

SECTION:

- 1.
- 2.
- 3.

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196

CONTENTS

CHAPTER I. PRELIMINARY

Short title, extent and commencement.
Definition.
Declaration of Capital Site.

CHAPTER II. CONSTITUTION OF THE AUTHORITY

Constitution of the Authority.

Management.

Constitution of the Board.

Remuneration and conditions of service.

Disqualification of the members.

Duties and functions of Chairman and other members.
Headquarters of the Authority and meetings of the Board.

CHAPTER III. POWERS AND DUTIES OF THE AUTHORITY

Master-plan and master-programme.

Preparation of schemes by local bodies or agencies.
Preparation of schemes by Authority.

Manner and form, etc., of scheme.

Power of the Authority.

Ommitted.

16. Borrowing powers.

17. Execution of scheme etc., through local bodies and agencies.

18. Utilization of building material.

19. Amendment of schemes.

20. Removal, etc., of buildings after hearing.

21. Schemes to be executed after calling objection.

CHAPTER IV.

ACQUISITION OF LAND

22. Liability to acquisition.

23. Entry upon land, preliminary survey, etc.

24. Compensation for damage.

25. Power to acquire land.

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

27. Notice to persons interested.

28. Enquiry and award of Deputy Commissioner.

29. Compensation.

30. Matter to be considered in determining compensation.

31. Factors to be ignored in determining compensation.

32. Vesting of land in the Authority.

32 A. Payment of additional compensation.

33. Acquisition in cases of urgency.

33 A. Temporary occupation and use of land.

33 B. Payment of compensation to persons under disability and heirs of deceased persons.

34. Power of Deputy Commissioner to call for information.

35. Power of Authority to give directions to Deputy Commissioner.

36. Appeal and review.

36 A. Deputy Commissioner and Commissioner to have powers of Civil Court, etc.

36 B. Fees on applications.

CHAPTER V.

ESTABLISHMENT

37. Appointment of officers and servants, etc.

38. Recruitment, conditions of service and disciplinary powers.

39. Members, officers, experts public-servants.

40. Indemnity.

Al. Delegation of powers to Chairman, etc.

CHAPTER VI. FINANCE

42. Capital Development Authority Fund.

43. Budget.

44. Audit and account.

45. Consultation with the Financial Advisor.

CHAPTER VII. PENALTY AND PROCEDURE

46. Penalty.

46 A. Causing damage to property.

46 B. Disobedience of orders.

46 C. Attempts and abetments.

46 D. Summary trial of offences.

47. Cognizance of offences by Courts.

CHAPTER VIII. MISCELLANEOUS

48. Submission of yearly reports and returns, etc.

49. Power to dispose of land.

49 A. Recovery of dues, etc.

49 B. Summary ejectment of unauthorized occupants.

49C. Removal of building, etc., erected or used in contravention of this Ordinance.

49 D. Police assistance.

49 E. Jurisdiction of Courts barred.

49 F. Admissibility of document or entry as evidence.

50. Power to make rules.

51. Power to make regulations.

52. Dissolution of the Authority and transfer of its assets and liabilities to the Federal

Government and other agency determined by that Government.

THE SCHEDULE.

Page 3 of 24

THE CAPITAL DEVELOPMENT AUTHORITY ORDINANCE, 1960.
(ORDINANCE NO. XXIII OF 1960)

[27 June, 1960]

An Ordinance to establish a Capital Development Authority.

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

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

CHAPTER I.
PRELIMINARY

1. Short title, extent and commencement.— (1) This Ordinance may be called the Capital Development Authority Ordinance, 1960.

(2) It extends to the Specified Areas.

(3) It shall come into force at once.

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

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

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

(c) “Board” means the Board constituted under section 6;

(d) “building” includes any factory, industrial or business establishment, shop,

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

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

(f) “Chairman” means the Chairman of the Authority;

"Subs. by FA.O. 1975, Art.2 and Table for “Central”.

