceed to execute the same either directly or through an agency sponsored by it under Article 13.

(2) The publication of a sanction under clause (1) in respect (2) The publication of a sanction that the scheme has been (2) (2) The publication of a sanctioned that the scheme has been duy framed and sanctioned.

51. Alteration of improvement scheme after sanction.—At any time

51. Alteration of improvement scheme has been sanctioned by the Central after an improvement scheme has been completed, the Authority after an improvement scheme been completed, the Authority may alter it :

Provided that-

(a) If any alteration is considered likely to increase the estimated (a) It any alteration a scheme by more than ten per cent. or by more than fifty thousand rupees, such alteration shall not be may without the previous sanction of the Central Government ;

(b) If any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sand tioned by the Central Government, the procedure mentioned in the foregoing Authority of this Chapter shall, so far as applicable, be followed as if the alteration were a separate scheme ;

(c) If any alteration renders any land not previously liable under the scheme to the payment of a betterment fee liable to such payment the procedure prescribed in Articles 45, 47 and 49 shall, so fat at applicable be followed in regard to such land.

52. Combination of improvement schemes.-The Authority may # any time include in a combined scheme the improvement schemes frame or proposed to be framed for two or more areas.

53. Submission of lists of schemes to Government.-The Authority & shall, at the close of every financial year, submit to the Central Government in the prescribed form a list of all the schemes sanctiond under this Order, showing the progress made with respect to ead 1 scheme.

Width of streets and levelling, etc. thereof.-(i) No street will 54. or altered by the Authority shall be less than forty feet wide, if its intended for vehicular traffic, or less than twenty feet wide, if it a intended only for pedestrian traffic :

Provided that-

(i) the width of an existing street need not be increased to the

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N<sup>-19301</sup> N<sup>-19301</sup> required by this subsection if, in the opinion of the Authority, minimum required is impracticable; and interease is impracticable in this subsection shall apply to serve minimum requires impracticable; and such increase is impracticable ; and (i) nothing in this subsection shall apply to service passages for (i) nothing in street laid out or altered by

(ii) not passages for the leveling, passages for the shall make provision for the levelling, paving, metalling, the shall shall make sewering and draining of the paving, metalling, metalling, sewering and draining of the shall be shall b (2) In shall make provision for the levelling, paving, metalling, and draining of the street and the pro-Anthority channelling, and sanitary conveniences ordinarily

provided in a municipality. anded in a much to the Authority for purposes of improvement scheme stransfer to the Authority for purposes of improvement scheme 55. June or land vested in the Corporation, etc.—(1) When scheme 55. Transfer to vested in the Corporation, etc.—(1) Whenever any huilding or any street, open space, or other land, or any part the any building or land to open space, or other land, or any part thereof, building or any street, open space, or other land, or any part thereof, building of any street in the Federal Capital and is vested in the Contract, which is situated in the Federal Capital and is vested in the Corporawhich is situated in the Trust, the Karachi Cantonment Board, or any which is Karachi Port Trust, the Karachi Cantonment Board, or any ion, local authority is within the area of any improvement scheme other local for the purposes of such scheme, the Authority wher local authors the purposes of such scheme, the Authority shall and is required accordingly to the Chief Officer of the Corporation, the eve notice according Trust or the President of the Corporation, the Chairman of the Port Trust or the Case may be, and such building the Board chairman of the Port as the case may be, and such building, street, or Local Authority land or part thereof shall thereupon vest in the

(2) Where any land situated in the Federal Capital vests in the Authority. (2) where any clause (1) and the Authority makes a declaration Authority land shall be retained by the Authority only until it re-that such land corporation, Port Trust, Cantonment Board that such in the Corporation, Port Trust, Cantonment Board or other local vests in us part of a street or an open space under Article 65, no compensation shall be payable by the Authority to the Corporation, Port Trust or Cantonment Board in respect of that land.

(3) Where any land or building vests in the Authority under clause (1) and no declaration is made under clause (2) in respect of the land, the Authority shall pay to the Corporation, Port Trust, Cantonment Board or local authority, as the case may be, as compensation a sum equal to the market value of such land or building on the date of the publication of the sanction under Article 50, and where any building situated on land in respect of which a declaration is made by the Authority under clause (2) is vested in the Authority under clause (1), like compensation shall be payable in respect of such building by the Authority.

(4) If the Authority, having made a declaration in respect of any land under clause (2), retains or disposes of the land under clause (2), retains or disposes of the land contrary to the terms of the declaration so that the land does not vest in the Corporation, Port Trust or Cantonment Board, or local authority, the Authority shall pay to the Corporation, Port Trust, Cantonment Board or local authority compensation in respect of such land in accordance with the provisions of clause (3).

(5) If any question of dispute arises-

(a) whether compensation is payable under clause (3) or clause (4), or

(b) as to the amount of the compensation paid or proposed to be paid under clause (3) or clause (4), or

(c) whether any building or street, or open space or other land,

or any part thereof is required for the purposes of the scheme, matter shall be referred to the Central Government whose decision shall be final.

shall be final. 56. Transfer of private street or open space to Authority for pose of improvement scheme.—(1) Whenever any street or open space of part thereof which is not vested in the Authority or in the Corporation, Port Trust, Cantonment Board or local authority is needed for executing any improvement scheme, the Authority shall cause to be affixed in a conspicuous place in or near such street, open space of part a notice signed by the Chairman or some one authorised by him and—

and— (a) stating the purpose for which the street, open space or pin is needed, and

(b) declaring that the Authority will, on or after a date to be specified in the notice, take over charge of such street, open space or part from the owner thereof, and shall simultaneously send a copy of such notice to the owner at his last known address.

(2) After considered any objection received in writing before the date specified under sub-clause (b) of clause (1), the Authority may take charge of such street, open space or part, and the same shall thereupon vest in the Authority.

(3) When the Authority alters or closes any street or open space or part thereof which has vested in it under clause (2), it shall pay reasonable compensation to the owner for the loss of his rights therein.

(4) If the alteration or closing of any street, open space or pan causes damage or substantial inconvenience to any one having property right therein the Authority—

(i) shall forthwith provide some other reasonable means of access for the use of such persons, and

(ii) if the provision of such means of access does not sufficiently compensate him for such damage or inconvenience, shall also pay him reasonable compensation in money.

57. Provision of drain or water-work to replace another situated on old land vested in the Authority.—(1) Where in any building, or street, open space or other land, or part thereof, referred to in Article 55 or 56 there is any drain, water-work, electric main or installation belonging to the Corporation, Port Trust, Cantonment Board, or other local authority, such drain, water-work, electrict main installation shall not vest in the Authority until the Authority has provided, if such provision is necessary, another drain, water-work, electric main or installation.

(2) If any dispute arises whether another drain, water-work, electric main or installation is necessary, or as to the sufficiency of any drain, water-work, electric main or installation provided by the Authority under clause (1) such dispute shall be referred to the Central Government, whose decision thereon shall be final.

58. Bar to application of section 34 of the Municipal Act to streets.-(1) Clause (18) of section 34 of the Municipal Act shall not apply to any street which is vested in the Authority.

(2) Clause (1) of section 34 of the Municipal Act shall apply when any drain vested in the Corporation is opened or broken up by the



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179 when any public street is under construction by the where and watering of streets. --- Whenever <sup>bority</sup> Repair and watering of streets. - Whenever the 50. street vested in to be used for public traffic it should

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50. Repair wested in to be used for public traffic it shall-(a) as practicable keep the street in good repair and do (a) as precessary for the safety and convenience of person do  $(a)^{a^{c}}$  fat as processary for the safety and convenience of person using

(b) cause the street to be watered, if it considers necessary to do

5.80 for the public convenience. 60. Street repairs to be fenced and lighted.-Whenever any drain in, 60. Street report of surface of any street vested in the Authority is at the pavement of broken up by the Authority for the pavement of whenever the Authority for the pavet. the pavement or broken up by the Authority for the Authority is at place opened or whenever the Authority allows to be purpose of ny place opened, or whenever the Authority for the purpose of any work, or whenever the Authority allows to be used for raffying on any street which it has under construction and when is at rublic traffic only partly constructed, or not yet constructed the then is at multic traffic any partly constructed, or not yet construction and when is at hall cause the night, and shall where necessary shore up sufficiently hall cause the night, and shall where necessary shore up and protect highted during buildings, and shall with all convenient speed complete the adjoining fill in the ground, and repair the said drains, pavement or said work, and carry away any rubbish occasioned by the aforesaid surface, and complete the construction of the said street, as the case

EA may be. 61. Power to close streets during repairs.-(1) When any work 30 referred to in Article 60 is being executed by the Authority in any referred to vested in it, or when any other work which may lawfully 10 be done is being executed by the Authority in any street vested in it, Prov the Authority may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or s 10 to traffic of any specified description.

(2) When any such direction has been given, the Authority shall affic give notice in the official Gazette of its intention to do so and set up in Pa conspicuous position in or near the street an order prohibiting traffic d at to the extent so directed and fix such bars, chains or posts across or in the street as it may think proper for preventing or restricting traffic therein.

62. Duty to provide alternative routes and amenities.-(1) When Istal or any work is being executed by the Authority in any public street im vested in it, the Authority shall, so far as may reasonably be practicable, make adequate provision-. 1

(a) for the passage or diversion of traffic;

(b) for securing access to all premises approached from such , street ; and

(c) in respect of any drainage, water-supply or means of lighting interrupted by the execution of the work.

(2) The Authority shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such WOIK.

63. Powers of Authority to turn or close public street or open space vested in it.-(1) The Authority may-

(a) turn, divert, discontinue the public use of, or permanentely close, any public street vested in it or any part thereof, or

(b) discontinue the public use of or, permanently close, any (b) discontinue the public discontinues the public space vested in it or any part thereof.

(2) Whenever the Authority discontinues the public (2) Whenever the Authority vested in it, or any part use permanently closes, any public street vested in it, or any part use permanently closes, any public street vested in it, or any part there of permanently closes, any public street vested in it, or any part there of permanently closes, any public street vested in it, or any part there of the general public, to use was (2) Whenever public street to every person who was there of permanently closes, any public street to every person who was read as shall pay reasonable compensation to every person who was read as shall pay reasonable compensation to every person who was suffered by the street to use such there are the street to use such the street to use such street to shall pay reasonable compensation general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than as a member of the general public, to use such entities otherwise than a member of the general public, the such entities otherwise than a member of the general public, the such entities otherwise than a member of the general public, the such entities otherwise than a member of the such entities otherwise than a member otherwise that a member of the such entities otherwise that a member of the such entities otherwise that a member of the such entities otherwise the such entities other shall pay reasonate member of the generated damage from such street otherwise than as a member of the generated damage from such street part as a means of access and has suffered damage from such discontinues. the public tinuance or closing.

(3) Whenever the Authority discontinues the public use (3) Whenever any open space vested in it, or any part the of (3) Whenever the Authonity vested in it, or any part use of permanently closes, any open space vested in it, or any part thereof shall pay reasonable compensation to every person-

(a) who was entitled, otherwise than a member of the general public (a) who was entitled or part as a means of access, or to use such open space or part as a means of access, or

(b) whose immovable property was ventilated by such open the or part, and who has suffered damage-

(i) in case (a), from such discontinuance or closing, or

(i) in case (a), from the use to which the Authority  $h_{as} p_{as}$  (ii) in case (b), from the use to which the same to be put. such open space or part or has allowed the same to be put.

(4) In determining the compensation payable to any person use (4) In determining the compensation where allowance for use (2) or caluse (3), the Authority shall make allowance for the construction, provision or improvements caluse (2) or caluse (3), the restruction, provision or improvement benefit accruing to him from the construction, provision or improvement of any other public street or open space at or about the same time the of any other public street or open space or part thereof on account of which the public street or open space or part thereof. compensation is paid, is discontinued, or closed.

(5) When any public street or open space vested in the Authority or any part thereof, is permanently closed, the Authority may, subject to such conditions as may be prescribed, sell, lease or otherwise dispos of, so much of the same as is no longer required.

(6) In this Article the power to turn includes the power to aller the direction of traffic in that street, the gradient or levels of the street or of the sewers connected therewith.

64. Disputes to be referred to Tribunal.-(1) If any dispute arises-

(a) between the Authority and the previous owner of any street or open space or part thereof which has vested in the Authority under Article 56 and has been altered or closed by it, as to the sufficiency al the compensation paid or proposed to be paid under clause (3) of that Article, or

(b) between the Authority and any person who was entitled, otherwise than as a member of the general public, to use as a means of access any street or open space thereof which has vested in the Authority under Article 56-

(i) whether the alteration or closing of such street, open space of part causes damage or substantial inconvenience to owners of properly adjacent thereto or to residents in the neighbourhood, or

(ii) whether the other means of access provided or proposed by be provided under clause (4) of the said Article 56 are reasonably sufficient, or

(iii) as to the sufficiency of any compensation paid or proposed to be paid under the said clause (4), or

(c) between the Authority and any person as to the sufficiency of

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VOL. X-1958] any compensation paid or proposed to be paid to him under Articles 33, 36, 37, 39, 62, 63 or 134

36, 37, 39, 62, all be determined by the Tribunal if referred to it by the the tarity or by the claimant within a period of three months for the tarity of by the claimant within a period of three months for the tarity of by the claimant within a period of three months for the tarity of by the claimant within a period of three months for the tarity of the tarity of by the claimant within a period of three months for the tarity of the matter by the claimant within a period of three months from-

hority of or case (b)—the date on which the street or open space or part thereof was altered or closed by the Authority, and

in case (c)—the date on which the said person was informed of the decision of the Authority fixing the amount of compensation to be paid decision of the ting his claim to compensation, and the determination of to him or rejecting his claim to compensation, and the determination of the Tribunal shall be final.

(2) If a reference to the Tribunal is not made within the period (2) If a clause (1), the decision of the Authority shall be final.

(3) For the purpose of determining any matter referred to it under clause (1), the Tribunal shall have all the powers with regard to vitnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by Article 95 of this Order, were applicable to the case.

65. Vesting of streets Corporation .- (1) Whenever the Authority has completed any street or streets or open or recreational spaces in all respects, it shall so inform the Corporation, Port Trust, Cantonment Board or other local authority, as the case may be, in writing and such streets or spaces shall thereupon vest in the Corporation, and shall thenceforth be maintained, kept in repair, lighted and cleaned by the Corporation.

(2) If any difference of opinion arises between the Authority and the Corporation in respect of any matter referred to in clause (1) the matter shall be referred to the Central Government whose decision shall be final.

66. Power of Authority to retain service passages .- Notwithstanding anything contained in Article 65 the Authority may retain any service passage which it has laid out for sanitary purposes, and may enter into an agreement with the Corporation or any person for the supervision, repair, lighting and general management of any passage so retained.

# CHAPTER V.-BUILDINGS AND STREETS

67. Prohibition of erection or re-erection of buildings without permission.-No person shall-

(i) erect or re-erect any building; or

(ii) make any material external alteration in or addition to any existing building : or

(iii) construct or re-construct any projecting portion of a building in respect of which the Chairman is empowered by Article 88 to enforce an alteration or demolition or is empowered to give permission to construct or re-construct it unless the Authority has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building, thereafter, such permission shall be valid for one year and shall be ineffective thereafter.

68. Completion certificates and permission to occupy or use buildings-(1) Every person who-

(i) makes or extends any excavation in a controlled area;

(ii) erects or re-erects any building , its addition in or addition to (iii) makes any material external alteration in or addition to (iii) makes any material external alteration projecting portion of a building ; or iii) makes any material ing building ; or (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any projecting portion of a build (iv) constructs or re-constructs any portion of a build (iv) constructs any portion or re-constructs any portion of a build (iv) constructs any portion or re-constructs any portion of a build (iv) constructs any existing building ; or (it) constructs or re-constructs is empowered under Article build in respect of which the Authority is empowered to give period (iv) constructs of the Authority is empowered to give permitting the permitting of the work det

shall within one month of the completion of the work deliver to the shall within one month of such completion and shall give to the shall work. shall within one month of the completion and shall deliver to have notice in writing of such completion of such work. Authority notice in writing for the inspection of such work.

(2) After the receipt of the said notice the Authority shall prompt (2) After the receipt of such work and after such inspection to inspect such for occupancy or make such the (2) After the receipt of the said work and after such inspection, promption depute an officer to inspect such work and after such inspection, end, depute an officer to inspect the building for occupancy or make such fue depute an officer to inspect such for occupancy or make such furners approve of disapprove the building for occupancy or make such furners order as it may decide.

