

THE KAGHAN DEVELOPMENT AUTHORITY ACT, 2020

(KHYBER PAKHTUNKHWA ACT NO. XX OF 2020)

CONTENTS

PREAMBLE

SECTIONS

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER-II

RE-CONSTITUTION OF THE AUTHORITY

3. Re-constitution of the Authority.
- 4 Composition of the Authority.
Meetings of the Authority.

CHAPTER-III

POWERS AND FUNCTIONS

6. Powers and functions of the Authority.
7. Levy of taxes, fee, charges and delegation of powers.
8. Appointment of officers and other employees.
9. Constitution of the committees.

CHAPTER-IV

DIRECTOR GENERAL

10. Appointment and terms of office of Director General.

CHAPTER-V

PREPARATION AND EXECUTION OF SCHEMES.

11. Preparation of schemes.
12. Modification of schemes.
13. Power to give directions.

CHAPTER-VI

GENERAL

14. Direction by Government.
15. Borrowing money.

20.
21.
22.
23,

24.
25.
26.
27.
28.
29.
30.
31.
32.
33,
34,

35.
36.
37.
38.
39,
40.
41.

Power to levy betterment fee.

Assessment of betterment fee.

Property tax.

CHAPTER-VII

FINANCES, ACCOUNTS AND AUDIT

Authority fund.

Custody and investment of funds.

Budget and accounts.

Audit of Accounts.

Annual report.

CHAPTER-VIII

OFFENCES AND PENALTIES

Power to seal a building for violation of Act, rules or regulations.

Penalty for violation of construction or trespassing into sealed building.

Penalty for encroachment.

Penalty for illegal housing schemes.

Imposition of fine.

Violation of agreements.

Consequences of non-payment of fines.
Offences to be cognizable and non-bailable.
Application of the Code.

Appeals against the orders of the Authority.

Application on corporate bodies.

CHAPTER-IX

SUPPLEMENTAL PROVISION

Public servant.

Bar to proceedings.

Indemnity.

Power to make rules and regulations.

Act to override other laws.

Removal of difficulties.

Repeal and saving.

SCHEDULE-I

SCHEDULE-II

THE KAGHAN DEVELOPMENT AUTHORITY ACT, 2020

(KHYBER PAKHTUNKHWA ACT NO. XX OF 2020)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 4th March, 2020)

AN
ACT

to reconstitute and reorganize
the Kaghan Development Authority.

WHEREAS it is expedient to reconstitute and reorganize the Kaghan Development Authority for the development of Kaghan Valley and other areas of District Mansehra.

AND WHEREAS it is necessary to give autonomy to the Kaghan Development Authority for better management and development of Kaghan Valley and other areas of District Mansehra and to give due representation to private sector in the Kaghan Development Authority for achieving and maintaining high performance standards in the preparation and execution of schemes in the said areas;

AND WHEREAS Government wants to promote Tourism in Khyber Pakhtunkhwa and Particularly in District Mansehra for which Authority will give special focus.

It is hereby enacted as follows;

CHAPTER-I PRELIMINARY

1. Short title, extent and commencement.---(1) This Act may be called the Kaghan Development Authority Act, 2020.

(2) It shall extend to the Authority Area.

(3) It shall come into force at once.

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

(a) "Authority" means the Kaghan Development Authority, established under section 3 of this Act;

(b) "Authority area" means such areas of District Mansehra as and when notified by Government from time to time;

()

(d)

(e)

(f)

(g)

(h)

(i)

G)

(k)

)

(m)

(n)

(o)

(p)

(q)

“Authorized Officer” means an officer of the Authority, authorized under section 28 of this Act;

“Chairman” means the Chairman of the Authority;

“Director-General” means the Director General of the Authority;

“executive authority” means all administrative, financial and disciplinary powers of the Authority;

“Government” means the Government of the Khyber Pakhtunkhwa;

“Government Agency” includes-

(i) a division, department, bureau, section, commission, board, office, or unit of Government;

(ii) a local council; and

(iii) a development or any other public authority, trust, company or corporation owned or controlled by Government or a local council, as the case may be;

“land” means and includes earth, water and air above, below or on the surface and any improvements in the structure customarily regarded as land and benefit arising out of land and things attached to earth or permanently fastened to earth;

“littering” means all waste material, refuse, cans, bottles, garbage, trash, debris, dead animals or other discarded materials of every

kind and description which are hazardous to environment;

“local council” means a local council, constituted under the Khyber Pakhtunkhwa Local Government Act 2013, (Khyber Pakhtunkhwa Act No. XXVIII of 2013);

“member” means a member of the Authority and includes the Chairman;

“person” means and includes an individual, company, firm, cooperative society or association of individuals whether incorporated or not;

“prescribed” means prescribed by rules or regulations;

“regulations” mean regulations made under this Act;

“rules” mean rules made under this Act;

“scheme” means any construction or developmental work, which shall also include master planning, carried out within the territorial limits of the Authority; and

“tourism” means a collection of activities, services and industries which deliver a travel experience comprising transportation, accommodation, eating and drinking establishments, retail shops, entertainment business and other hospitality services, provided for individuals or groups, travelling away from home.