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“Commissioner” means the Commissioner of the Division concerned, and includes any other officer appointed by the Authority to exercise the powers of the Commissioner under this Ordinance;

“Deputy Commissioner” means the Deputy Commissioner of the District concerned, and includes any other officer appointed by the Authority to exercise all or any of the powers and discharge all or any of the functions of the Deputy Commissioner under this Ordinance;

“land” includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

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

“market value” means,

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

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

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

“Member” means a member of the Authority;
“regulations” means regulations made under this Ordinance;
“rules” means rules made under this Ordinance;

“scheme” means a planning scheme or a development scheme made under this Ordinance;

“Specified Areas” means the areas specified in the Schedule, and such other area or areas as may from time to time be included therein by the *[Federal Government] by notification in the official Gazette;

“Vice-Chairman” means the Vice Chairman of the Authority.”

‘Ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s. 2.

“Subs. by the Capital Development Authority (Amdt.) Ordinance, 1968 (7 of 1968), s. 2, for clause (k).
Omitted, subs. & added by the Capital Development Authority (Amdt) Act, 1999 (III of 1999), s. 2.

“Subs. by FA.O., 1975, Art. 2 and Table, for “Central Government””.

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

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

CHAPTER II. CONSTITUTION OF THE AUTHORITY

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

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

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

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

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

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

(2) The '[Federal Government]' shall appoint a Chairman, a Vice Chairman and a Financial Advisor from amongst the members.

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

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

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

! Subs. by FA.O., 1975 Art. 2 and Table, for "Central Government".

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

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

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

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

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

(b) is or, at any time, has been adjudicated insolvent; or

(c) is found to be a lunatic or of unsound mind ;or

(d) is a minor; or

(e) has a financial interest in any scheme or a conflicting interest directly or

indirectly between his interests as a member and his private interests and has failed to disclose such interest in writing to the '[Federal Government];

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

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

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

10. Headquarters of the Authority and meetings of the Board—Q(1) Until the Authority establishes its headquarters elsewhere within the Specified Areas, its headquarters shall be situated at Rawalpindi.

(2) The meetings of the Board shall be held at such times and places and in such manner as the regulations may provide;

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

' Subs. by FA.O., 1975, Art. 2 and Table, for “Central Government”.
Omitted by Act. No IX of 2023 s.2.

CHAPTER HL. POWERS AND DUTIES OF THE AUTHORITY

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

12. Preparation of schemes by local bodies or agencies—(1) The Authority may, pursuant to the master plan and the master-programme, call upon any local body or agency operating in the Specified Areas to prepare, in consultation with the Authority, a scheme or schemes in respect of matters ordinarily dealt with by such local body or agency, and thereupon the local body or agency shall be responsible for the preparation of the scheme or schemes within a reasonable time.

(2) Such schemes, may relate to—

- (a) land use, zoning and land reservation;
- (b) public buildings;
- (c) industry;

(d) transportation and communications; highway, roads, streets, railways,

aerodromes;

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

(f) utilization of water, power and other natural resources;

(g) community planning, housing, slum clearance, amelioration;

(h) community facilities including water supply, sewerage, drainage, sewage disposal, electricity supply, gas supply and other public utilities;

(i) preservation of objects or places of historical or scientific interest or natural beauty.

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

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

*[(5) No planning or development scheme shall be prepared by any person or by any local body or agency except with the concurrence of the Authority.]

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

' Subs. by FA.O., 1975 Art.2 and Table, for "Central Government".

2 Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s. 3.

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

- (a)
- (b)
- (c)

description of the scheme and the manner of its execution;
estimate of costs and benefits;

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

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

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

Authority may—

- (i)
- (ii)
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- (iv)
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- (vi)

- (vil)

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acquire any land in the Specified Areas in accordance with the procedure laid down in Chapter IV;

undertake any works in the Specified Areas in pursuance of any scheme prepared under Section 13;

incur any expenditure;
procure plant, machinery, instruments and materials required for its use;

enter into and perform all such contracts 7[including but not limited to joint ventures, public private partnerships, concession agreements, etc.] as it may consider necessary;

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

issue interim development orders for areas for which a master-plan is under

preparation and restrict or prohibit by general or special order any change in the use of land and alteration in buildings, structures and installations;

cause removal of any works obstructing the execution of its schemes;

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

* * * * *

! Subs. by FA.O., 1975 Art. 2 and Table, for "Central Government".