 (3) No person shall occupy or permit to be occupied any such have
(3) No person shall occupy or permit to be used any part affected by the re-error. (3) No person shall occupy or permit affected by the re-erection building or use or permit to be used any part affected by the re-erection building or use or permit the permission referred to in clause (2) has building building or use or permit to be used in referred to in clause (2) has been of such building until the permission referred to in clause (2) has been granted in the prescribed manner.

ted in the prescribed manner to direct removal of persons from land 69. Power of Authority to direct removal of persons from land which wh 69. Power of Authority to unlawfully carried on or which w building in which works are being unlawfully carried on or which which which works any provision on building in which works are being erson contravenes any provision on unlawfully occupied.-(1) If any person the Authority it may direct the of unlawfully occupied.-(1) If any order of the Authority it may direct the cests. Article 68 or violates any order occupancy of any land or building Article 68 or violates any or occupancy of any land or building and tion of such work and the use or occupancy of any land or building and tion of such work as may be necessary to enforce its directions : take such measures as may be necessary to enforce its directions :

Provided that any person occupying or using such land or building or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention of clause or part thereof either as tenant or as owner in contravention (3) of Article 61 shall be entitled to receive one week's notice in writing before eviction.

Such notice shall not be required in cases where the Authorin believes there is imminent danger to life or that such occupancy is illegi or unauthorised.

(2) All expenditure incurred in the enforcement of the provision of this Article may be recovered from the offending person.

73. Provisions regarding buildings unfit for human habitation .- (1) If for any reason it shall appear to the Authority that any building a part thereof intended or used for human habitation or human occupation for any purposes whatever is unfit for such use, it shall signify its intertion to prohibit the further use of such building or part of a building and call upon the owner or occupier to state in writing his objections (if any) to such prohibition within seven days after the receipt of such notice. If no objection is raised by such owner or occupier within the prescribed period or if any objection which is raised appears to the Authority to be invalid or insufficient, the Authority may prohibit by m order in writing the further use of such building or part thereof. The owner or occupier of the building shall be given an opportunity d appearing before the Authority in person or by agent in support of hi objection.

(2) Notice of such prohibition shall be served in person or by main upon the owner of any building or part of a building affected thereby and also upon every occupier or user thereof (who need not be named stating the fact of such prohibition and appointing a day (not being les than fourteen days after the date of such notice) before which even



<sup>183</sup> <sup>183</sup><sup></sup> Par. X-1958] shall remove in on the day so appointed any such person has thereof; and his property as aforesaid, the Authority is him wh removal. of part move himself property to be removed and may recover from the him and his property to be removed and may recover from the him and removal.

the cost of such removal. (b) cost of such the permission in writing of the manner and (1) the when a building of part of a building has been vacated under (1) the with the permission in writing of the Authority and no part (2) the with the terms and conditions of such permission building or part of a building building building or part of a building product (2), the with the part of a building of the Authority and in the such building or part of a building. <sup>non-tener</sup> with the such building or part of a building. <sup>non-tener</sup> At any time after a building or

<sup>and normain in such after a building or part of a building bas been <sup>and normain in such after a building or part of a building bas been <sup>(4)</sup> At any clause (2), if the Authority considers that it can been</sup></sup> (4) At any time after a building or part of a building has been (4) At any clause (2), if the Authority considers that it can be (4) under for human habitation by structural alterations or repairs, indered fit may by notice in writing call upon the owner to com-endered hority 30 days and to complete within a period of not more the

Anthority may by not complete within a period of not more than Anthority 30 days and to complete within a period of not more than within from the date of receipt of such notice, such structural months from the date necessary and if at the expiration months from the as it deems necessary and if at the expiration of such alterations or repairs have not been the monometer of the such alterations or repairs have not been comthe aforesaid period to its satisfaction, the Authority shall issue to the mented of completed in writing ordering the demolition of such beit the the end of completed in writing ordering the demolition of such building mover a notice in a period of thirty days from the date of receipt of most thereof within a period of thirty may at its option repair such building at motive, or the Authority may at its option repair such building at

the parmer's expense. (5) If the Authority considers it impracticable to render such build-(5) If the reader such build-ing or part thereof fit for human habitation, it may by notice in writing ing or part thereof in demolish it within a period of thirty days from all upon the owner to demolish it within a period of thirty days from

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the receipt of such notice. (6) If at the expiration of the period of thirty days an order to (6) If at the or part of a building, issued under clause (4) or demolish a building complied with, the Authority may clause (4) or templish a not been complied with, the Authority may direct, by an clause (5) has not been demolition thereof by any officer eause (3) has not the demolition thereof by any officer or servant or materials of the build enter in white Authority. The materials of the building or part of the building so destroyed shall thereupon be sold by public or private side and the proceeds of the sale shall first be appropriated towards the ust of such destruction and sale. The balance if any of the cost of such destruction and sale after such appropriation, shall be recovered from the owner, and any surplus, if any, shall accrue to the owner :

Provided that, before such order is given, the owner of the building shall have an opportunity of appearing before the Authority in person or by agent, and of showing cause why such order should not be given.

(7) For sufficient cause, the Authority may extend the time allowed under, or prescribed by clauses (4), (5) and (6).

(8) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such the shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

71. Removal of building in ruinous or dangerous state.-(1) If in the opinion of the Authority, any building, wall, structure or anything affixed thereto is in a ruinous or dangerous state, the Authority may, by bolice in writing, require the owner or occupier thereof forthwith either to temove the same or to cause such repairs to be made thereto as the danger Authority considers necessary for the public safety; and if the danger

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KARACHI DEVILOPMENT AUTHORITY ORDER, 1957 194 KARACHI DEVILLA Authority may forthwith take the forcible haven and building of all the occupiers thereof and building and building of all the occupiers thereof and building and build

194 to be imminent, the Authority including the forcible such anger including the forcible and he and he and he hereof and he and he hereof and he hereof and he hereof and he here and here appears to be imminent, the such danger the occupiers thereof and the and and the such building of all the occupiers thereof and and the such building by the Authority under clause (1). (2) Any expenses concerned. (3) Except with the permission in any building from which the outputs (3) Except with or remain in any building from which the outputs (1) and any building from the form the output of the form t

be paid by the owner concerned.

(2) Any the owner come permission in any building from which the Authority be paid by the owner come in any building from which the occurs (3) Except with or remain in any building.—The Authority person shall enter into or remain (1). has been removed under clause (1). (3) the enter into or lause (1). on shall enter into or lause (1). been removed under clause (1). The Authority been removed of unauthorised building.—The Authority per removed in the prescribed manner, direct the owner of an 72. power of removal of unauthorised building.—The Authority 73. power of removal of unauthorised manner, direct the owner of an 74. power of removal prior or subsequent to the date of an 75. power of in the prior or subsequent to the date of an 76. power of in the prior of subsequent to the date of an 77. power of in the prior of subsequent to the date of an 78. power of in the prior of subsequent to the date of an 79. power of in the prior of subsequent to the date of an 70. power of in the prior of subsequent to the date of an 71. power of in the prior of subsequent to the date of an 72. power of in the prior of subsequent to the date of an 73. power of in the prior of subsequent to the date of an 74. power of in the prior of the same within the prior of an 75. power of in the prior of the same within the prior of an bar of the same bar of the prior of the prio

has been removed of removal of undulinor and direct the owner of y 72. Power of removal of prior or subsequent to the date of any by a notice served in the prior or subsequent to the date of any by a notice building erected prior or subsequent to the period of any suborised building erected prior or subsequent as may be and the period by a notice served in the cented prior of same within the period date of an by authorised building erected prior the same within the period menions suborised of this Order to remove ther period as may be granted by an into force of this such further period as may be granted by an coming by a model building circle remove the period as may be granted by a suborised of this Order to remove the period as may be granted by into force of this order within such further period as may be granted by the in the notice or within such further under construction. The

ne notice of the notice of building under construction.—The authority. 73. Power of removal of building manner, direct the owner of the commer Authority. 73. Power of removal of outcome and manner, direct the owner of may, by a notice served in the prescribed manner, direct the owner of may, by a notice served in the prescribed on the date of the commenced may, by a notice served in the construction and the commenced may, by a notice served in the construction and the commenced may, by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may by a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the construction and the commenced may be a notice served in the constructing and the construction and the construction an

73. Power of the presented on the date of the commenced of may, by a notice served in the presentation on the date of the commenced in may, by a notice served in the construction and to remove in unauthorised (sic) under constructioned in the notice or within may, by a notice to under construction the construction and to remove the unauthorised (sic) under construction in the notice or within such and the period mentioned in the notice or within such and the construction and the construction of this Order not to period mentioned by the Authority and the construction such and unauthorised (at to proceed with the in the notice or within such act of this Order not to period mentioned in the notice or within such act building within the period by the Authority and the owner the of this Order in the period mentioned by the Authority and the owner the building within the granted by the Authority and the owner there within the period aforesaid. shall remove the same within the period aforesaid.

remove the same within the (1) Simultaneously with the issuance 74. Eviction of occupier.-(1) Simultaneously with the issuance 74. Eviction of occupier.-(1) Simultaneously with the issuance

74. Eviction of occupier. (1) of a building under Article 72 a notice to be served on the owner of a building under Article 72 a notice to be served a notice, on any or a a notice to be served on the own may serve a notice, on any occupie under Article 73, the Authority may serve a notice, on any occupie under Article 73, the Authonity within the period mentioned therein of the vacate such building within the period mentioned therein of the vacate such building be granted by the Authority. within such further periods as may be granted by the Authority.

(2) If the occupier does not vacate the building within the aforesaid (2) If the occupier does not notice issued under clause (1) he shall period in compliance with a notice issued under law for the time shall period in compliance contained in any other law for the time being notwithstanding anything commarily evicted therefrom by the Authority and the Authority may, in effecting such eviction, use such force as a de pt deems necessary.

75. Removal of Building .- If any person fails to comply with any direction for the removal of any building given to him under Article 7 or Article 73 within the period fixed therefor, the Authorty may cauge the unauthorised building or the building under construction, as the car may be; to be removed at the owner's expense.

76. Reclamation of low lying sites.-(1) If it appears to the Authority that the level of a site on which it is proposed to erect a building is so low that such building is likely to become insanitary, daugerous or create a nuisance, it shall give to the owner thereof notice in writing calling upon him to raise the level of such site to a height prescribed by the Authority within a period fixed by it. If the owned fails to comply with the order, the Authority may forbid any building or further building thereon or at its option, raise the level of the site s the owner's expense.

77. Power to prohibit re-erection of building on insanitary site.-( If any building on a site in respect of which the Authority may make an order under Article 76 or any building which is situated in such i way as to be inaccessible to any building which is situated in such i fire engine way as to be inaccessible to a fire-engine or to prevent a fire-engine from reaching other buildings is demolished or destroyed by fire of otherwise the Authority buildings is demolished or destroyed by fire of the owned otherwise the Authority by notice in writing addressed to the owned

100 1-10581 med in such notice is to itself or other buildings as the case may be, (P) No person shall erect or re-crect any building in contravention

of such notice. is such notice. is such a second by Authority to have priority in Ilen. Any incurred by the Authority under this Chapter shall have a incurred over other debts affecting the property and if have a prior in lien over other debts affecting the property and if energy in lien over other debts affecting the property and if unpaid recoverable by sale of the land, and any deficiency, thereafter, wall be recoverable from the owner.

aining south of intention to lay out new private street to be given to 79. Notice of person who intends to make or lay out a new private street to be given to underity. Every person who intends to make or lay out a new private where the file with the Authority an application for permission private authority. Every the the Authority an application for lay out a new private shall file with the Authority an application for permission to do street shall simultaneously submit the following :---

(a) correct plans and sections in duplicate of the proposed private (a) correct which shall be drawn to a horizontal scale of not less errect of streets every twenty feet and a vertical scale of not less than one inch to every ten feet, and shall show thereof its than than one incline to every ten feet, and shall show thereon the level one and a ball in surface of the ground above some known fixed datum, of the present rate of inclination of the intended new street, the level the level and not the streets with which it is intended to be connected, and inclinations which are proposed to be laid out as carriage-ways and footpaths respectively ;

(b) specifications with detailed descriptions of the materials to be employed in the construction of the said street or streets and its carriage-way and footpaths :

(c) a plan showing the intended lines of drainage of such street or streets and of the building proposed to be erected the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(d) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Authority shall consider necessary.

80. Authority to grant or refuse application-The Authority shall either grant or refuse the application or return it for modification or additional information.

81. New private street not to be made and buildings on either side thereof not to be erected accept in accordance with the direction or approval of Authority.-(1) No person shall make or lay out any new private street or erect any building on either side thereof otherwise than in accordance with the directions of the Authority.

(2) If any such new private street be made or laid out or any building on either side of any such street be erected, by any person in contravention of the above Articles the Authority may, by written notice, require the said person to show cause in writing or appear in person on or before a date specified in such notice why such street or building should not be altered, abandoned, demolished or removed.

(3) If such person shall fail to show sufficient cause as aforesaid, the Authority may cause the street or building to be altered, abandoned,

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demolished of relified and draining of private streets.-(1) If any shid person. 82. Levelling and draining of private streets.-(1) If any street be not metalled, paved, lighted, sewered, drained, channel, private street be not metalled, paved, the Authority it may by writtened and the owners of the sevented street be not metalled, paved, lighted, herity it may by written bring the several how and the owners of the several how fingged to the satisfaction of and the owners of the several how fingged to the satisfaction street or abutting thereon, or to the several bring the several brin street be not metalled, of the the owners of the several how fingged to the satisfaction of the street or abutting thereon, or bring require the owner of such street street or who will benefit by the street be to the satisfactor street and the abutting thereon, or pre-fingged to the satisfactor street or abutting thereon, or pre-require the owner of such street or who will benefit by fronting or adjoining the said street or who will benefit by fronting or adjoining through such street or who will benefit by access is obtained through to metal, pave, light, sewer, drain, change access is obtained this Article to metal, pave, light, shall direct, fronting or adjoining through such atte, pave, light, sewer, drain, by the access is obtained through to metal, pave, light, sewer, drain, chain, cha executed under this Article as the Authority shall direct, or fing the same in such manner as the Authority shall direct. uted under this such manner as the complied with on or before the ag the same in such manner as the complied with on or before the (2) If such requisition be not complied with or cause such work the (2) If such requisition, the Authority may do or cause such work the such work the capense incurred in so doing to

(2) If such requisition be not come do or cause such work the specified in such notice, the Authority may do or cause such work to specified in such notice, and the expense incurred in so doing to (2) If such notice, the Authority inter incurred in so doing work day specified in such notice, the Authority interest incurred in so doing shall be done on its own account, and the expense incurred in such proportions shall be specified in such account, and the experimental in such proportions shall be ball think fit.

(3) Not less than fifteen days before the commencement of Authority shall think fit.

(3) Not less than fifteen days shall give written notice to all work under clause (2) the Authority shall give written notice to all

said owners of :--(a) the nature of the intended work,

(b) the estimated expenses thereof, and (c) the proportion of such expenses payable by each owner.

(c) the proportion of such a spinion that the proportion of expenses (4) Any owner who is of opinion that the order of the Authority (4) Any owner who is of opinion the order of the Authority under payable by him in accordance with the order of the Authority under payable by him in accordance may appeal against such order to the clause (2) is incorrect or unjust may appeal against such order to the

Tribunal. (5) Any expenditure incurred by the Authority under Articles in (5) Any expenditure in lien over other debts affecting the proand 82 shall have a priority, be recoverable by sale of the property and any deficiency thereafter remaining shall be recoverable from such owner.

83. Power to declare private streets when metalled, etc., public streets .- When any private street has been metalled, paved, made good lighted, sewered, drained, channelled and flagged to the satisfaction of the Authority it may upon receiving the consent of the owner or of the majority of the owners of such street, by notice put up in any part of such street declare the same to be a public street. The said street shall thereupon become a public street.

84. Power to regulate future construction of certain classes of buildings in particular streets or localities .- (1) The Chairman may give public notice of his intention to declare, subject to any valid objection the may be preferred within a period of three months.