2 Ins. by Act No. IX of 2023 by s.3.

3 Omitted by Islamabad Capital Territory Local Govt. Act,2015 (X of 2015), s.132.

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

(2) The repayment of the principal and the payment of interest due on the bonds and debentures issued by the Authority shall be guaranteed by the '[Federal Government]'.

17. Execution of schemes etc., through local bodies and agencies.— (1) The Authority may require a local body or agency within whose jurisdiction any particular area covered by a scheme lies—

- (a) to execute a scheme in consultation with the Authority;
- (b) to take over and maintain any of the works and services in that area;
- (c) to enforce regulations, on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme, or on the taking over or maintenance of any work, or the enforcement of regulations, under this section, shall be borne as may be agreed to between the Authority and the local body or agency, and, in the event of disagreement, as may be determined by the '[Federal Government]'.

2[18. Utilisation of building material. Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, no person shall, without the prior concurrence of the Authority, allocate, exploit or in any manner utilise, except for the purpose of his own personal use, such natural resources used as building material as the Authority may, by notification in the official Gazette, specify in this behalf.]

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

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

(b) in other cases, by the Authority 3[.]

ar * * * * *]

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

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

'Subs. by FA.O., 1975 Art.2 and Table, for “Central Government”.

2Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s. 5, for section 18.

3Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966) s. 6, for colon.

'Proviso omitted ibid.

CHAPTER IV ACQUISITION OF LAND

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

23. Entry upon land, preliminary survey, etc—(1) It shall be lawful for the Authority, and any member thereof, and for the Deputy Commissioner, and any such person as may either generally or specially be authorised by the Authority, in this behalf,

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

(b) to dig or bore into the subsoil;

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

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

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

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

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

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

(a) where the amount of compensation can be fixed by agreement, it shall be fixed in accordance with such agreement; and

(b) where no such agreement can be reached, it shall be fixed by the Deputy Commissioner.

25. Power to acquire land.— (1) Subject to the other provisions of this Ordinance, the rules made thereunder, and the directions of the Authority, the Deputy commissioner may, by order in writing, acquire any land for the purposes of this Ordinance.

(2) No order under sub-section (1) shall be issued except on the receipt by the Deputy Commissioner of specified directions from the Authority.

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

27. Notice to persons interested (1) The Deputy Commissioner shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the '[Federal Government]' intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Deputy Commissioner at a time and place therein mentioned (such time not being earlier than ten days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 23, and the Deputy Commissioner may require any such statement to be made in writing and signed by the party or his agent.

(3) The Deputy Commissioner shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested.

28. Enquiry and award of Deputy Commissioner.— On the day so fixed, or on any other day to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to the notice given under section 27, and into the market value of the land and into the respective interests of the persons claiming the compensation, and shall make an award of—

(i) the true area of the land;

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

(iii) | the apportionment of such compensation among all the persons known or believed to be interested in the land of whom, or of whose claims, he has information, whether or not they have appeared before him.

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

30. Matter to be considered in determining compensation (1) In determining the amount of compensation to be awarded for land acquired under this Ordinance the Deputy Commissioner shall take into consideration,

first, the market value of land ?[on the date of order of its acquisition made under section 25];

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

'Subs. by F.A.O. 1975, Art. 2 and Table, for "Central Government".

Added by Capital Development Authority (Amdt.) Act, 1999 (III of 1999), s.3.

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

fourthly, the damage, if any, sustained by the person interested at the time of taking possession of the land by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings; and;

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

(2) In addition to the value of the land determined as aforesaid, the Deputy Commissioner shall in every case award a sum of fifteen per centum on such value in consideration of the compulsory nature of the acquisition.

11(3) In relation to land acquired on or after the first day of January, 1996, in addition to the value of the land determined as aforesaid, the Deputy Commissioner shall in every case award a sum of twenty per centum on such value in consideration of the compulsory nature of the acquisition.]

31. Factors to be ignored in determining compensation. In determining compensation as aforesaid, the Deputy Commissioner shall not take into consideration—

first, the degree of urgency which has led to the acquisition;
secondly, any disinclination of the person interested to part with the land acquired;
thirdly, any damage sustained by him which, if caused by a private person would

not render such person liable to a suit;

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

fifthly, any increase likely to accrue to the value of the other land of the person interested from the use to which the land acquired will be put.

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

3[32A. Payment of additional compensation. When the amount of the compensation determined under section 29 and sub section (3) of section 30 is not paid or deposited with the Deputy Commissioner on or before taking possession of the land, the Deputy Commissioner shall, in addition to such compensation, pay additional compensation computed at the rate of eight per centum per annum on such compensation from the time of so taking the possession until it has been so paid or deposited.]

‘Added by Capital Development Authority (Amdt.) Act, 1999 (III of 1999), s.3.

Added by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s. 7.

Added by Capital Development Authority (Amdt.) Act, 1999 (III of 1999), s.4.

33. Acquisition in cases of urgency.— In cases of urgency, the Deputy Commissioner may immediately after the publication of the notice mentioned in sub section (1) of section 27 enter upon and taken possession of the land which shall thereupon vest absolutely in the [Authority] free from all encumbrances:

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

2[33A. Temporary occupation and use of land.— (1) Where the Authority requires any land for temporary occupation and use for the purposes of this Ordinance for a period not exceeding five years, it may direct the Deputy Commissioner to take possession of the land in accordance with the provisions of this section for such occupation and use.

(2) Upon a direction under sub-section (1) in respect of any land, the Deputy Commissioner shall give the persons having interest in the land notice in writing of his intention to take possession of the same for the purpose and period specified therein calling upon such persons to submit within ten days of the receipt of the notice written statements describing the nature and extent of their interest in such land.

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

- (a) the area and description of the land;
- (b) The purpose and the period for which the land is required;
- (c) The amount of compensation and shares therein of the persons, if there be more than one, entitled thereto; and
- (d) The mode of payment of compensation.

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

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

)

- (a) acquire the land under this Ordinance; or
- (b) assess the damage likely to be caused to the land and make an award for reasonable compensation for such damage; or
- (c) terminate the proceedings for taking possession of the land.

'Subs by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s.8.
Sections 33A and 33B ins. *ibid.*, s. 9.

33B. Payment of compensation to persons under disability and heirs of deceased persons.— (1) If any person entitled to the payment of any compensation under the Ordinance is a minor, or of unsound mind, or under some other legal disability to receive payment, the Deputy Commissioner may by order direct that the payment of such compensation shall be made to the person applying for it on behalf of the person entitled thereto, if the Deputy Commissioner, after making such enquiry as he may deem fit, is satisfied that the person so applying is the proper person to receive payment for the benefit of the person entitled to compensation.

(2) Where a person entitled to receive compensation under the Ordinance dies after the making of an award, the Deputy Commissioner may, to provide relief in suitable cases, on the application of the heirs or legal representatives of such person and after holding an enquiry into the title of the applicants, direct, that compensation shall be paid to the applicants on such terms and conditions as the Deputy Commissioner may deem fit to impose.

(3) Any payment made under sub-section (1) or sub-section (2) shall afford full indemnity to the Authority for the payment made but shall not affect the liability of the person who has received the payment to account therefore to the person lawfully entitled thereto.]

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

(a) require any person, by order in writing, to furnish such information in his possession relating to any land as may be specified in the order;

(b) enter or authorize any person to enter upon any land and take such action as may be necessary.

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

1136. Appeal and review.—(1) The Authority or any person aggrieved by an award or final order of the Deputy Commissioner may, within fifteen days of such award or order, appeal to the Commissioner.

(2) The Commissioner may, after giving the Authority and the persons affected by the award or order appealed against an opportunity of submitting any objection to the appeal and of being heard, pass such orders thereon as he may think fit.