(a) that in any streets or portions of streets specified in such notio the elevation and construction of the frontage of all buildings thereafte erected or re-erected shall, in respect of their architectural features, b such as the Authority may consider suitable to the locality; or

(b) that in any localities specified in the notice there shall t allowed the construction of only detached or semi-detached buildings ( both, and that the land appurtenant to each building shall be of an an not less than that specified in such notice ; or

(c) that in any localities specified in the notice the construction of more than specified number of houses on each acre of land shall a be allowed ; or

Fir. X-1958) x<sup>-1958</sup> any streets, portions of streets, or localities specified (d) that the construction of shops, warehouses, factories specified (d) notice the specified architectural character, or buildings factories, buts withings uses shall not be allowed without the specified design. a particular a particular (a) not of a specified an entrectural character, or buildings specified (b) particular (c) parti

<sup>a particularity.</sup> <sup>b particularity.</sup> <sup>c particularity.</sup> (2) a period of the notice with a statement of objections received with then submit the notice with a statement of objections received and with then ion thereon to the Authority. is opinion thereon to the Authority,

a opinion there is a side of the said period of three months shall

be considered.

(3) within a period of two months after the receipt of the same the (4) Within a period all the documents referred to in clause (2), with authority a statement of its opinion thereon, to the (2), with Authority shall statement of its opinion thereon, to the statement. Central

Government. (5) The Central Government may pass such orders with respect to such declaration as it may think fit :

declaration as such declaration shall not thereby be made applicable

Provided that portion of a street or locality not specified in the notice issued under clause (1).

(6) The declaration, as confirmed or modified by the Central (6) The shall be published in the official Gazette and shall take Government, shall of such publication. effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

85. Authority to prescribe street line and building line.-(1) The Authority shall prescribe a street line and a building line on each side Authonity public street within the City, and may from time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof :

Provided that-

(a) at least one month before prescribing such line or such fresh line, as the case may be, the Chairman shall give public notice of the proposal in this respect inviting objections or suggestions in writing thereto within a specified period, and shall put up a special notice thereof in the street or part of a street for which such line or fresh line is proposed to be prescribed; and

(b) the Chairman shall comply with any orders that may be passed by the Authority after considering any written objection or suggestion in regard to such proposal which has been delivered at the office of the Authority within the specified period.

(2) (a) No person shall construct or reconstruct any portion of any building within the street line without the permission of the Authority under Article 88.

(b) When the Authority refuses permission to construct or reconstruct any building in any area within the street line, such area shall, with the approval of the Authority, be added to the street and shall thenceforth be deemed to be part of the public street and shall vest in the Authority.

(c) Compensation shall be paid by the Authority to the owner of land added added by the Authority loss of the said any land added to a street under sub-clause (b) for the loss of the said

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188 Iand, and to the owner of any building for any loss or damage or such owner in consequence of any action taken of under this clause. In the case of do or by butbority under this clause. In the case of do or 19.1 188 land, and to the owner of any building to the ross of damage or incurred by such owner in consequence of any action taken or incurred by such owner this clause. In the case of dor passed by the Authority under this clause. In the case of dor passed by the Authority and shall be ascertained and determined passed by the compensation shall be ascertained by him in this build incurred by the Authority under this be ascertained and determined and determined amount of such compensation shall be ascertained by him in this behavior passed by the Authorisation shall be payable in this behalf by Collector or any officer specially authorised shall be payable in

manner prescribed : response under Article 71.

buildings remove under Article 71. Provided that under Article III direct that the construction of dings remove under Article III direct that the construction of (3) (a) The Chairman may direct that the provisions of clause (3) (a) The building in contravention of the provisions of clause

buildings remove Chairman may direction of the provisions of the provisions of clause truction of any building in contravention of the provisions of clause

(b) The Authority may by written notice require such building (b) The Authority or demolished in accordance with the ding be stopped. (b) The Authority may by unclished in accordance with the direction part thereof to be altered or demolished in accordance with the direction part thereof in such notice.

contained in such notice. ained in such notice. ained in such notice. 86. Erection or re-erection of building beyond street line prohibited 86. Erection or re-erect a building or part of a building or part of a building or part of a building beild building building beild building bei

86. Erection or re-erection of under a building or part of a building. (1) No person shall erect or re-crect a building. as to project beyond a street line fixed under Article 85.

(2) Any owner of land who is prevented by the provisions of (2) Any owner of land who is prevented by building on his land (2) Any owner of land who is may building on his land who have any building on his land and Article from erecting or re-erecting any building on his land anage Article from erecting of new compensation for any damage require the Authority to make compensation and, upon the pare require the Authority to make comprevention and, upon the payment he may sustain by reason of such prevention and, upon the payment he may sustain by reason of any land situated within such street line compensation in respect of the said street and shall yest in compensation in respect of the said street and shall vest in the such land shall become part of the said street and shall vest in the

Authority. (3) The Chairman may require the alteration or demolition of an (3) The Chairman may require the may have been erected on of an (3) The Chairman may have been erected or re-erected in contravention of clause (1).

87. Setting back projecting buildings .- (1) If any part of a building other than a building used for religious worship projects beyond the street line of a public street as prescribed under Article 85 or beyond the front of the building on either side thereof, the Authority may-

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesid then whenever the greater portion of such building or any material portion of such projecting part has been demolished or destroyed by in or has fallen, require by written notice that the part so projecting shall be removed or that such building when being re-built shall be set bad to or towards the said line. The portion of the land added to the street by such removal or sitting back shall thenceforth be deemed to be part of the public street and shall vest in the Authority.

(2) If any land not vested in the Authority, whether upon (sic) at enclosed, lies within the street line and is not occupied by a building or if a platform, verandah, step or such other external structure a portion thereof is within the street line, the Chairman may take posses sion on behalf of the Authority of the said land (together with is enclosing wall, hedge or fence), or of the said structure or any portion thereof, after giving to the owner of the land or building not less the seven clear days' written notice of his intention so to do, and, in necessary, may clear the notice of his intention so to do, of shall thenceforward be deemed to be and the land so taken possession of shall Authority. 

<sup>1058</sup> Notwithstanding the provisions of clauses (1) and (2) no land Notwithstand in the Central Government or a Provincial Grand a) Notwithsted in incorporated by any existing of the land (3) in the Corporation incorporated by any existing of the land Notwithstanding the provisions of clauses (1) and (2) no land Notwithstanding the Central Government or a Provincial Govern-(3) Notwithsta in the Central Government or a Provincial Govern-(3) ing any of as aforesaid without the previous sanction of the hubble in possession the possession of the previous sanction of the gent possession of dispute shall be

(4) of which or any officer specially authorized by him in this behavior (4) of which or any officer specially authorized by him in this behavior (4) of which or any officer specially authorized by him in this behavior mount collector manner shall be paid by the Authority in this behavior Ground Government. <sup>(4)</sup> Complete in case of dispute shall be ascertained and determined <sup>(4)</sup> of which in case officer specially authorised by him in this behalf, <sup>(4)</sup> of which or any officer specially authorised by him in this behalf, <sup>(4)</sup> of collector manner shall be paid by the Authority to the owner of <sup>(4)</sup> of collector manner shall be paid by the Authority to the owner of <sup>(4)</sup> the prescribed to a public street under clause (1) or taken possession <sup>(4)</sup> the prescribed (2) and to the owner of any building for the prescribed mannee belie street under clause (1) or taken possession the prescribed to a public street under clause (1) or taken possession the prescribed (2) and to the owner of any building for any loss, damaged the index incurred by such owner in consequence of any loss, damaged the presided to a public and to the owner of any building for any loss, damage in land clause (2) and to the owner of any building for any loss, damage of under clause incurred by such owner in consequence of any action taken <sup>th</sup> land clause (2) and such owner in consequence of any loss, damage <sup>th</sup> under clause incurred by such owner in consequence of any loss, damage <sup>th</sup> under clauses : <sup>th</sup> expense incurred under either of the said clauses : <sup>th</sup> the Authority under compensation shall be the Authority under either of the said clauses : the he Authority in such compensation

he Authority that no such compensation shall be payable in respect of provided under Article 71.

buildings removed under Article 71. (5) when the amount of the compensation payable under clause (4) (5) when a scertained and determined, or when a ruinous or dense (4) building when the amount of determined, or when a ruinous or dangerous (5) so ascertained and determined, or when a ruinous or dangerous been taken down under the erous been falling 71, the Authority, after rendering falling 71, the Authority, after rendering the erous of the e

been so ascertained clause (1) has been taken down under the provi-building Article 71, the Authority, after rendering the amount of vibuilding Article 71, the Authority, after rendering the amount of the provi-building Article 71, the payable, may take possession of the local the provibuilding Article i, the payable, may take possession of the land so gompensation, if any if necessary may clear the same. compensation, if and, if necessary may clear the same.

sting forward of front to building line.-(1) If the front of string other than a building used for religious worship which the 88. Setting for which a building used for religious worship which abuts building street is behind a building line fixed under Article of

building other is behind a building line fixed under Article 85 and on a public street or re-erect such building in any manner is and on a public succe to erect or re-erect such building in any manner involving it is proposed to such building or of the front portion thereof to an of ving it is proposed to such building or of the front portion thereof to an extent the removal of such building or portion thereof above the the removal on such building or portion thereof to an extent enceding one-half of such building or portion thereof above the ground enceding half to be measured in cubic feet), the Authority exceeding one-main to be measured in cubic feet), the Authority may level (such main to the erection or re-crection of such building, in any order relating to the front of such building to be set form building, in any order the front of such building to be set forward to the

(2) Except with the permission of the Authority, no person shall building line. (2) Except any building or any part of a building between a street

ine and a building line fixed under Article 85. 89. Setting forward to the street line.-(1) The Authority may, upon such terms as it thinks fit, allow any building to be set forward if the street line of the street in which such building is situated will be

(2) If any land which will be included in the premises of any person permitted to set forward a building under clause (1), vests in the Authority the permission of the Authority to set forward the building shall be a sufficient conveyance to the owner of the said building; and the price to be paid to the Authority by the said owner for such land and any other terms and conditions of the conveyance shall be set forth

90. Building at corner of street.-(1) The Authority may require any in the said permission. building intended to be erected at the corner of two streets to be roundtd or splayed off to such height and in such manner as it may determine.

(2) The owner of the site of such building may require the Authority to compensate him for the loss of any portion of such site resulting from any requirement under clause (1), and on payment of compensition therefor such portion of the site shall vest in the Authority. TR - 102-10 - 2011 1/2 - 201

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KARACHI DEVICE plans for division of lands into KARACHI DEVICE plans for division of lands into preparation of standard plans for division thereof prepare and division preparation of any division thereof prepare and division preparation of any division to a scale species with 100 01. Preparation of standard plans in the is intended for division build 01. Preparation of any land which is intended for division build 01. The owner of any division thereof prepare and vision build the owner of any division thereof prepare and signal the owner of any division thereof prepare and build the owner of any division thereof p el. Preparation of any land which thereof prepare and sub-ities. (1) The owner of any division thereof prepare and sub-times. (1) The owner to any drawn to a scale specified sub-times. (1) The shall prior to a plan drawn to a scale specified build building sites shall prior to a plan surveyor, showing the street by the building sites approval a licensed on such land and the street by the el. The owner of any division to a scale specified sub-sites.—(1) The owner of a plan drawn to a scale specified sub-building sites shall proval a licensed surveyor, showing the street by the Authority's signed by a licensed on such land and the street by the Authority and signed by a construct on which he proposes to construct by the building signed by a licensed surveyor. sites -(i) The shall prior to a plan drawn of a scale specified sub-building sites approval a licensed surveyor, showing the streets by the Authority's signed by a licensed on such land and the breets by the Authority and signed to construct on which he proposes to Dosition authority and proposes to construct forth in Article 79. the Authority and signed by construct on which he proposes to Dosition which he proposes to Dosition which he proposes to divide a divide a divide a boundaries of the hereinbefore set forth in Article 79. boundaries of the building fore set forth in Article 79, and substantially as hereinbefore set forth as aforeset ewner of the building before set for as aforesaid the Authority and the Authority alteration of any plan prepared as aforesaid the Authority substantially as hereinbefore set for such directions for such alteration (2) On receipt of any give such directions for such alteration (2) On receipt of the alteration of the submit the boundaries the stantially as never plan prepared directions for such authority hand substantially of any plan prepared such directions for such alternation (2) On receipt of it or give such as it shall think fit.

and amendments to be made therein as it shall think fit, (2) or disapprove made therein as it fails to submit the aforesaid approve or disapprove made therein as it fails to submit the aforesaid and amendments to be made therein as it fails to submit the aforesaid and amendments to be made therein as it fails to submit the aforesaid and amendments to be made the Authority may cause such a plan plan (3) If the said specified, the Authority may cause in accordance in within the period specified, the prepared at his expense in accordance in within the period specified, and shall cause a copy there are in the authority, and shall cause a copy there are in the period in clause (1) to be prepared at his expense in accordance in within the period specified, the authority, and shall cause a copy there are in the period specified in clause (1) to be prepared at his expense in accordance in the period specified in clause (1) to be prepared at his expense in accordance in the period specified in clause (1) to be prepared at his expense in accordance in the period specified in

within the period specified, the repared at his expense in accordance in within the period specified, and shall cause a copy thereor in the prescribed in clause (1) to be prepared at his expense in accordance in prescribed in clause (1) to be prepared at his expense in accordance in the authority, and shall cause a copy thereor in the prescribed in clause of the authority prescribed of such owner and the place of abode of such owner are such owner and the place of abode of such owner are such o within the period s(1) to be prepared shall cause a copy thereof with prescribed in clause (1) to be prepared shall cause a copy thereof with prescribed in clause the authority, and shall cause a copy thereof with the instructions of the authority place of abode of such owner and to be prescribed in clause the authority, and abode of such owner and to the instructions of the last known place of the land. the instructions last known position of the land. delivered at the last conspicuous position of the land. affixed to some conspicuous position of the land.

ered at the conspicuous position approved by the Authority under ed to some conspicuous been approved by the Authority under (4) When a plan has been the instructions of the Authority class (4) when a prepared under the "standard plan" of such vity has (4) When a plan has been the instructions of the Authority under (4) When prepared under the instructions of the Authority class (2) or has been prepared under the "standard plan" of such land under (2) or has been prepared under the "standard plan" of such land under

(4) when prepared under the "standard plan" of such land under (2) or has been prepared under the "standard plan" of such land and clause (3) it shall be known as the "standard plan" of such land and clause (3) it shall be known as the person as may be authorised in this bad (2) or has shall be known as the person as may be authorised in this behave clause (3) it shall be known as person as may be authorised in this behave clause (3) it shall be by such person as may be authorised in this behave copy thereof; signed by such person as may be authorised in this behave copy thereof; signed in the Authority's office and another copy similar clause (3) it is signed by such person of the and another copy similarly shall be supplied on application to the owner of such land. shall be deposited in the application to the owner of such land, signed shall be supplied on application of the Authority and ed shall be supplied on appreciate of the Authority and in accordance (5) Except with the permission of such permission, no person shall

(5) Except with the permission of such permission, no person shall contained with the terms and conditions of such permission, no person shall contained with the terms and conditions of such land otherwise than in truct any street or erect any building on such land otherwise than in truct any street or erect any plan and sale or occupancy of any land accordance with such approved shall be illegal. or buildings not so approved shall be illegal.

# CHAPTER VI-ACQUISITION, DISPOSAL AND USE OF LAND BETTERMENT FEES

92. Power to purchase or lease by agreement.-The Authority may enter into an agreement with any person for the acquisition from him by purchase, lease, or exchange, of any land which the Authority authorised to acquire, or any interest in such land.

93. Power to acquire land under the land Acquisition Act, 1894 .-The Authority may, with the previous sanction of the Central Government, acquire for carrying out the purposes of this Order land under the provisions of the Land Acquisition Act, 1894 (I of 1894) or any other law for the time being in force.

94. Tribunal to be constituted.-(1) The Central Government shall constitute a Tribunal as provided in Article 96 for the purpose of performing the functions of the Court in reference to the acquisition of land for the Authority under the Land Acquisition Act, 1894 (1 d

(2) The Tribunal shall-

(a) perform the functions of the Court with reference to the acquisition of land for the Authority under the Land Acquisition Act

(b) decide disputes referred to it under Article 93.