(3) The Deputy Commissioner or the Commissioner, either of his own motion or on an application made in this behalf, at any time within five years from the date of an award or order made or passed by himself or by any of his predecessors in office, including an award or order made or passed before the commencement of the Capital Development Authority (Amendment) Act, 1966, may, after giving the parties concerned a notice and an opportunity of being heard, review the award or order and pass such order thereon as he may deem fit:

Provided that an order under this sub-section shall not, except in so far as it corrects an arithmetical, clerical or patent error or mistake in the award or order under review, enhance the amount of compensation awarded.

T Subs. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966) s. 10, for section 36.

(4) Any amount paid to any person which is found, for any reason including fraud or misrepresentation, not to be due or in excess of the amount he is entitled to under the award or order, as reviewed under sub-section (3), shall be recoverable by the Authority and the Deputy Commissioner shall call upon such person to refund it.

(5) Subject to the provision of sub-section (3), the order of the Commissioner passed on any appeal shall be final and shall not be called in question in any court.]

'136A. Deputy Commissioner and Commissioner to have powers of civil court, etc.—

(1) The Deputy Commissioner making any enquiry, or conducting any proceedings for an award under this Ordinance, or the Commissioner hearing an appeal or holding a review under section 36, shall have the same powers in respect of the following matters as are vested in a civil court, when trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908), namely—

(a) summoning and enforcing attendance of any person and examining him on oath or affirmation;

(b) requiring the discovery and production of any document;

(c) requisitioning any record from any court or office;

(d) issuing commissions for examination of witnesses, inspection of property or making any local investigations;

(e) appointing guardian ad litem or next friends;

(f) adding or substituting representatives of deceased parties to proceedings ;

(g) adding or dropping parties from pending proceedings ;

(h) restoration of cases dismissed for default ;

(i) consolidating and splitting up cases; and

Gj) any other matter connected with the holding of an inquiry or hearing of an appeal.

(2) The Deputy Commissioner or the Commissioner exercising powers under this Ordinance shall be deemed to be a court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898), and a proceeding before him shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).

36B. Fees on applications.— The Authority may prescribe fees on applications made to it.]

! Sections 36A and 36B ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966) s. 11.

CHAPTER V. ESTABLISHMENT

37. Appointment of officers and servants, etc— (1) The Authority may, from time to time, appoint such officers, servants, experts or consultants as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit:

Provided that salaried officers and servants whose remuneration exceeds two thousand and five hundred rupees per mensem shall not be appointed except with the previous approval in writing of the '[Federal Government]'.
[Federal Government]

(2) Subject to the proviso to sub-section (1), the Chairman may, in cases of urgency, appoint such officers, servants, experts or consultants and on such terms and conditions as he deems fit:

Provided that every appointment made under this sub-section shall be reported to the Authority without unreasonable delay.

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

39. Members, officers, experts—public servants— The Chairman, members, officers, servants, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

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

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

CHAPTER VI FINANCE

42. Capital Development Authority Fund.— (1) There shall be formed a fund to be known as the "Capital Development Authority Fund" which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with its functions under this Ordinance including the payment of salaries and other remuneration to the Chairman, members, officers, servants, experts, and consultants of the Authority.

! Subs. by FA.O., 1975 Art. 2 and Table, for "Central Government".

(2) To the credit of Capital Development Authority Fund shall be placed—

- (a) grants made by the '[Federal Government];
- (b) loans obtained from the '[Federal Government];
- (c) grants made by local bodies;

(d) sale proceeds of movable and immovable property and receipts for services rendered;

(e) loans obtained by the Authority with the special or general sanction of the '[Federal Government];

(f) foreign aid and loans obtained from the International Bank of Reconstruction and Development or from any other source outside Pakistan, with the sanction of, and on such terms as may be approved by, the '[Federal Government]; and

(g) all other sums receivable by the Authority.

43. Budget.— (1) In the month of February each year the Authority shall submit to the '[Federal Government] for approval a statement of the estimated receipts and expenditure in rupees in respect of the next financial year.

(2) In the manner prescribed by the '[Federal Government] the Authority shall also submit to the '[Federal Government] for approval a statement of the estimated receipts and expenditure in foreign exchange in respect of the next financial year.

(3) The Authority shall obtain specific sanction of the '[Federal Government] in respect of each individual scheme costing rupees twenty-five lacs or more to be financed out of the Capital Development Authority Fund.