95. Modification of Land Acquisition Act, 1894.-For purposes relating to the acquiring of land Acquisition Act, 1894.—For pur Land Acquisition Act, 1894 (1 of 1894) and by the Authority under the Land

(a) the said Act shall be subject to the modifications specified be he Schedule to this Order ; and

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(h) in case a Tribunal is constituted under Article 96-

(h) the Tribunal shall to be the Court, and the President of the (i) the be deemed to be the Judge thereof; Act) be deemed to be the Tribunal shall have the President of the president of the Tribunal shall have the power

Act) be deemed of the Tribunal shall have the power to the power to summon the the attendance of witnesses, and to compel the produmon (ii) the the same means, and (so far as may be) in the production <sup>[f]</sup> (i) the the attention means, and to compel the production enforce by the Code of Civil Procedure, 1908, (Act V of 1000) decuments under the Tribunal about enforts by the Code of Civil Procedure, 1908, (Act V of 1908), of court under the Tribunal shall be deemed

when trying a civil suit ; and trying a civil solution of the Tribunal shall be deemed to be the award (iii) the under the Land Acquisition Act, 1894 (1 of 1800) when the award the Land Acquisition Act, 1894 (1 of 1894), and a the final.

shall be final. be final. be Constitution of Tribunal.-(1) The Tribunal shall consist of a ob. constitution assessors.

President and two assessors. (2) The President of the Tribunal shall be an officer who has for at

(2) The President day a District Judge, or held judicial office not that of a Subordinate Judge of the first Class. Mest three years of a Subordinate Judge of the first Class.

(3) The President and the assessors of the Tribunal shall be sprointed by the Central Government.

(4) No person shall be appointed or continue as a member of the (4) No person member of the Governing Body or is, for any of the Tribunal if he is a member of the Governing Body or is, for any of the Tribunal if ne is any of the mentioned in Article 7, disqualified for appointment as a member reasons mentioned Body. of the Governing Body.

(5) The term of office of each member of the Tribunal shall be (5) The but any member may, subject to clause (4), be re-appointed si the end of that term.

(6) The Central Government may remove any member of the (b) from office on the ground of incapacity or misbehaviour, or for my other good and sufficient reason :

provided that before action is taken under this clause the member the informed of the action proposed to be taken against him and given an opportunity to show cause why such action should not be taken against him.

(7) Every vacancy, whether permanent or temporary, in the office of member of the Tribunal shall be filled in accordance with the provisions of clause (3).

(8) All appointments made under this Article shall be notified in the official Gazette.

97. Remuneration of members of Tribunal.-A member of the Inbunal shall be entitled to receive such remuneration, by way of salary or fees, or both, as may be prescribed.

98. Officers and servants of Tribunal.-(1) The President of the Inbunal shall maintain a statement showing-

(a) the member and grades of the clerks and other officers and servants whom he employs for carrying on the business of the Tribunal.

(b) the salary to be paid to each such officer and servant, and

(c) the contributions payable in respect of each such officer or government of is in the service of the Cental Government or a Provincial Government.

(2) All statements prepared under clause (1) shall be subject to the previous sanction of the Central Government.

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(3) The President of the Tribunal shall, with the previous sancing (3) The President of the Tribunal of leave of absence, leave all

(3) The President of the make rules of absence, leave allowand the Central Government, make rules of the Tribunal : allowand (i) for regulating the officers and servants of the Tribunal : allowand (i) for regulating the officers and servants Government or a p. of the Central Government, make rules (i) for regulating the grant of neurons of the Tribunal ; and acting allowance to the officers and servants of the Tribunal ; (i) for regulating the officers and central Government or a Provinciating allowance to the officer or servant of the Tribunal shall be provided that a servant officer or servant of the Tribunal shall be allowance otherwise than in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that in account of the tribunal shall be allowance otherwise that the tribunal shall be allowance otherwise that the tribunal shall be allowance otherwise the tribunal shall be allowance otherwise that the tribunal shall be allowance otherwise the tribunal shall be allowance ot

Government employed as leave allowance of the Central Government be entitled, to leave of his service under the Central Government with the conditions of his service to foreign service;

(ii) for establishing any of the omcers Government of the Tribute for compelling all or any of the Central Government or a Previncial (other than any servant of the Authority, for supering Government, in respect of whom a contribution is paid), to subscript Government, in respect of whom a contribution for supering

(other than any respect of whom a contribution such conditions as may be deveroment, in respect of whom a subject to such conditions as may be to such fund, at such rates and subject the Authority, for supplement, a such the sanction of the Authority : Government, in respect rates and subject to Authority, for supplementing to such fund, at such rates and subject to Authority, for supplementing prescribed and, with the sanction of the Authority;

(iii) for determining the any of them, shall on retirement received such subscriptions the conditions when the officers and (iii) for determining the conditions when shall on retirement receive and servants of the Tribunal, or any of them, shall on retirement receive a servants of the Tribunal, or any of them amount of such gratuity of servants of the Tribunal, or any of them, amount of such gratuity and gratuity or compassionate allowance and the amount of such gratuity and

passionate allowance: passionate allowance: Provided that it shall be at the discretion of the Central Governments Provided that it shall be at the of the Central Government determine, subject to the previous sanction of the Central Government determine, subject to the previous sanction any and, if so, which of the determine, subject to the previous sand or any and, if so, which of then whether all such officers and servants or any such gratuities or comwhether all such officers and servants of any such gratuities or compa-shall become entitled on retirement to any such gratuities or compa-

(4) Subject to any rules made under clause (3) and for the time

(4) Subject to any rules link appointments and promotion to being in force, the power of making appointments and promotion to being in force, the power of the Tribunal; of granting leave to officer being in force, the power of the Tribunal; of granting leave to officers and posts in the service of the Tribunal; of censuring, finding, withholding posts in the service of the posts, of censuring, finding, withholding pro-

motion from, reducing, suppreach of departmental rules or discipline, officers and servants for any breach of duty or other micro discipline,

officers and servants for any oreact of duty or other misconduct and or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the of discharging soon enabled, shall be exercised by the President of the

necessary for the payment of remuneration, salaries, leave allowances and acting allowance in accordance with Articles 97 and 98 shall be pro-

V of 1908), for the conduct of business by the Tribunal.

(2) All such rules shall be published in the official Gazette.

99. Payments by Authority on account of Tribunal.-The amount

100. Power to make rules for Tribunal.--(1) The President of the Tribunal may, with the previous sanction of the Central Government, make rules not inconsistent with the Code of Civil Procedure, 1908 (Ad

the conditions of relating to transfer to a provident or annuity funcial Government relating and maintaining a provident or annuity function (ii) for establishing and of the officers of servants of the Trike (iii) for establishing of the Contral Government or a Trike (iii) for establishing and of the Contral Government or a service of the Trike (iii) for establishing and of the Contral Government or a service of the Trike (iii) for establishing and the Contral Government or a service of the Trike (iii) for establishing and the Contral Government or a service of the Trike (iii) for establishing and the Contral Government or a service of the Trike (iii) for establishing and the Contral Government or a service of the Trike (iii) for establishing and the trike (iiii) for establishing and the trike (iii) for establishi Provincial Government of and maintaining or servants of the Tribute (ii) for establishing and maintaining or servants of the Tribute for compelling all or any of the Central Government or a Province

with the conditions of his service intervention the Central ( Provincial Government relating to transfer to foreign service;

such subscriptions out of the funds of the Authority;

sionate allowances as aforesaid.

Tribunal.

vided by the Authority.

and acting allowance to the of the Central Contract of a Provincial shall shall be a provided that a servant of the or servant of the Tribunal shall be service of the Central Government contract of leave of leave under the Central Government determined by the service under the Central Government of the service under the servic Provided that a service of the control of the service than in accordance of the conditions of his service under the Central Government be entitled, to leave of his service under to foreign service;

(P. L. b)

101. Award of Tribunal how to be determined.-(1) For the purpos of determining the award to be made by the Tribunal under the Last Acquisition Act, 1894 (I of 1894), as amended for the purposes of the Act-(a) if there is any disagreement as to the measurement of  $land, \overset{\alpha}{de}$ 

the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail ;

(b) questions relating to the determination of the persons to whoat pensation is payable or the communication of the persons to whoat we way we compensation is payable or the appointment of compensation may " 193 Not decided in the absence of the assessors if the President of the med and decided in their presence unnecessary, and when so tried the med and considers of the President shall be deemed to be or tried and the decision of the President shall be deemed to be or tried and 193 Ind and decided in their presence unnecessary, and when so tried and red and considers of the President shall be deemed to be the decision of the decision of the president shall be deemed to be the decision ried and decisiders then president unnecessary, and when so tried and the decision of the President shall be deemed to be the decision of the

denter Tribunal ; and ded Tibunal, and anything contained in the foregoing sub-clauses, the potwithstanding uestions of law and procedure shall rest solely uses, (c) not on the Tribunal. (c) notwithstanding sub-clauses, (c) notwithstanding sub-clauses, (c) notwith all questions of law and procedure shall rest solely with decision of the Tribunal.

the president of the Tribunal. decident of the measurement of land or the amount of com- (2) Questions to be allowed under award shall be decided in comthe presidence as to the allowed under award shall be decided in accordmark with sub-clause (a) of clause (1).

(3) Every award of the Tribunal, and every award made by the (3) Every award made by the payment of money, shall be enforceable by the for causes, Karachi, as if it were a decree of that Court by the relation of small court of acquisition on specific states of the court Tribunal for the particulation of special payment of acquisition on special payment

102 whethe Central Government has sanctioned the accurt. 102. Abandon Central Government has sanctioned the acquisition of the scheme, the und in the execution of the scheme, the owner of the land is not in any area cution of the scheme, the owner of the land, or any required having an interest therein, may make an application of any required for the extent interest therein, may make an application to the person having that the acquisition of the land should be require having that the acquisition of the land should be aban-Authority, requestion of the payment by him of a sum to be fixed by dened in consideration that behalf. the Authority in that behalf.

(2) The Authority shall admit every such application if it-

(2) Inc he it before the time fixed by the Collector, under section 9 (a) reaches it before the time fixed by the Collector, under section 9 (a) reaches it under section Act, 1894 (I of 1894), for making claims in reference to the land, and

(b) is made by all persons who have interests in the land greater than a lease for years having seven years to run.

(3) If the Authority decides to admit any such application, it shall forthwith inform the Collector, and the Collector shall thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the Authority shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned.

(4) Within the said period of three months, or with the permission of the Authority, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894 (I of 1894) the person from whom the Authority has arranged to accept the sum so fixed may, if the Authority is satisfied that the security offered by him is sufficient, execute an agreement with the Authority, either-

(1) to pay the said sum three years after the date of the agreement, or

(ii) to leave the said sum outstanding as a charge on his interest the land, subject to the payment in perpetuity of interest at such rate not exceeding six per cent. per annum as the Central Government may fix by notification and to make the first annual payment of such interest four years after the date of the agreement ;

Provided that the Authority may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Ac, 1894 (1 of 1894), accept immediate payment of the said sum instead of an agreement as aforesaid.

(5) When any agreement has been executed in pursuance of

194 KARACHI Data has been accepted in pursuance [P. ]. clause (4), or when any payment has been accepted in pursuance in respect of any land, the proceedings of proviso to that clause in respect of any land, the proceedings of proviso to that clause in respect of any land, the proceedings of proviso to that clause in respect of any land, the proceedings of proviso to that clause in respect of any land, the proceedings of proviso to that clause in respect of any person under an proviso of the land shall be deemed to be abandoned. P.L.D. (6) Every payment due from any person under (6) Every payment (4) shall be a charge on the in an

(6) Every payment due (4) shall be a charge on the interest agree of the executed under clause (4) shall be a charge on the interest of the of 10

(7) If any instalment of interest payable under an person. (7) If any instalment of interview of clause (4) is not paid enterview (4) is not paid enterview executed in pursuance of sub-clause (11) of clause (4) is not paid enterview executed in pursuance of sub-clause (11) of clause (4) is not paid enterview executed in pursuance of sub-clause (11) of clause (4) is not paid enterview entervie

(7) If any instance of sub-clause (in by the Authority under paid ement executed in pursuance of sub-clause (in the said instalment. Clause of the date on which it is due, the sum fixed by the said instalment. on which it in that date in account has been executed in pursual is payable on that date in agreement has been executed in pursual (8) At any time after an agreement has been executed in pursual (8) At any time agreement has been executed in pursual (8)

(8) At any time after an agreet may pay off the charge of pursuance of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (ii) of clause (4) any person may pay off the charge of sub-clause (iii) of clause (4) any person may pay off the charge of sub-clause (iii) of clause (4) any person may person may pay off the charge of sub-clause (iii) of clause (4) any person may person may pay off the charge of sub-clause (iii) of clause (4) any person may person may pay off the charge of sub-clause (iii) of clause (4) any person may person may pay off the charge of sub-clause (iii) of clause (4) any person may person m clause up to the date of such payment.

(9) When an agreement in respect of any land has been executed (9) When an agreement of clause (4) no suit with respect to

(9) When an agreement in respect (4) no suit with respect to any person in pursuance of clause (4) no suit with respect to any person in pursuance of clause (4) no suit with respect to any other be any person in pursuance of clause (4) no suit with respect to the person of the person for th any person in pursuance of clause the Authority by any other being agreement shall be brought against the Authority by any other person first aformer being executor or administrator of the person first aformer ary person shall be brought again instrator of the person first aforesaid agreement shall be brought or administrator of the person first aforesaid except an heir, executor or administrator of the person first aforesaid claiming to have an interest in the land.

ning to have an interest in .- In the event that the Authority decident 103. Excess Condemnation.-In the event that the Authority decident 103. Excess Condemnation any road development or improvement schedent 103. Excess Condemnation. that, as a result of any road development or improvement scheme that, as a result of any land in excess of that needed for the that, as a result of any land in excess of that needed for the actual acquisition of adjoining land in the best interest of comprehences acquisition of adjoining land in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement or scheme is desirable in the best interest of comprehensive improvement of the best interest of comprehensive interest of the best interest of the Authority may, in connection with such development development, the Authority many and may, after plaining or making or scheme, acquire such excess land and may, after plaining or making development, or scheme, acquire such excess in sell, lease or otherwis dispose of making the development or improvement, sell, lease on such terms, cond such the development of improvate (or ?) sale or lease on such terms, conditions and requirements for the fulfilment of the development or scheme as in and requirements witable for the fulfilment of the development or scheme.

104. Payment of betterment fee.-(1) When by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof, is likely, in the opinion of the Authority, to be increased in value, the Authority, in framing the scheme, may, in lieu of proceeding to acquire such land, declare that betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of building exceeds the value of the land prior to the execution of the scheme estimated in the like manner, and the betterment fee shall be one-half of such increase in value.

(3) No betterment fee shall be payable by—

(a) the Central Government in respect of any land which is the property of, or is managed by the Central Government ;

(b) any local authority or any public institution in respect of an land belonging to such authority or institution if, and so long as, such land is used for public charitable or religious purposes.

105. Assessment of betterment fee.-(1) When it appears to the Authority that an improvement scheme is sufficiently advanced to ensure the amount of the betterment o the amount of the betterment fee to be determined, the Authority shall by a resolution passed in this behalf, declare that for the purpose d

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#### CENTRAL STATUTES

Vol. X-1958) Vol X were shall be deemed to have were completed a notice in respect of land to be assessed witing to have Attermining such fee the shall thereupon give notice in writing to have an anotice in respect of land to be assessed has been every been on whom (a) of clause (1) of Article 47 or to has been determining ted and in the spect of land to be assessed has been served has been served has been served been sub-clause (a) of the bettermant of the betterm here compton a notice clause (1) of Article 47 or to the successor-inperiod of clause (a) that the case may be, that the Authority proposes wherest of the amount of the betterment fee payable in respect of proposes wherest Article 104. minder sub such person, as the betterment fee payable in respect of such ind under Article 104.

ander Article Authority shall then assess the amount of betterment fee

(2) The each person concerned after giving such person an opporby each person shall, within three months from the within three months from the Authority in writing whether or not he months from the ante of receipt of the Authority in writing whether or not he accepts

the assessment. (3) When the assessment proposed by the Authority is accepted by

(3) When the accepted within the period specified in clause (2), such the person shall be final. ssessment shall be final.

(4) If the person concerned does not accept the assessment made

(4) If the portfails to give the Authority the information required by the Authority or fails to give the Authority the information required by the Authority within the period specified therein, the matter shall be determined by the Tribunal.

106. Authority to give notice to person liable to payment of betterment

106. Authority shall betterment fees payable in respect of land have been determined under Article 104, the Authority shall, by a notice in riting to be served on all persons liable to pay the fee, fix a date by which such payment shall be made, and interest at the rate of six per which such upon any amount due and unpaid shall be payable from that date.

107. Agreement to make payment of betterment fee a charge on land .-(1) Any person liable to pay a betterment fee in respect of any and may, at his option, instead of paying the same to the Authority, secute an agreement with the Authority to pay the betterment fee messed to equal instalment of 10 per cent. of such fee until the assessment shall have been fully paid. Unpaid instalments shall bear interest at the rate of 6% of any unpaid balance and shall be payable with each instalment of the fee.

(2) Every payment due from any person in respect of a betterment he and every charge referred to in clause (1) shall, notwithstanding mything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Order, be the int charge upon the interest of such person in such land.

(3) If any instalment of principal or interest due under an agreement executed in pursuance of clause (1) is not paid on the date on which it is due, the entire balance of the betterment fee shall, at the Authority's option, become due together with any accrued interest on that date.

(4) At any time after an agreement has been executed in pursuance of clause (1) any person may pay off the charge created thereby, with interest of 1) any person may pay off the charge date of such with interest at six per cent. per annum up to the date of such

108. Recovery of money payable in pursuance of Articles 104 and All bettermon of money payable in pursuance of Articles 104 and 106. All betterment fees and interest thereon shall be recoverable by

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KARACIN DESTROPMENT AUTHORITY ORDER, 1957

100 KARACHI DISTURIE due) from the said person or in the Authority (sopenheir in land as an arrear of land revenue or in the Authority (sopenheir in land as Act for the recovery of tax in the Authority (somether with interest due) from the said person or or in the Authority (somether is land as an arrear of land revenue or or in the recovery of taxes in the memory is not so recovered the cost is more provided by cost and more y is not so and the Authority (somether with as an arrear of land revenue or in his decreased in intercent in each intercept is not so recovered the Chairman and intercent the said money is not so and not less than another that Act, and if the of his intention notice, may sell the interest and at the interest of an intercent by public auction encomposition in the main money is not so recovered the Chain manner provided by if the end intention to do so and not less than under that Act, and if the of his each notice, may sell the interest than after double publication of each notices by public auction of any self the publication of a so that the publication of the publicatio manner for Act, and if the of his intention to do so and not less than under that Act, and if the of his intention to do so and not less than under that railed notice of such notice, may sell the interest of after pluine rail moneys encoessor in interest by public auction and with after de of his encoessor in interest the expenses of the sale with person of of his due together with thereafter pay the balance sale adapted the said moneys and shall thereafter pay the balance while giving full publication of in-interest by public auction and he month after the publication of with the expenses of the sale the sale find with thereafter pay the balance, if any he deduct the sale, and the sale, and the sale shall thereafter pay the balance, if any he

much after the of his encounter with the expenses of the sale has all thereafter pay the balance, if any, is definition of the sale, and the proceeds of the sale. the proceeds of the persons for enforcement of duer the defaulter. The defaulter. 109. Authority to at point persons for recovery of taxes under the optimized of the optimized of taxes under the processes for recovery of taxes under the optimized of the processes department shall aid the under the optimized of the processes of the processes department shall aid the under the processes department shall aid the processes department shall be processes department shall aid the processes department shall be processes department 109. Authority is the co-operation of taxes under Authority shall receive processes for recovery of taxes under departments which enforce processes department shall aid the Au-

Authority shall receive processes for recovery of taxes under a department shall aid the Authority department Act. Such authority be due under Article 107. Municipal Act. Such autnority of department shall a in collecting such moneys as may be due under Article 107. allecting such moneys as used not to bar acquisition under a frage allecting such moneys as used not to bar acquisition under a frage 110. Agreement for payment of a betterment fee shall not 110. Agreement or payment of the land subject to the all not in collecting and for payment not to bar acquisition under a frage 110. Agreement for payment of a betterment fee shall not be declaration.—Assessment of the land subject to the fee if the declaration.—Assessment the acquisition of the land subject including and if the 110. Agreement or payment of land subject to the fee if sug declaration.—Assessment the acquisition of the land subject to the fee if sug deemed to prevent the acquisition any public purpose including an impro-

declaration.-Assessment the acquisition of the purpose including an improve deemed to prevent the acquisition of the purpose including an improve land is thereafter required for any public purpose including an improve 111. Power to dispose of land.-(1) The Authority may retain, w 111. Power to dispose of land.-(1) The Authority may retain, w \$ 111. Power to dispose of tand. The impose of, any land very the impose of, any land very least, sell, exchange, rent or otherwise impose of, any land very least, by it under this Order. 0 k

in or acquired by it under this Order. (2) Whenever the Authority decides to acquired by it under this Order from any person, it shall-

(a) give notice through advertisement in newspapers published i b

(b) offer to the person or persons, from whom the land has been (b) offer to the person or persons or administrators, a prior site gi

(b) offer to the person of person or administrators, a prior right to acquired, or their heirs, executors or administrators, a prior right to acquired, or their neirs, executors of be fixed by the Authority if a lease or puchase such land, at a rate to be fixed by the Authority if a 1 lease or puchase such tand, as that such lease or sale is in the public pl 00

(3) If in any case two or more persons claim to have the prior right ø h

(5) It in any case that is (b) of clause (2) preference shall be give referred to in sub-clause (b) of clause (2) preference shall be give to the person who agrees to pay for the land at the highest rate: not being a rate less than the rate fixed by the Authority under the

thereof .-- (1) The sub-clause. 112. Declaration of use areas and locatian Authority may, after giving notice in writing to the persons affected th: thereby and after giving such persons an opportunity of being head QÍ 21 declare any area to be a use area. đ

(2) If within two years after such declaration has been notified a the official Gazette the area or any part thereof remains, in the opinion th of the Authority, unreasonably unutilised or inadequately utilised, the 4 upon such determination such area or part thereof shall be valued the Authority and, after such valuation, shall be taxed by the Authority te: annually at the rate of 3 per cent. of the value thereof until such the W) as an improvement satisfactory to the Authority shall have best Ur. la

(3) The tax revenues accruing under this Article shall belong the primay be utilised for the general sounder this Article shall belong and may be utilised for the general purposes of the Authority.

# CENTRAL STATUTES

CHAPIER VII-WATER SUPPLY Supply of water to constituent bodies.—The Authority shall Supply to each constituent body, subject to such terms and 113. supply to the levy of an enhanced rate) as may be agreed 113. supplying the levy and the constituent body, such quantity of indice (includ Authority and the constituent body, such quantity of mainteen the demanded by the constituent body or, if the 11. to such the levy of an enhanced rate) as may be agreed inter (include Authority and the constituent body, such quantity of enditions be demanded by the constituent body or, if the combined with between be constituent bodies together are more than the combined and between be constituent quantity as the Authority of the combined while as may be agreed by the constituent body, such quantity of the constituent body or, if the combined were as may the constituent bodies together are more than the Authority may as the Authority may the Authority may whether ween be demanded by the constituent body or, if the combined quantity of the may be constituent bodies together are more than the Authority may determine to make as of then such quantity as the Authority may determine to make apply, such constituent body. agreed such quantity of quantity of the combined where as of the such quantity as the Authority may determine in supply, then such quantity as the Authority may determine in supply, then such quantity of water to individual consumers.—The A

supply ch construction in individual consumers.—The Authority may

moly ster to any consumer -----<sup>114</sup>, ster to any is taken at a point outside the area subject to the <sup>(a)</sup> if the water Corporation under the Municipal Act, and (a) if the water is available after supplying water to in the agreements referred to in the date of the agreements referred to in the agreements referred to

(a) if of the Corporatelle after supplying water to the constituent (b) if water the agreements referred to in Article 113.

when the agreements referred to in Article 113. <sup>(b)</sup> under the up bodies to pay cost of supply.--(1) Save as provided <sup>(1)</sup> Constituent body shall pay for the water provided <sup>115</sup> Constituent constituent body shall pay for the water supplied <sup>Article</sup> rate in respect of each unit of a thousand gallons of Article rate in respect of each unit of a thousand gallons of water wit at the rate in the manner prescribed by regulations with the rate in the manner prescribed by regulations hereafter

(2) There shall be two rates, namely, the final issue rate and the (2) There such accordance with which constituent bodies shall pay made.

or water supplied to them. the water supplied recovery of dues.—If any constituent body fails, 116. Summary recovery of a demand for any sum claimed by when one month of the receipt of a demand for any sum claimed by when one month of pay such sum in full summary recovery of during by whin one month of pay such sum in full summary recovery of dues may the Authority, to pay such sum in full summary recovery of dues may the Automation of the manner prescribed by regulations.

117. Right of user in property.-(1) The Authority shall have the to place and maintain aqueducts, conduits and lines of mains or gives over, under, along or across any immovable property without such property, and shall have the right at any time for the provide of examining, repairing, altering, or removing any aqueduct, moduit or line of mains or pipes, enter on any property over, under, or across which the aqueduct, conduit or line of mains or pipes has been placed :

Provided that except as otherwise provided in this Order the Authoity shall not acquire any right other than the rights as aforesaid in mpect of any property over, under, along or across which any aqueducts, conduit or line of mains or pipes is placed.

(2) The powers conferred by clause (1) shall not be exercisable in respect of any property vested in or under the control or management of the Central Government or a Provincial Government or any local uthority or railway administration, save with the previous permission the Government concerned or the local authority or railway administation, as the case may be, and in accordance with any rules made in this behalf under this Order :

Provided that the Authority may, without such permission, repair, new or amend any existing works of which the character or position will not thereby be altered if such repair, renewal or amendment is mently necessary in order to maintain the supply of water without interruption, or is such that delay would be dangerous to human life or

118. Compensation for damage.—In the exercise of the upon it by Article 117 the Authority shall cause boy may be possible, and shall make as in 118. Compensation for damage, the Authority shall cause bon conferred upon it by Article 117 the possible, and shall make as in inconvenience as may be possible, and shall make as in 118. Compensation for any damage or inconvenience conferred upon it make may be plamage or inconvenience reader able and proper compensation for any damage or inconvenience cause able and proper compensation for any damage of make reader to the second proper compensation for any damage of make reader to the second proper compensation for any damage of make reader to the second proper compensation for any damage of make reader to the second proper compensation for any damage of make reader to the second proper compensation for any damage of make reader to the second proper compensation for any damage of the second prope

and proper of water in respect of water in the authority Schemes .- Any person who-

(a) wilfully obstructs any person acting under the authority of (a) wilfully obstructs any person acting works, or pulls up or remained for the purpose of tender (a) wilfully obstructs any person any works, or pulls up or remove Authority in setting out the line or any works, or pulls up or remove Authority in setting out the line or any works, or pulls up or remove any works of setting out the faces or destroys any works. Authority in setting out the inte of ground for the purpose of temos any pillar, post or stake fixed in the ground for the purpose of setting any pillar, post or stake fixed in the destroys any works made in out the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works made in the line of such works, or defaces or destroys any works, works, or destroys any w

(b) wilfully or negligently breaks, injures or opens any lock, does (b) wilfully or negligently belonging to the Authority; or valve pipe or other water work belonging to the Authority; or

flushes, draws of (c) unlawfully obstructs the flow of, or diverts or takes water from, any water work belonging to diverts or takes water from, any which any such water work supplied ; or

(d) unlawfully breaks or damages any electrical transmission ling maintained by the Authority ; or

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(e) obstructs any officer or servant of the Authority in the discharge 1 of his duties under this order or refuses or wilfully neglects to furnity bim upon his request with the means necessary for making any entry, iaspection, examination, or inquiry thereunder in relation to any 10 1º water works, or

(f) bathes in, at or upon any water work, or washes, throws or causes to enter therein any animals or throws any rubbish, dirt, file şî Î or other offensive matter into any water work, or washes or clean 10 therein any cloth, wool or leather or the skin of any animal, or cause 龃 the water of any sink, sewer or drain or of any steam engine or boiler 28 or any other dirty water to return or be brought into any water work, TOW rst or does any other act whereby the water in any water work is fouled or 100. likely to be fouled, 122

shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both.

Шł, (2) No prosecution under clause (1) shall be instituted except upon a complaint signed by the Chairman or by a person authorised by him in this behalf.

120. Repeal of Ordinance XIII of 1949 .- (1) On the Central Government notifying in the official Gazette that the provisions of this Chapter have been brought into force, the Karachi Joint Water Board Ordinance, 1949 (XIII of 1949), shall stand repealed.

(2) Notwithstanding the aforesaid repeal,-

(1) all property held by the Karachi Joint Water Board shall vest in the Authority;

(ii) every appointment, order, rule and regulation made or issued under the Karachi Joint Water Board Ordinance, 1949 (XIII of 1949), and in force immediately before the coming into force of this Chapter, shall, so far as it is not inconsistent with the provisions of this Order, be deemed to have been made or issued under this Order as if this Order were in force at the time at which such appointment, order, rule of regulation was made or issued ;

#### CENTRAL STATUTES

FF 5-1055] all debts and obligations incurred, or contracts entered into or all debts all matters and things engaged to be done by or manimed Karschi Joint Water Board before the done by and matters and things engaged to be done by, with the chapter, shall be deemed to have becoming with the chapter, shall be deemed to have been incurred, the chapter engaged to be done by, with or for, the fet,

into of money due to the Karachi Joint Water Board and the coming into force of this Chapter, shall be due and point and and the coming into force of this Chapter, shall be due and payable

and payable inter and before the coming into force of this for the former of the former the former of the former the force of the former the former of the forme The Authority : The all suits and before the coming instituted by or against the instituted by or against the Authority; to the Karachi Joint by it is the Karachi Joint if

the continued by the Karachi Joint Water Board in any instrureferences the coming into force of this Chapter shall, different intention appears, be construed as references to the

# CHAFTER VIII-MISCELLANEOUS PROVISIONS

Anthonity. 171. Officers, servants, etc., deemed to be public servants.-Every 121. Officers, Every officer and servant of the Authoand every member, officer and servant of the Autho-and every member, officer and servant of the Tribunal, shall be to be a public servant within the meaning of section 21 of the penal Code (Act XLV of 1860). Puistan Penal Code (Act XLV of 1860).

12 Delegation of powers.-The Authority may with the previous of the Central Government, delegate any of its powers under order to any other person or body of persons.

13. Authority may in certain circumstances exercise powers of Corunder the Bombay-Town Planning Act, 1915 .- In any area the Government may, by notification in the official Gazette, declare to from such date as may be specified therein the Corporation shall exercise or discharge any powers or functions under the Bombay Town Planning Act, 1915 (Bom. Act I of 1915), and that subject to such munctions, and modifications, if any, as may b: specified in the notificain the powers and functions of the Corporation under the said Act in the exercised and discharged by the Authority :

Provided that if the Corporation deems it necessary that the Authomy should take action under any of the provisions of the said Act, it my request the Authority to take such action, and the Authority shall, maps as hereinafter provided, comply with such request, and if the Authority does not comply with such request it shall state the reasons letefor and shall submit the matter to the Central Government, whose secision shall be final.

124. Authority and Chairman to exercise powers and functions under Municipal Act.-(1) In any area in respect of which an improvescheme is in force, the Central Government may by notification that for the period during which such scheme remains in buce and subject to such restrictions and modifications as may be

(1) the powers including the powers to levy taxes, and functions of the Corporation or the Standing Committee thereof under the Municipal Approximation or the Standing Committee by the Authority; Municipal Act shall be exercised and discharged by the Authority;

(ii) the powers and functions of the Chief Officer of the Corporathe powers and functions of the Chief Officer of the Chief Chief and discharged by the Chairman, the said Act shall be exercised and discharged by the

IP. L. 200 KARACHI to the Chairman may delegate any function (2) The Authority or the Chairman may officer or servant function (2) The Authority or the clause (1) to any officer or servant of the exercisable by it or him under clause of any power or function

Authority. (3) The exercise or discharge of any power or function delegation (3) The exercise or discharge of such limitations, condition delegation (3) The exercise or discharge of such limitations, condition delegation (3) The exercise of any power or function delegation (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge of any power or function (3) The exercise or discharge or (3) The extreme be subject to Authority or the Chairman, at the control as may be laid down by the Authority or the Chairman, at the

may be. 195. Powers of the Authority for facilitating movement of the population of case may be. 195. Powers of the Authority for formunications in and around the population.-To facilitate transport and communications in and around to the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in and around the population.-To facilitate transport and communications in a statement around the population.-To facilitate transport and communications in a statement around the population.-To facilitate transport around the population around the popul

City, the Authority may-(i) subject to any conditions it may think fit to impose-

(i) subject to any continuent or make advances, from funds (a) guarantee the payment or make think fit, by way of interest on at (a) guarantee the payment of ink fit, by way of interest or at disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal of such sums as it may think fit, by way of interest or capital disposal disposal of such sums as it may think fit, by way of interest or capital disposal dispos disposal of such sums as it may think maintenance, or working of meaning extended on the construction, maintenance, or working of meaning

sport; or (b) make such payment as it may think fit from the said funda, (b) make such payment or to persons undertaking to provide make and transport ; or (b) make such payment as it may undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to provide, maintage way of subsidy to users or to persons undertaking to persons users or to persons users or to persons undertaking to persons users or to and work means of transport ; or

(ii) by itself or in combination with any other person constructions (iii) by itself or in combination of transport, under the provisions (ii) by itself or in combination under the provisions of a maintain and work any means of transport, under the provisions of a law applicable thereto ; or

(iii) construct or widen, strengthen or otherwise improve bridges:

Provided that no guarantee or subsidy shall be made under clause (i), and no means of transport shall be constructed, maintained clause (i), and no inclause (ii), without the previous sanction of the Central Government.