44. Audit and account.—(1) The accounts of the Authority shall be audited by not less than two auditors holding certificates under section 144 of the Companies Act, 1913 (VII of 1913), who shall be appointed by the '[Federal Government], in consultation with the '[Auditor General] of Pakistan (hereinafter referred to as the Auditor-General) on such remuneration, to be paid by the Authority, as the '[Federal Government] may fix, and the Auditor-General shall have the power to give directions to the auditors in regard to the extent and method of their audit subject to the provisions of the Companies Act, and to prescribe the forms of accounts to be maintained by the Authority consistent with the requirements of this Ordinance.

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

'Subs. by FA.O., 1975 Art.2 and Table, for "Central Government".

*Subs. ibid., Art. 2 and Sch., for "Comptroller General".

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

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

(5) The '[Federal Government]' may at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Authority for the protection of the interests of the '[Federal Government]' and of the creditors of the Authority or upon the sufficiency of their procedure in auditing the affairs of the authority, and may at any time enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted or that any other examination be made by the auditor if in its opinion the public interest so requires.

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

45. Consultation with the Financial Advisor— Save as provided in the rules or regulations, the Financial Advisor shall be consulted on every proposal of expenditure.

CHAPTER VII PENALTY AND PROCEDURE

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

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

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

! Subs. by FA.O., 1975 Art. 2 and Table, for "Central Government".

2 Sections 46A to 46D ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966), s. 12.

46C. Attempts and abetments.— Whoever attempts to commit or abets the commission of an offence punishable under this Ordinance shall be deemed to have committed that offence.

46D. Summary trial of offences— Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may, if such Magistrate or Bench of Magistrates thinks fit, on application being made in this behalf by the prosecution, try any offence punishable under this Ordinance in accordance with the provisions contained in sections 262 to 265 of the said Code.]

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

CHAPTER VIII. MISCELLANEOUS

48. Submission of yearly reports and returns, etc——(1) The Authority shall submit to the '[Federal Government]', as soon as possible after the end of every financial year but before the last day of December next following, a report on the conduct of its affairs for that year.

(2) The '[Federal Government]' may, after giving sufficient notice to the Authority, require it to furnish the Government with—

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

(ii) | a report on any subject with which the Authority is concerned, or

(iii) | acopy of any document in the charge of the Authority; and the Authority shall comply with every such requisition.

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

2149A. Recovery of dues, etc—— Any sum due to the Authority from, or any sum wrongly paid to, any person under this Ordinance shall be recoverable as arrears of land revenue.

49B. Summary ejectment of unauthorised occupants— The Deputy Commissioner or any person authorized by him or the Authority in this behalf may, after giving fifteen days notice, summarily eject any person in unauthorised occupation of any land or property vested in the Authority and may, for such ejectment, use such force including police force as may be necessary.

' Subs. by FA.O., 1975 Art.2 and Table, for “Central Government”.

2Sections 49A to 49E ins. by the Capital Development Authority (Amdt.) Act, 1966 (22 of 1966) s. 13.

49C. Removal of building, etc., erected or used in contravention of this Ordinance—(1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Ordinance or of any rule, regulation or order made thereunder, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or so alter the building, structure or work, or to desist from using or to so use the land, as to be in accordance with the said provisions.

(2) If an order under sub-section (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force including police force as may be necessary and may also recover the cost therefor from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

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

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

'149F. Admissibility of document or entry as evidence—— A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of the Authority shall, if duly certified by the legal keeper thereof or other person authorized by the Authority in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.]

2[49G. Ordinance to override other laws. — The Provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force and such law shall, to the extent of any inconsistency , cease to have effect.]

50. Power to make rules. The *[Federal Government] may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance:

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

! Section 49F ins. by the Capital Development Authority (Amadt.) Act, 1968 (16 of 1968), s.2.
2 Ins. by Act. No IX of 2023 by s.4.