126. Saving of Telegraph, Railways and Electricity Acts .- Nothing in this Order shall affect the operation of the Telegraph Act, 18 (XII of 1885) or the Railways Act, 1890 (IX of 1890), or the Electricity Act, 1910 (IX of 1910).

127. Cognizance of offences .- Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Order or any rule made thereunder shall, wherever committed, be tried by a Magistrate of the First Class.

128. Trial of offences under the Order .- (1) No person shall be trial for an offence under this Order or any rule made thereunder except a the complaint of such offence made to a Magistrate of the First Cas within six months of the commission thereof.

(2) When any person accused of an offence under this Order or any rule made thereunder which is punishable with fine only fail to appear before the Magistrate of the First Class, the Magistrate may, notwithstanding anything in the Code of Criminal Procedure, 18 (Act V of 1898), thereupon determine the case in his absence.

129. Powers of Chairman as to institution, composition etc., of less proceedings and obtaining legal advice.-The Chairman may, subject " the control of the Governing Body:-

(a) institute, defend or withdraw from, any legal proceedings under this Order or the rules made thereunder ;

(b) compound any offence against this Order or the rules make thereunder which, under any law for the time being in force, under said rules may lawfully be compounded ;

<sup>1958</sup> <sup>1</sup> () adminde their legal advice and assistance as he may think of or obtain, or as he may be desired think the obtain such legal advice and assistance as he may be desired by the desired by the purposes referred to in the by the lawful exercise or discharge of the Authority. to clauses vested in or imposed upon the Authority or any and or servant of the Authority.

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<sup>all</sup> definition of any to Authority, etc.—(1) No suit, prosecution, or pro-indemnity to Authority or any member, or any person or <sup>130</sup> the Authority or any person or persons acting of the Authority for the Chairman acting the Authority f the Authority or any person or persons acting under ervant of the Authority or of the Chairman or any officer around of the Authority, for anything in good faith do officer direction of the Authority, for anything in good faith done or any officer or a rule, regulation of or order or ervant of the under this Order or a rule, regulation or order made

(2) The Authority shall not be responsible for any misfeasance, Breunder. (2) The Authority or non-feasance of any officer or employee appointed under

the Order : Order : Provided that nothing in this Article shall protect the Authority provided that protect of damage to property or injury to person or any the loss sustained by a person or persons.

131. Notice of suit against Authority, etc.-(1) No suit shall be 131. Notice the Authority or any member or any person associated the Authority or against any servant of the Authority or against the Authority or against persons or persons acting under the direction or authority or against person or of any officer or servant of the Authority in the or of any officer or servant of the Authority in the server of the serv my person of any officer or servant of the Authority, in respect of any Cuirman of one to be done under this Order or the rules or regulations the purporting of the expiration of one month from the delivery swritten notice at the Authority office or the place of abode fuch member, officer, servant or person, stating the cause of action, is name and place of the intending plaintiff, and the nature of the which sought.

(2) In every such suit the complaint shall contain a statement that at notice has been so delivered.

12.0 (3) Notwithstanding anything in the Limitation Act, 1908 (IX of 1908), no such suit as is described in clause (1) shall, unless it is a suit in the recovery of immovable property or for a declaration of a title fereto, be commenced otherwise than within six months next after the secrual of the cause of action.

132. Proof of consent, etc., of Authority or Chairman or officer or servant of Authority.-(1) Whenever under this Order or the rules or regulations made thereunder, the doing of a thing or the omission to do thing or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion, or satisfaction of-

(a) the Authority or the Chairman, or

(b) any officer or servant of the Authority, a written document, used in case (a) by the Chairman, and in case (b) by the said officer or servant, conveying or setting forth such approval, sanction, consent, concurrence, declaration opinion or satisfaction, shall be suffident evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.



# KARACHI DEVELOPMENT AUTHORITY ORDER, 1957

[P. 1. 133. Validation of Acts and proceedings.-(1) No 133. Validation of Acts and phall be questioned on the det or proceeding taken under this Order shall be questioned on the group of proceeding taken under this or any defect in the

(a) the existence of any vacancy in, or any defect in the constitute (a) the existence of any Committee ; or merely of-

of the Authority or any Committee ; or (b) any person having ceased to be a member ; or

(b) any person having centre under Article 47 on any (c) the failure to serve a notice under Article 47 on any (c) the failure to serve has resulted from such failure ; or but injustice has resulted from such failure ; or but (c) the failure to serve has resulted from such failure; or where no substantial injustice has resulted from such failure; or (c) the failure injustice has thregularity not affecting the  $m_{erity}$ (d) any omission, defect or irregularity the minutes of the

the case.

(2) Every meeting of the Authority, the minutes of the proceeding. (2) Every meeting of the Authority by the person presiding, shall be dean of which have been duly signed and to be free from all defeated of which have been duly signed and to be free from all defect a

ularity. 134. General power of Authority to pay compensation. In 134. General power of provided for in this Order the Aut irregularity.

134. General power of Autoded for in this Order the Auton is case not otherwise expressly provided for in this Order the Author case not otherwise compensation to any person who sustains damaged case not otherwise expressly provide any person who sustains damage may pay reasonable compensation to any person who sustains damage may pay reasonable of the powers vested by or under this of may pay reasonable compensation were vested by or under this damage reason of any exercise of the powers vested by or under this Order reason of any exercise of the Chairman, or any officer or servant reason of any exercise of the powers any officer or servant of the Authority or the Chairman, or any officer or servant of Authority.

135. Compensation to be paid by offenders for damage caused 135. Compensation to be puty act or omission any person has be them.-(1) If, on account of any act or any rule made the convicted of any offence against this Order or any rule made thereund convicted of any onence again act or omission of the said person, dama and, by reason of the same act of the Authority, compensate has been caused to any property of the Authority, compensate has been caused to any prior for the said damage notwithstanding a shall be paid by the said person for the said damage notwithstanding a shall be paid by the said by the said be may have been sentenced for the sa offence.

(2) Any dispute as to be amount of such compensation shall ; determined by a Magistrate of the First Class.

(3) If the amount of any compensation payable under this Article ; not paid, the same shall be recovered under a warrant issued by Magistrate of the First Class as if it were a fine imposed by him on the said person.

136. Public notices how to be made known.-Every public notic given under this Order or the rules or regulations made thereunder sha be in writing and shall be made known to the locality to be affect thereby in not less than two of the following three ways :--

(a) by affixing copies thereof conspicuously in public places with the said locality,

(b) by publishing the same by beat of drum, or

(c) by advertisement in newspapers published in the Feder Capital.

and by any other means, if the Chairman thinks fit.

137. Newspapers in which advertisement or notice to be published Whenever it is provided by this Order or any rule made thereunder the notice shall be given by advertisement in newspapers published in the Federal Capital or that a notification or any information shall be put lished in newspapers, such notice, notification or information shall b inserted, if practicable in four newspapers.

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### CENTRAL STATUTES.

No N-tocs] Shamping signature on notice or bills, Every notice or bills, Shamping notice or the rules made thereunder to be signed or bill 115 by this other member or any officer or servant of the this this order or member or any officer or besigned by the related or signed to be properly signed if it bears a factimite of the Chairman, or of such other member or of the average end of the case may be, stamped thereunon description shall be the Chairman, or of such other member of the the servant of the servant, as the case may be, stamped thereupon. at the eignature, as the case may be, stamped thereupon, (2) Every notice other than a public notice and every bill issued

<sup>2</sup> Every notice under this Order, shall, unless it is otherwise <sup>(2)</sup> Authority or presented in duplicate and the person concrwise the Authority or presented in duplicate and the person concerned to ded, be served and sign and return the counterpart thereof to the

Authority. (3) No notice issued by the Authority under this Order shall be with by reason only of a defect in form.

139. Service how to be effected.-When any notice, bill or other 139. Service by this Order or any rules of regulations made decument is to be served upon, issued, or presentation, shall be effected :-

(a) by giving or tendering the document to him; or

(a) by so is not found, by leaving the document at his last known (b) if he is not found, by giving or tendering the same to his last known (b) if he abode or by giving or tendering the same to some adult male member or servant of his family ; or

(c) If he does not reside in the City and his address elsewhere known to the Chairman, by forwarding the document to him by resistered post under cover bearing the said address ; or

(d) linone of the methods mentioned in the preceding sub-clauses the used, by causing a copy of the document to be affixed on some conspicuous part of the building or land (if any) to which it relates.

140. Power to make surveys or contribute towards their cost .- The Authority may :--

(a) collect all such information and statistics as may be necessary for carrying out the purposes of this Order :

(b) cause a survey of any land to be made, whenever it coneders that a survey is necessary or expedient for carrying out any of the purposes of this Order and keep such survey up to date; and

(c) contribute towards the cost of the collection of any such information or statistics, or any such survey made by any other local authority.

141. Power of entry.-(1) The Chairman or any person either proceally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order : --

(a) to make any inspection, survey, measurement, valuation or loquiry,

(b) to take levels.

(c) to dig or bore into to sub-soil,

(d) to set out boundaries and intended lines of work,

(e) to mark such levels, boundaries and lines by placing marks, and cutting trenches, or

(f) to do any other thing, whenever it is necessary to do so for of the purpose of the purpose and the purpose and the purpose of the purpose by of the purposes of this order or the rules made or scheme sanctioned

#### CENTRAL STATUTES

sumping signature on notice or bills. -Every notice or bill sumping order or the rules made thereunder to be signed by the 1<sup>18</sup> by this other member or any officer or servant of the or shall be deemed to be properly signed if it bervant of the No X-1058) 118 by this order of member or any officer or servant of hill of any deemed to be properly signed if it bears a facsimile of the chairman, or of such other member or of the antistic as the case may be, stamped thereupon defination shall be the Chairman, or of such other member of the the definition of the case may be, stamped thereupon. with eignature as the case may be, stamped thereupon, with eignature other than a public notice

<sup>br</sup> of servant, is other than a public notice and every bill issued where one part and sign and return the counterpart thereof to the by ided, be served and sign and return the counterpart thereof to the

(3) No notice issued by the Authority under this Order shall be (i) No ason only of a defect in form. Anthority.

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139. Service how to be effected.-When any notice, bill or other 139. Service her by this Order or any rules of regulations made document is required upon, issued, or presentation, shall be

(a) by giving or tendering the document to him; or effected :-

(a) by giving of tendering the document at his last known (b) if he is not found, by leaving or tendering the same to come last known (b) if he is not by giving or tendering the same to some adult male member or servant of his family ; or

(c) If he does not reside in the City and his address elsewhere (c) If he total chairman, by forwarding the document to him by is known post under cover bearing the said address; or

(d) linone of the methods mentioned in the preceding sub-clauses out be used, by causing a copy of the document to be affixed on some conspicuous part of the building or land (if any) to which it relates.

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(c) contribute towards the cost of the collection of any such mormation or statistics, or any such survey made by any other local authority.

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(b) to take levels.

(c) to dig or bore into to sub-soil,

(d) to set out boundaries and intended lines of work,

(e) to mark such levels, boundaries and lines by placing marks, and cutting trenches, or

(f) to do any other thing, whenever it is necessary to do so for my of the purposes of this order or the rules made or scheme sanctioned thereunder or any scheme which the Authority intends to h

Provided that :--

(a) no such entry shall be made between sunset and sunrise ;

(a) no such entry shall be so entered, unless with the it (b) no dwelling house, and to entered, unless with the is a dwelling place, shall be so entered, unless with the is a dwelling place, shall be so entered, unless with the is as a dwelling place, without giving the said occupier of the occupier bours' previous written notice of the interviof the occupier thereof, without written notice of the intention for than twenty-four hours' previous written notice of the intention to than twenty-four hours' previous written notice of the intention to

(c) sufficient notice shall in every instance be given, even each entry (c) sufficient notice wise be entered without notice, even env premises may otherwise be entered to women to the immates of any apartment appropriated to women to the immates of any apartment of the premises where their privacy will here themselves to some part of the premises where their privacy will here disturbed ;

(d) due regard shall always be had, so far as may be company (d) due regard shall always be had, so far as may be company (d) due regard shall alway purpose for which the entry is much the exigencies of the purpose of the occupants of the with the exigencies of the press of the occupants of the press entered.

(2) The Authority shall be responsible for any damage that may, caused in connection with work done under clause (1).

142 Punishment for acquiring share or interest in contract, etc., a the Authority -If any member or any officer or servant of the Authority employer or employce otherwise than as such member, officer servant, any share of interest in any contract or employment with or on behalf of, the Authority, he shall be deemed to have commit an offence punishable under section 168 of the Pakistan Penal Co (Act XLV of 1860).

143. Penalty for removing fence, etc., in street .- If any person, with out lawful authority-

(a) removes any fence or shoring timber, or removes extinguishes any light set up by the Authority, or

(b) infringes any order given, or removes any bar, chain or m fixed, under Article 61 of this Order, he shall be punishable with a in which may extend to fifty rupees.

144. Fenalty for building within street alignment or building line-(1) If any person, without the permission of the Authority, ereal re-erects, adds to or alters any walls or building so as to make the sur project into the street alignment or beyond the building line prescribe by any deferred street scheme, development scheme or town expansion scheme, he shall be punishable-

(a) with a fine which may extend, in the case of a wall a masonry building, to five hundred rupees, and in the case of a hul," fifty supces ; and

(b) with a further fine which may extend, in the case of a standard of a or masonry building, to one hundred rupees, and in the case of hut, to ten rupees for such the date of the such hut, to ten rupces for each day after the first during which the projection continues.

(2) (a) The owner for the time being of the wall or building with erected, re-crected, added to or altered, may be required by a with notice issued by the Chairman to stop further work on such with or building and to alter or demolish the same in such manner and with such time as may be specified in the notice.

(b) where the alteration or demolition directed by any such (b) where the out as directed therein, the Chairman may such notice is not carried out as directed therein, the Chairman may cause notice is not caring or portion thereof to be altered or demolished, as the wall or building be, and the Authority may recover the expenses incurred as the doing from the owner for the time being, in such manner the case may be, the owner for the time being, in such manner as may be in so doing from the owner for the time being, in such manner as may be prescribed.

145. Penalty for failure to comply with requisition made by Authority.-145. Person fails to comply at once with any requisition under this Order he shall be punishable-

(a) with a fine which may extend to one hundred rupees, or

(b) in case of a continuing failure, with a fine which may extend (b) in case of a day after the first during which may extend to fifty rupees for each day after the first during which the failure continues.

146. Penalty for obstructing contractor removing marks .- Whoever-

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Authority in the perhas entered or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Order or any rule or regulation made thereunder, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Order or any rule or regulation made or scheme sanctioned thereunder, shall be punishable with a fine which may extend to two hundred rupees.

147. Penalty for breach of the provisions of the order etc.-Whoever contravenes any provision of this order or of any rules or regulations made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable-

(a) with a fine which may extend to one thousand rupees 07. in default, with simple imprisonment which may extend to six months ; and

(b) in case of continuing contravention, with a fine which may extend to one hundred rupees for each day after the first during which the contravention continues.

148. 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 paragraph (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



KARACHI DEVELOPMENT AUTHORITY ORDER, 1957 in enhedence (a) which, immediately before the said date, were in and the Chairman by the Authority and the Chairman by the hall ext in and be realisable by such of the in embediance (a) which, immediately and the Chairman by the Authority and the Chairman by in an were realisable by the shall vest in and be realisable by such of in enhedence (a) which, the Authority he realisable by such of a were realisable by such of a were respectively shall vest in and be realisable by such of a such of a such respectively. Authority respectively may determine, and its decision the heat

in or were realisable shall over in determine, and its decision the here the decision they have been and its decision they have the sold (c) all liabilities which, immediately before the said shall be final ;

date, m (c) all liabilities which, immediate be assumed by and date (c) all liabilities which, immediate shall be assumed by and be the enforceable against the Authority shall be assumed by and be and enforceable against the Central Government or such agency as the angle of the control of the contr (c) all liabilities the Authority sment or such agency as the and be and able against the Central under sub-clause (b), as the case may be ; Government has determined under sub-clause the execution of

(d) for the purpose of completing the execution of any teles, (d) for the purpose order which has not been fully executed (d) for the purpose of complete has not been fully executed any teles and under this order which has not been fully executed and dues realizing properties, funds and dues realizing the functions of the Authority and of realizing the functions of the Authority and the functions of the Authority a (d) for under this order which properties, funds and dues enclosed under this order by properties, funds and dues recorded by the Authority and of realizing properties, funds and dues referring the Authority and (b), the functions of the Authority and the authority and (b), the functions of the Authority and the second sec the Authority and of realizing functions of the Authority and the functions of the Authority and the in sub-clauses (a) and (b), the functions of the Authority and the discharged in Chairman of the Authority under the agency determined by the content of the con to in sub-clauses (b) and (c), as the case may be; and Centralthe Central Government of (b) and (c), as the case may be; and Government under sub-clauses (b) and (c), as the case may be; and

(e) the agency referred to in sub-clauses (b), (c) and (d) that (c) the agency referred to in sub-clauses (b), (c) and (d) that (c) the agency referred to in sub-clauses (b), (c) and (d) that (c) the agency referred to in sub-clauses (b), (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) the agency referred to in sub-clauses (c) the agency referred to in sub-clauses (b), (c) and (d) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (c) and (c) the agency referred to in sub-clauses (b), (c) and (e) the agency referred to moneys respectively received and (d) that expended the provided and the counts of all moneys respectively received and expended the provided that the country prescribe.

by it under this Order, as the Central Government may prescribe.

149. Repeal, etc.-(1) The Karachi Improvement Trust Act, 1950 (XLVIII of 1950), is hereby repealed.

(2) Notwithstanding the aforesaid repeal-

(i) all property held by the Karachi Improvement Trust shall vest in the Authority ;

(ii) every appointment, order, rule and regulation made or issued under the Karachi Improvement Trust Act, 1950 and in force immediately before the commencement of this Order shall, so far as it a not inconsistent with the provisions of this Order, be deemed to have been made or issued under this Order as if this Order were in force at the time at which such appointment order, rule or regulation were made or issued ;

(iii) all debts and obligations incurred or contracts entered into or rights acquired and all matter and things engaged to be done by, with or for, the Karachi Improvement Trust before the commencement of this Order, shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for, the Authority ;

(iv) all sums of money due to the Karachi Improvement Trust and unpaid at the commencement of this Order, shall be due and payable to the Authority :

(v) all suits and other legal proceedings instituted by or against the Karachi Improvement Trust before the commencement of this Order may be continued by or against the Authority ;

(vi) references to the Karachi Improvement Trust in any instrument different intention appears becommencement of this Order shall unless different intention appears, be construed as references to the Authority;

(3) Sections 186 to 192, 198 to 201, 203 and 204 to 211 in Chapter XII of the Municipal Act are hereby repealed.

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#### SCHEDULE (See Article 95)

After clause (e) of section 3 of the Land Acquisition Act, 1894 After clause to determed to as the said Act), the following

hereignfter in this sector to be inserted, namely :designation the decime of the transforment Authority Order, 1957." Multion Authority Order, 1957."

(1) The first publication of a notice of an 2 (1) The Article 45 of the Karachi Development an

<sup>10</sup> (1) The mist 45 of the Karachi Development Authority Order, <sup>2</sup> (1) Article 45 of the Karachi Development Authority Order, <sup>2</sup> (1) The mist 45 of the Karachi Development Authority Order, <sup>2</sup> (1) The mist 45 of the Karachi Development Authority Order, whene under Article and for and have the same effect as publication official c section 4 of the said Act and a notification the official description of the said Act except where a notification under the official of section 4 of the said Act except where a notification under the official (1) of section 4 or a declaration under section (1) of section 4 or a declaration under section (1) of section (1) of section 4 or a declaration under section (1) of secti moder subsection (1) of section 4 or a declaration under section 6 of the moder subsection (1) of section 4 or a declaration under section 6 of the a declaration a declaration and is in force.

Act has under Article 45 and clause (1) of Article 49 of (2) Proceedings Development Authority Order, 1957, shall be substituted Karachi the same effect as proceedings under section the Karachi the same effect as proceedings under section 5-A of the

(3) Subject to the provisions of paragraphs 6 and 7 of this Schedule, stid Act.

(3) Subject a notice under sub-clause (c) of clause 3 of Article 36 the Karachi Development Authority Order, 1957, in the case of of the Karachi be acquired in pursuance of that clause, and in other case the publication of a notification under Article 50 of and order shall be substituted for and have the same effect as a declaration under section 6 of the said Act except where a declaration moter the last mentioned section has been previously made and h in force.

3. In section 11 of the said Act the word "and" shall be omitted in clause (ii) and added at the end of clause (iii) and, after clause (iii) the following clause shall be inserted :---

"(iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation and who is not mitted to receive the additional sum of fifteen per cent. mentioned in subsection (2) of section 23 as having been actually and reasonably nouned by such person in preparing his claim and putting his case before the Collector :

Provided that the Collector may disallow wholly or in part the costs incurred by any person if he considers that the claim made by such person is extravagant."

4. In section 15 of the said Act, for the word and figures "and 24", be figures, word and letter "24 and 24-A" shall be deemed to be sub-

5. (1) In subsection (3) of section 17 of the said Act after word and figures "section 24", the words, figures and letter the section 24-A", shall be deemed to be inserted. "or

(2) After subsection (4) of section 17 of the said Act, the following subsections shall be deemed to be inserted, namely :--

"(5) The provisions of subsections (1) and (3) shall apply in the of any area related by a Magistrate <sup>(3)</sup> The provisions of subsections (1) and (3) shall apply a distrate of the first class to be is stated in a certificate granted by a Magistrate of the first class to be unhealthy.

KARACHI DEVELOPMENT AUTHORITY ORDER, 1957 (6) Before granting any such terminates the Magistrate cause notice to be served as promptly as may be on the person the cause notice to be served as promptly as may be on the person the to in subsection (3) of section 9 and shall hear without any avoid to in subsection (3) of section be urged by him.

y any objections which may be been taken under this section y any objections which may be been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under this section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under the section (7) When proceedings have been taken under taken under the section (7) When proceedings have been taken under taken unde (7) When proceedings have been sustains damage in consequence of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition of any land and any person sustains damage in consequence acquisition acquisition of any land acquisition acqu (7) When providend and any point land, compensation consequences acquisition of any land and any point land, compensation shall be been of being suddenly dispossession".

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5. After section 17 of the said Act, the following section shall be inserted, namely :-deemed to be inserted, namely :--

"17-A. Transfer of land to Authority.-In every case referred "17-A. Transfer of land to the collector shall, upon payment of h in section 16 or section 17, the collector shall, upon payment of h in section 16 or section where the land to the Authority h in section 16 or section 17, the charge of the land to the Authority is cost of acquisition make over charge of the Authority, subject to the links cost of acquisition make over charge Authority, subject to the liable the land shall thereupon vest in the Authority, subject to the liable the land shall thereupon any further costs which may be incurred the land shall thereupon vest in ther costs which may be incurred of the Authority to pay any further costs which may be incurred of account of its acquisition".

7. (1) In subsection (1) of section 23 of the said Act for clauses shall respectively be deemed 7. (1) In subsection (1) of clauses shall respectively be deemed to first and sixthly, the following clauses shall respectively be deemed to be substituted, namely :---

"first, the market value of the land at the date of the first public, tion of the notice under Article 45 of the Karachi Development Authority Order, 1957. Sixthly, the damage (if any) bona fide resulting from diminution of the profits of the land between the date referred to in clause first and the date on which the Collector takes possession of the land".

(2) In the same section, to subsection (2), the following provise shall be deemed to be added, namely :--

"Provided that this subsection shall not apply to any land acquired under the Karachi Development Authority Order, 1957".

(3) In the same section, after subsection (2), the following subsection shall be deemed to be added, namely :---

(3) For the purpose of clause first of subsection (1) of this section-

(a) If the market value of the land has been increased or decreased owing to the land falling with or near to the alignment of a projected public street, so much of the increase or decrease as may be due w such cause shall be disregarded ;

(b) If any person, otherwise than in accordance with the provisions of the Karachi Development Order 1957, erects, re-erects, adds to or alters any wall or building so as to make, the same project into the street alignment or beyond the building line prescribed by any scheme made under that Order, then, any increase in the market value resulting from such erection, re-erection, addition or alteration shall be distegarded :

(c) If the market value is exceptionally high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be discovered at unlawful or contrary to public policy, that use shall be disregarded and the market value shall be deemed to be the market value of land if put to an ordinary use:

(d) If the market value of any building is exceptionally high is consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowded as to be dangeded, and the market value shall be deemed to be the market value of the



Vor. X-1958] Vot if occupied by such number of persons only as could be building if occupied by such number building dated in it without overcrowding : provided that clause (d) shall

ommodated in that clause (d) shall not apply in the case of a building

provided that change of the land shall be the (c) the which the land was put at the date with reference to mind to

(c) the which the land was put at the date with reference to which the which is to be determined; the market value is to be determined ;

() if the owner or his predecessor within two years beforement (f) if the owner or his predecessor within two years before the made by the such increase shall be disregarded unless it is provement the made in good faith and not in that made of date such of made was made in good faith and not in conthe improvement seedings for the acquisition of the land being taken

mder this Act ;

(c) when the owner of land or building has, after the commence-(g) when Karachi Development Authority Order, 1957, and within ment of the next preceding the date with reference to which the the two years to be determined, made a return under the which the market value is to be determined, made a return under the City of market value is al Act, 1933, of the aforesaid land or building the rent Karschi Multicipation be deemed to be greater than the rent shown in is such cases such the market value shall be determined on the basis of such return ;

provided that where addition to, or improvement of, such land or building has been made after the date of such return but previous to the date with reference to which the market value is to be determined, the Court may consider any increase in the letting value due to such addition or improvement".

8. For clause seventhly of section 24 of the said Act, the following danse shall be deemed to be substituted, namely :-

"seventhly, any outlay on additions or improvements to land required, which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair".

9. After section 24 of the said Act, the following section shall be deemed to be inserted, namely :

"24-A. Further provisions for determining compensations .- In determining the amount to be awarded for any land acquired for the Authority under the Karachi Development Authority Order, 1957, regard shall also be had to the following provisions, namely :-

(1) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market value is to be determined, no separate estimate of the value of such interest thall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the Court, any building is insanitary or is not in a reasonably good state of repair, the amount of compensation thall not exceed the sum which the Court considers the building would be worth if it be worth if it were made sanitary or put into a reasonably good state of repair: as the were made sanitary or put into a reasonably good state of repair; as the case may be, minus the estimated cost of so making it

or putting it into such condition. (3) If, in the opinion of the Court, any building used or intended itely to be used of the Court, any building used or intended or likely to be used for human habitation is not reasonably capable

IP. L.N 210 of being made fit for human habitation, the amount of compensation of being made fit for human the materials of the building minute of being made fit for human habitation also of the building compensation of being made fit for human the materials of the building minute shall not exceed the value of the said Act, the following seed cost of demolishing the building".

of demolishing the building . of demolishing the building . 10. After section 48 of the said Act, the following section that 10. After section 48 of the said Act, the following section that 10. After section 48 of the said Act, the following section that 10. After section 48 of the said Act, the following section that 10. After section 48 of the said Act, the following section that 10. After section 48 of the said Act, the following section that 10. After section 48 of the said Act, the following section the said Act, the follow

deemed to be inserted, namely:-10. After secreted, namely in making award. (1) When to be inserted, namely delay in making award. (1) When the section 11 in respect to the section 11 in respec

Collector has not made any award from the date of the public of the Collector has not made any awards from the date of the public of a collector has period of two years from the issue of a publication land within a period of two for of the issue of a notice of a notice of the section of the section for th Collector has period of two years of the issue of a publication land within a period of two years of the issue of a publication the declaration under section 6 or of the issue of a notice the declaration under section Development Authority Order, 1957 and Article 36 of the Karachi Development Article 50 of that Order is the declaration under Article 50 of that Order 54 Article 36 of the Karachi Development Article 50 of that Order 54 Article 36 of the Karachi Land shall, unless he has been response the publication of a notification under Article 50 of that Order 54 the publication of a notification under Article 50 of that Order 54 the publication of a notification under Article 50 of that Order 54 the publication of a notification under Article 50 of that Order 54 the publication of a notification under Article 50 of that Order 54 the publication of a notification under Article 50 of that Order 54 the publication of a notification under Article 50 of that Order 54 the publication of the delay, be entitled to receive component Article 36 of the a notification unless he has been response the publication of a notification unless he has been response case may be, the owner of the delay, be entitled to receive compenthe publication of the delay, be entitled to receive compension case may be, the owner of the delay, be entitled to receive compension to a material extent for the delay, be entitled to receive compension to a material extent for the delay. to a material extent by him in consequence of the delay, for the damage suffered by him in consequence of the delay.

(2) The provisions of Part III of this Act shall apply, 80 far (2) The provisions of Part of the compensation payable under the may be, to the determination of the compensation payable under the

on". 11. After subsection (1) of section 49 of the said Act, the follow section". shall be deemed to be inserted namely :---

the deemed to be inservoses of sub-section (1), land which is in (1aa) For the purposes of and is reasonably required to be house and house with and attached to a house shall be deemed to be part of with and attached to a nouse shall be deemed to be part of bouse".

### PAKISTAN (ADMINISTRATION OF EVACUEE PROPERTY) ACT, 1957

(Extension of jurisdiction of the Custodian of Evacuee Property, Lahore)

No. F. 298/2 (28) 57-All. 21st December 1957, (Gazette, 7) December 1957).-Consequent upon the abolition of the post Custodian of Evacuee Property, Peshawar and in exercise of the power under section 6 (1) of the Pakistan (Administration of Evacuee Proper Act, 1957, Act XII of 1957, the Central Government is pleased extend the jurisdiction of the Custodian of Evacuee Property, Labor to the Peshawar and Dera Ismail Khan Divisions of West Pakistan m effect from the forenoon of the 1st January 1958.

#### AGRICULTURAL DEVELOPMENT FINANCE CORPORATION GENERAL REGULATIONS

#### (Amendments)

No. 12 (9) IV, 16th December 1957, (Gazette, 27th December 1951 -In exercise of the powers conferred by section 43 of the Agricultur Development Finance Corporation Act, 1952 (XVII of 1952), the Board of Directors of the Agricultural Development Finance Corporation with the previous sanction of the Central Government, hereby mil the following amendments to the Agricultural Development Finite Corporation General Regulations, namely :--

1. In regulation 15-

(a) in clause (i), after the words "The Board shall" the word "authorise the Managing Director to" shall be inserted ; and

(b) for clause (ii), the following shall be substituted, namely :-"(ii) The Managing Director or, as the case may be, the Head the Branch of the Corporation shall be the Chairman of the Technic

263 THE SIND GOVERNMENT GAZATIF, EXT. JUL E 29, 1973 [PART IV

## PROVINCIAL ASSEMBLY OF SIND

.

#### NOTIFICATION

## Karachi, dated the 28th June, 1973.

No. PAS/Legis-B-7/73. The Karachi Development Authority (Sind Amendment) Bill, 1973 having been passed by the Provincial Assembly of Sind on the 6th June, 1973 and assented to by the Governor of Sind on the 27th June, 1973 is hereby published as an Act of the Legislature of Sind : --

#### THE KARACHI DEVELOPMENT AUTHORITY (SIND AMEND-MENT) ACT, 1973.

#### Sind Act No. VII of 1973.

(First published after having received the assent of the Governor of Sind in the Gazette of Sind (Extra Ordinary) dated 28th June, 1973).