3 Subs. by FA.O., 1975 Art. 2 and Table, for “Central Government”.

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

52. Dissolution of Authority and transfer of its assets and liabilities to the ?[Federal Government] and other agency determined by that Government.— (1) The ?[Federal 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)

(b)

(d)

(e)

(i) all properties, funds and dues placed at the disposal of the Authority by the ?[Federal Government] ; and

(ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to the properties, funds and dues referred to in sub-clause (i), which, immediately before the said date, were held by or were realisable by the Authority shall vest in, and be realisable by, the 2[Federal Government] ;

all properties, funds and dues, other than those referred to in cause (a), which, immediately before the said date, were vested in or were realisable by the Authority shall vest in and be realisable by such agency as the *[Federal Government] may determine, and its decision thereon shall be final ;

all liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the [Federal Government] or such agency as the [Federal Government] determines under clause (b), as the case may be;

for the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realizing properties, funds and dues referred to in clause (a) and (b), the functions of the Authority under this Ordinance shall be discharged by the *[Federal Government] or by the agency determined by the *[Federal Government] under clauses (b) and (c), as the case may be; and

the agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys respectively received and expended by it under this Ordinance, as the ?[Federal Government] may prescribe.

THE SCHEDULE

[See section 2(p)]

LIMITS OF THE CAPITAL SITE

From Triangulation Point 5264 (near Village Nilan Bhotu), Map Ref.191698 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G-/1) north-east along the Rawalpindi tehsil boundary to spot height 4949 Map Ref. 223713 (Survey of Pakistan map, scale | in. to 1 mile, sheet 43 G/1); then south-east again along Rawalpindi tehsil boundary to the tehsil boundary and Nala junction at Map Ref. 227707 (Survey of Pakistan map, scale | in. to | mile, sheet No.33 G/1); from here south-east along the Nala to the junction in the Nala at Map Ref. 250701 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No.43 G/1). From this junction south-east across the range of hills and via Village Mangial (Map Ref. 268696) to Village Karlot Map Ref. 287693 (Survey of Pakistan map, scale | in. to | mile, sheet No.43 G/1). From Village Karlot south-east along the Nala to Nala and Kurang Nala junction and along Kurang Nala to junction of Kurang Nala and Murree Road near Village Chatter Parao at mile-stone 18 and 6 furlongs, Map Ref. 304685 (Survey of Pakistan map, scale | in. to 1 mile sheet No.43 G/1). From here due east across country to the Rawalpindi tehsil boundary at Map Ref. 310683 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/5) and south-east along the tehsil boundary to the junction of the tehsil boundary and Kurang Nala at Map Ref. 315676, then north-east along the Kurang Nala to the junction of the nala and tehsil boundary at Map Ref. 327678 (Survey of Pakistan map, scale 1 in. to | mile, sheet No.43 G/5). From this junction south-east across country via spot height 2954 Map Ref. 345664 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/S5) across the range south-east to spot height 2276 Map Ref. 358655 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/S5), located near Rawalpindi tehsil boundary then south-east along the Rawalpindi tehsil boundary to junction of boundary and Gumrah Kas at Map Ref. 369636 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/6). From this junction south-east across country to Village Sambli Tijal on the River Soan, Map Ref. 405615; then along River Soan and Rawalpindi tehsil boundary east up to Map Ref. 457595 (bend in the boundary) and south-west again along tehsil boundary to a point at Map Ref. 424541 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/6) 400 yards south of the Lehtrar Road. Then west along a line parallel to Lehtrar Road (400 yards south of the road) to a point on Malal Nala at Map Ref. 302523 (Survey of Pakistan map, scale | in. to 1 mile, sheet No. 43 G-/2). Then south-west along the Malal Kas to junction Malal Kas and River Kurang Map Ref. 225455 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/2). From here north- west along River Kurang to the junction of River Kurang and Nala at Map Ref. 172528 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 G/2); then north-west along this Nala via Village Sohan Map Ref. 166528 (Survey of Pakistan map, scale 1 in. to 1 mile, sheet No.43 G/2) to the junction of Nala and Muree Road near Milestone 6, map Ref. 154537 (Survey of Pakistan map, scale | in. to | mile, sheet No.43 G/2); from this junction south-west across country to the bend in Lei Nala (near village Narala) at Map Ref. 138530 (Survey of Pakistan map, scale | in. to | mile, sheet No.43 G/2). Then south-west along Lei Nala to junction of Lei Nala and Bedara wali Kas, Map Ref. 119510 (Survey of Pakistan map, scale 1 in. to | mile, sheet No.43 G/2). Then south along Leh Nala to a point map Ref. 117479 being junction of Leh Nala and a tributary (Survey of Pakistan map, scale | in. to 1 mile, sheet No. 43 G/2.) Then north-west and west to the source of this tributary near a point map Ref. 047477 (Survey of Pakistan map, scale | in. to | mile, sheet No.43 C/14); from this point north-west along the Kutcha road to the junction of this Kutcha road a and track at Map Ref. 044480 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43, C/14). From here, south-west across country to a point 100 yards west of G.T.Road, Map Ref. 040478 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 C/14); then north-west along a line parallel to the G. T. Road, and at a distance of 100 yards from it to Nicholson Monument at map. Ref. 884568 (Survey of Pakistan map, scale | in. to 1 mile, sheet No.43 C/14). Then east along the ridge of