#### AN

#### ACT

#### to amend the Karachi Development Authority Order, 1957.

Preamble. WHEREAS it is expedient to amend the Karachi Development Authority Order, 1957, in the manner hereinafter appearing;

It is hereby enacted as follows:---

Short title 1. (1) This Act may be called the Karachi Development Authority and commencement. (Sind Amendment) Act, 1973.

(2) It shall come into force at once.

2. In the Karachi Development Authority Order, 1957, hereinafter of Article 5 of PO. No. 5 of 1957.

Amendment 3 .In the said Order, in clause (1) of Article 6, between the words of Anicle 6 "The" and "Director-General", the words "Chairman and the" shall be of P.O. No.5 inserted

E et al of 4. The Sind effected Development Authority Order, 1957 Amend-Sind Ordiments Ordinance, 1973, Referably repeated. 1973.

> By order of the Speaker, Provincial Assembly of Sind.

JAMALUDDIN ABRO, Secretary, Provincial Assembly of Sind. EXTRAORDINARY

Registered No. 5-463



# The Sind Government Gazette

#### PUBLISHED BY AUTHORITY

KARACHI, SUNDAY, JANUARY 21, 1979

# PART I

#### GOVERNMENT OF SIND

#### LAW DEPARTMENT

#### NOTIFICATION

#### Karachi, the 21st January, 1979.

No. S. Legis, 1(4)/79 .- The following Ordinance by the Governor of Sind is hereby published for general information: -

> THE KARACHI DEVELOPMENT AUTHORITY (SIND AMENDMENT) ORDINANCE, 1979.

> > SIND ORDINANCE NO. IV OF 1979

#### AN

#### ORDINANCE

to amend the Karachi Development Authority Order, 1957.

WHEREAS it is expedient to amend the Karachi Development Preamble. Authority Order, 1957, in the manner hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Contiduance in Force) Order, 1977, the Governor of Sind is pleased to make and promutgate the following Ordinance: ---

1. (1) This Ordinance may be called the Karachi Development Short title Authority (Sind Amendment) Ordinance, 1979.

and comm encoment.

L (iv) 563 Ext.-I-30

(69)

[Price : 1.30 Paisa

# THE SIND GOVT, GAZETTE EXT. JANUARY 21, 1979 [PART ]

(2) It shall come into force at once.

- 2. In the Kurachi Development Authority Order, 1957, in article 8-
- Amendment of P. O. 5 of 1957.

30

- (i) in clause (2), for the existing sub-clauses the following subclauses shall be substituted:----
  - "(a) in the case of holders of posts in grades 1 to 9 of the National Scales of Pay, the field of the Department or any other officer being in grade not lower than grade 18, authorized by him:
  - (b) in the case of holders of posts in grades 10 to 15 of the National Scales of Pay, the Director General or any other officer being in grade not lower than grade 19, authorized by him;
    - (c) in the case of holders of posts in grades 16 and 17 of the National Scales of Pay, the Chairman or any other officer being in grade not lower than grade 20, authorized by him;
  - (d) in the case of holders of posts in grade 18 of the National Scales of Pay, the Governing Body; and
  - (e) in the case of holders of posts in grades 19 and 20, the Governing Body with the sanction of the Provincial Government.";
  - (ii) in clause (3), for the existing sub-clauses the following shall be substituted: --
    - "(a) to the Director General, if the order was passed by the Head of a Department;
    - (b) to the Governing Body, if the order was passed by the Director General;
    - (c) to the Provincial Government if the order was passed by the Governing Body or the Chairman.".

#### KARACHI: LIE Dated the 18th January, 1979.

LIEUTENANT GENERAL S. M. ABBASI Governor of Sind.

> MUNAWAR ALI KHAN Secretary to the Government of Sind, Law Department.

#### KARACHI: PRINTED AT THE SIND GOVERNMENT PRESS

(1950) 21-1-79-111.

Registered No. S. 463



# The Sind Government Bazette

PUBLISHED BY AUTHORITY

KARACHI, SUNDAY, APRIL 6, 1980

# PART I

GOVERNMENT OF SIND

LAW DEPARTMENT

NOTIFICATION

Karachi, the 6th April, 1980.

No. S.Legis.1(6)/80.—The following Ordinance by the Governor of Sind is hereby published for general information:—

> THE KARACHI DEVELOPMENT AUTHORITY (SIND AMENDMENT) ORDINANCE, 1980.

> > SIND ORDINANCE NO. VI OF 1980

AN

#### ORDINANCE

to amend the Karachi Development Authority Order, 1957.

WHEREAS it is expedient to amend the Karachi Development Preamble. Authority Order, 1957, in the manner hereinafter appearing:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 and the Laws (Continuance in Force) Order, 1977, the Governor of Sind is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Karachi Development Short title Authority (Sind Amendment) Ordinance, 1980.

short title and commencement.

(2) It shall come into force at once.

L (Iv) 619-Ext.-I-100

EXTRAORDINARY

(261)

Price : 1.30 Paisa

#### 262 THE SIND GOVERNMENT GAZ, EXT., APRIL 6, 1980. PART I

3. In the said Order, in Article 114, the words

Amendment of Article 113 of P.O. 5 of 1957.

2. In the Karachi Development Authority Order, 1957, hereinafter called as the said Order, in Article 113, for the words "be agreed upon between the Authority and the constituent body", the words "notwithstanding any agreement determined from time to time by the Authority under Article 115" shall be substituted.

Amendment of Artic's 114 of P.O. 5 of 1957.

Substit, tion of Article 115 of P.O. 5 of 1957.

4. In the said Order, for Article 115, the following shall be substituted :---

Constituent bodies nd consumers to pay cost of supply.

referred to in" shall be omitted.

"115. The constituent bodies and other consumers shall Day for the water supplied to them at such rate as may from time to time be determined by the Authority.".

"the

agreement

Substitution ol Article 116 of P.O. 5 of 1957.

5.5

5. In the said Order, for Article 116, the following shall be substituted :---

"116. If any consumer fails within one month of the receipt

Recovery of dues,

of demand notice for any sum claimed for the supply of water by the Authority to pay such sum in full, the Authority may reduce or disconnect the water supply and proceed to recover the said sum in accordance with

the provisions of this Order.".

KARACHI: Dated the 31st March, 1980.

### LIEUTENANT GENERAL S. M. ABBASI Governor of Sind.

#### G. M. KOUREJO

Secretary to the Government of Sind, Law Department.

10.0004/06/2012

KARACHI: PRINTED AT THE SIND GOVERNMENT PRESS. (1950) 64-80-111.

#### EXTRAORDINARY



### Sind Government Gazette The

#### FUBLISHED BY ALTRODUCTY

#### KARACHI, SUNDAY, JANUARY 2, 1983

## PALTI

#### GOVERNMENT OF SIND

#### LAW DEPARTMENT

#### NOTIFICATION

#### Karachi, the 2nd January, 1983.

No. S.Legis: 1(1)/83 .- The following Ordinance by the Governor of Sind is hereby published for general information :-

THE KARACHI DEVELOPMENT AUTHORITY (SIND AMEND-MENT) ORDINANCE, 1982.

#### SIND ORDINANCE NO. 1 OF 1983.

AN

#### ORDINANCE

#### to amend the Karachi Development Authority Order, 1957.

WHEREAS it is expedient to amend the Karachi Development Pres. Fle. Authority Order, 1957, in the manner hereinafter appearing:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July 1977 and the Provisional Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance : ---

1. (1) This Ordinance may be called the Karachi Development Authority (Sind Amendment) Ordinance, 1983.

(2) It shall come into force at once.

In the Karachi Development Authority Order, 1957, hereinafter 2 referred to as the said Order, for Article 5, the following shall be substituted: ---

C natitution of the Govcining Body.

"5. (1) The Governing Body shall consist of the Commissioner Karachi Division, the Director General and not more than eleven other Members as may be appoinled by Government.

Short title and commencement.

Amendment of Article 5 of P.O. No. 5 of 1957.

L (iv) Ext. \_1\_ 521

#### (1209)

Price: 1.30 Paisa



#### THE SIND GOVE GAZETTE EXT., JANUARY 2, 1983 PART I

(2) Not less than two of the Members other than the Commissioner and the Director General shall be whole time Members

(3) Government shall appoint one of the Members as Chairman of the Governing Body.

(4) A Member appointed by virtue of his office shall cease to be the member on vacating such office.".

3. In the said Order, in Article 6-A, for clause (1), the following shall of Article 6, be substituted :-

Amendment A of FO. No. 4 of 1447

of 1957

1210

"(1) Every Member, other than the Commissioner and the Director General, shall-

- tay hold office for a period of two years unless sooper removed. and may be re-appointed thereafter for such period or periods. not exceeding two years at a time, as Government may in each case determine:
- (b) receive such remuneration, fees or allowances as may be prescribed by rules or as Government may determine;
- te perform such functions and duties as may be prescribed by the Regulations or as the Authority may assign to him.".

In the said Order, in Article 9, for clause (2), the following shall be 4 Amendment of Article 9 substituted : --of P.O. No. 5

> "(2) The quorum at a meeting shall be one-half of the total number of the members, fraction to count as one.".

#### KARACHI LIEUTENANT GENERAL S.M. ABBASI Dated the 28th December, 1982 GOVERNOR OF SIND

SYED ALLY MADAD SHAH

Secretary to the Government of Sind, Law Department,

#### CARACHI : PRINTED AT THE SIND GOVERNMENT PRESS

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Published by Authority

KARACHI, TUESDAY, OCTOBER 4, 1994

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AND N DATE OF DRY

ers: Johnson -----

#### PART IV

#### PROVINCIAL ASSEMBLY OF SINDH

#### NOTI ICATION

Karaeli, the 4th October, 1994.

No. PAS/Legis 3-7.54.—The Karachi Development Authority (Sindh Avent menu Hal, i of having been pasted by the Provincial Assembly of some an out compared to by the Governor of Sindh on 15th & peraper, 1 of a hereby published as an Act of the Legislature of a con-

THE KARACHI DEVELOPMENT AUTHORITY

#### SINDH ACT NO XXIII OF 1994

(First published after having received the assent of the Governor of Sandh in the Gazette of Sindh (Extra-Ordinary) Dated 4th October, 1994).

#### AN

#### ACL

further to amond the Karachi Development Authority Order 1957;

1. (iv) Est. 1V-40 A

(123-A)

Price 50 pains

Registered No. M-324

### 123-B THE SINDY GOVE TAKET IN SAL OF OBOR 4, 1974 IPART IV

WHEREAS it is expedient further to amend the Karachi Developer. at Authority Ordeer, 1957, in the manner tax matter appearing:

It is hereby enacted as follows :-

Short litte I. (1) This Act may be called the Karachi Development Authority and comment (Sindh Amendment) Act, 1994.

(2) It shall come into force on and from 2nd May, 1994,

Amendment 2. In the Karachi Development Authority Order, 1957, in Article of Antick 52-A, for clause (2), (3) and (4) and Explanation thereumder, the following order V or shall be substituted:  $-\frac{1957}{19^{57}}$ .

(2) No amonity plot reserved for the purpose mentioned in clause (1) shall be converted to or utilized for any other purpose.

a sol of 3. The Karachi Development Authority (Sindh Ameddment) Ordia is of nance, 1994 is hereby repealed.

#### BY ORDER OF THE SPEAKER Provincial Assembly of Sindh

ZAKIR HUSSAIN K. MIRZA Secretary Provincial Assembles of Sindh

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EXTRAORDINARY

Registered No. M324



# The Sindh Government Gazette

Published by Authority

#### **KARACHI WEDNESDAY MAY 11, 2016** 4

# PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 11" MAY, 2016.

NO.PAS/Legis-6-06/2016-The Karachi Development Authority (Re "val and Amending) Bill, 2016 having brien passed by the Provincial Assembly of Sindh on 21" March, 2016 and assented to by the Governor of Sindh on 9" May, 2016 is hereby published as an Act of the Legislature of Sindh

#### THE KARACHI DEVELOPMENT AUTHORITY (REVIVAL AND AMENDING) ACT, 2016.

#### SINDH ACT NO. XVI OF 2016.

#### AN ACT

to revive and amend the law relating to the Karachi Development Authority.

WHEREAS in order to give impetus and Preamble encourage the housing industry and provide shefter to " the people of the Province, it is expedient to revive and amend the law relating to the Karachi Development Authority.

It is hereby enacted as toilows:-

1.(1) This Act may be called the Karachi Development Short title and Authority (Revival and Amending) Act, 2016. commencement.

(2) It shall come into force at unce.

The Karachi Development Authority Order, 1957, Revival of Order 2 shall rand revived on and from 1 'day of July, 2002, as if it had never been repealed and on revival, the said

L(iv)-225

Ext -IV-16

(127)

V of 1957.

Price Rs. 10.00

### THE SINDH GOVT. GAZETTE EXT. MAY 11. 2016 PART-IV

Member

Order shall stand amended to the extent and in the manner hereinafter appearing.

3. In the said Order, in Article 5 -

(i) for clause (1), the following shall substituted:-

- "(1)Constitution of the Governing Body.- The Governing Body shall consist of-
  - (a) Minister, Local Government, Chairman Housing Town Planning Department
  - (b) Two Members of the Member Provincial Assembly to be nominated by Government
  - (c) Secretary, Local Government Member and Housing Town Planning Department
  - (d) Commissioner, Karachi
  - (e) Director General, Karachi Member/
  - (f) Member Technical, Karachi Member Development Authority
  - (g) Member Finance Karachi Member Development Authority
  - (a) Member (Admn), Karachi Member Development Authority
  - (ii) clauses (2) and (3) shall be omitted.

taken, Saving.

4. All orders made, proceedings taken, appointments, made, acts done by any authority, or by any person, which were made, taken or done; or purported to have been made, taken or done between the first day of July, two thousand two, and the date on which this Act comes into force (both days inclusive), shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done under the Karachi Development Authority Order, 1957 and shall not be called in question in any court or forum on any ground whatsoever.

#### BY ORDER OF THE SPEAKER PROVINCIAL ASSEMBLY OF SINDH

#### G.M.UMAR FAROOQ SECRETARY PROVINCIAL ASSEMBLY OF SINDH

Karachi: Printed at the Sindh Government Press 11-5-2016

128

Amendment of Article 5 of Drder V of 1957.

### EXTRAORDINARY

Registered No. M324



# The Sindh Government Gazette

**Published by Authority** 

## **KARACHI TUESDAY MAY 22, 2018**

# PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 22ND MAY, 2018

NO.PAS/LEGIS-B-13/2018-The Karachi Development Authority (Sindh Amendment) Bill, 2018 having been passed by the Provincial Assembly of Sindh on 30th April, 2018 and assented to by the Governor of Sindh on 18th May, 2018 is hereby published as an Act of the Legislature of Sindh.

#### THE KARACHI DEVELOPMENT AUTHORITY (SINDH AMENDMENT) ACT, 2018

#### SINDH ACT NO. XXX OF 2018

#### AN ACT

to amend the Karachi Development Authority Order, 1957.

WHEREAS it is expedient to amend the Karachi Preamble. Development Authority Order, 1957, in the manner hereinafter appearing;

It is hereby enacted as follows:.

1. (1) This Act may be called the Karachi Development Short title and Authority (Sindh Amendment) Act, 2018.

commencement

(2) It shall come into force at once.

L iv-217

Ext -IV - 30

#### (356-3)

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2. In the Karachi Development Authority Order, 1957, in A Article 52-A. in clause (2), the full stop at the end shall be A replaced by a colon and thereafter the following provisos shall K be added:-

Amendment of Article 52-A of KDA Order of 1957. PART-IV

"Provided that Government (Cabinet) may, if it considers that the conversion or utilization of amenity Plots 1) ST-11, Sector 4, Surjani Town and 2) KGA Ground near Numaish, Karachi, is of public importance, especially in terms of utilization of subject plots for the purposes of Government sponsored Mass Transit Projects in the City; and recording the reasons thereof in writing, may allow the conversion or utilization of such amenity plots for such specific purpose.".

#### BY ORDER OF THE SPEAKER PROVINCIAL ASSEMBLY OF SINDH

#### G.M.UMAR FAROOQ SECRETARY PROVINCIAL ASSEMBLY OF SINDH

#### Karachi: Printed at the Sindh Government Press 22-05-2018