Maragala Range via spot heights 2613, 2981, 3371 and 3338 to triangulation point height 3352 map Ref. 979604 on the boundary line of districts Hazara and Rawalpindi (Survey of Pakistan map, scale 1 in to 1 mile, sheet No.43 C/14). Then east along this boundary line back to the starting point triangulation height 5264.

LIMITS OF THE SPECIFIED AREAS

Starting from a point, map reference 534125 (sheet 43 F/8, 1 in. to 1 mile map of G.T.S.) nearly 2 miles North of Kohala on Azad Kashmir '[Pakistan] border running south along River Jhelum (boundary of Azad Kashmir and '[Pakistan] up to a point, Map, Ref. 641678 (sheet 43 G/9) being the junction of boundaries of Murree Tehsil, Kahuta Tehsil and Azad Kashmir. Then along the southern boundary of Murree Tehsil up to junction of Khad Nala and Murree Tehsil boundary Map Ref. 568699 (sheet 43 G/9). Then south-west along Khad Nala to a point Map Ref. 504608 (sheet 43 G/6) being the junction of Khad Nala and a Tributary. Then south-east along the tributary via Village Lehtrar Nala to Nala and track junction at map reference 518594 (sheet 43 G/6). Then along this track via village Marhiman south-west to the track and a nala junction at map reference 506571 (sheet 43 G/6). Then south-west along this Nala via Village Jambhiri and Pihar to this Nala and River Ling junction at map reference 463483 (sheet 43 G/6). From here south-west along River Ling to the junction of Rawalpindi Tehsil boundary and River Ling at map reference 369382 (sheet 43 G/6). Then along eastern, southern and western boundary of Rawalpindi Tehsil up to bend at map reference 910683 (sheet 43 C/13), about a mile south of Village Salargah. Then follow along River Harro north east up to a point map Ref. 168810 (sheet 43 G/1) near spot height 2518, which is the junction of River Harro and boundary line of Haripur and Abbottabad Tehsils of Hazara District. Then along southern boundary of Abbottabad Tehsil of Hazara District up to point map reference 253833 (sheet 43 G/1) at the intersection of Abbottabad Tehsil boundary and River Karral Harro; along River Karral Harro due north-east to point map reference 344933 (sheet 43 G/5) being junction of Karral, Harro and Samundar Katha near spot height 3730 and then along Samundar Katha. Stream up to point Map Ref. 381017 (sheet 43 F/8) on junction of Samundar Katha Stream and boundary line between Villages Tatrila and Nagribala of Tehsil Abbottabad. Then running along the boundary line between Villages Tatrila and Nagribala (near spot height 7799), Bagh and Nagribala, Bagnotar and Bara Gali, Namli Mira, Phalkot and Bakot and Mulia and Bakot including Villages Nagribala, Bara Gali, Namli Mira and Bakot back to the starting point map reference 534125 (sheet 43 F/8).

'Subs. By F. A. O., 1975 Art. 2 and Sch., for "West Pakistan".