CHAPTER-II RE-CONSTITUTION OF THE AUTHORITY

3. Re-constitution of the Authority.---(1) As soon as may be, after the commencement of this Act, Government shall, by notification in the official Gazette, re-

constitute the Kaghan Development Authority, established under the Kaghan Development Authority Act, 1996 (Act No.VIII OF 1996), in accordance with section 4 of this Act and shall be known as the Kaghan Development Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers, subject to the provision of this Act, to acquire, hold and transfer property, both movable and immovable and may by its name sue or be sued.

(3) The head office of the Authority shall be in Mansehra; provided that the Authority may establish sub-offices within the Authority area for managing the affairs of the Authority.

4. Composition of the Authority.--(1) The Authority shall consist of eleven (11) members, to be appointed and notified by Government.

(2) The members shall include-

(a) six (6) members from private sector, one of whom shall be from tourism sector, with no conflict of interest;

(b) one (1) local Member of the Provincial Assembly of the Khyber Pakhtunkhwa, from Tehsil Balakot; and

(c) four (04) members from Government sector.

(3) The members from the private sector, at clause (a), may include persons having adequate experience, skills and knowledge in relation to the field of environment, town planning, forestry, business, community development, marketing, tourism, architecture, law, finance or civil engineering.

(4) The Chairman shall be elected from amongst the members of private sector, through voting from amongst themselves, who shall preside over the meetings of the Authority. In case of his absence, the Chairman may nominate any members from private sector, as acting Chairman or if he has not done so, the members present shall elect an acting Chairman from amongst themselves for that meeting.

(5) The term of office of private member shall be three years which may be extended for a further period of three years, unless he resigns earlier or removed from holding such office due to disqualification or ineligibility, as the case may be, under this Act.

(6) The membership of members from private sector shall cease and fall vacant if, he resigns, fails to attend three consecutive meetings without sufficient cause or for any other reasons which incapacitate to remain as member. Any such vacancy shall be filled within one month and the new member shall hold office for the remaining of the term of his predecessor.

(7) The private member shall not be paid for being member of the Board.

(8) No person shall be appointed or remain as a member of the Board, if he-

(a) is of unsound mind;

(b) has applied to be adjudicated as an insolvent and his application is pending;

(c) is an un-discharged insolvent;

(d) has been convicted by a Court of law for an offence involving moral turpitude;

(e) has been debarred from holding any office under any provisions of law for the time being in force; or

(f) has a financial interest in any scheme or a conflict of interest directly or indirectly subject to the approval of Government.

5. Meetings of the Authority.---(1) The meeting of the Authority shall be regulated in accordance with procedure as may be prescribed by regulations.

(2) Meetings of the Authority shall be held as and when required, but once at least in a quarter, at the time and place as the Chairman may determine.

(3) Presence of seven (07) members of the Authority shall constitute the quorum for a meeting; provided that such number shall include at least two official member.

(4) The decisions of the Authority shall be taken by the majority of the members present and, in case of a tie, the Chairman shall have a casting vote. All decisions of the Authority shall be reduced to writing together with a record of the discussions held in the meeting.

(5) The Authority may co-opt members belonging to the relevant expertise in relation to any matter under consideration of the Authority, who may take part in discussion, but shall not be entitled to vote for or against the matter under discussion.

(6) The business of the Authority shall be disposed of at its meetings or at the meetings of its committees, or by its Director General or officers or other functionaries of the Authority in such a manner as may be prescribed by regulations.

(7) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy or defect in the constitution of the Authority.

CHAPTER-HI

POWERS AND FUNCTIONS

6. Powers and functions of the Authority.---(1) Subject to the provisions of this

Act, the rules and the regulations, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act.

(2) The strategy for all development works and other measures shall be embedded in the objective of environmental up gradation, tourism development, housing

schemes and uplift of the local community.

(3) All acts of the Authority, whether executive or not, shall be expressed and taken in the name of the Authority and shall be authenticated by the Director General by affixation of his official seal.

(4) Without prejudice to the generality of the foregoing sub-section, the

Authority may-

(a)

(b)

()

(d)

(f)

(g)

(h)

prepare, manage and implement through line departments and any other Government Agency, feasible means, schemes of education, health, agriculture and industry, forest conservation and development, preservation of wildlife, promotion of tourism through better quality tourism service provision, facilitate private investment, conduct surveys and prepare a strategy to further strengthen existing tourism, develop new tourism products focusing on family, youth, students and corporate segments, develop tourism web portal to provide one step solution and facilitate tourists for getting up-dated information and booking of hotels, transport and tour packages, project touristic attraction through print and electronic media at the relevant place, collaborate with regional, national and international tourism firms by MoUs, improvement of water supply, land slide management, development of irrigation facilities, development of means of communication, construction and development of housing, sewerage, drainage, environmental improvement and = slum clearance or any other thing pertaining to the purposes of this Act;

acquire property both movable and immovable;

sell, lease, exchange, transfer, mortgage, put under lien or encumbrances, allot, hire, cancel, restore or otherwise dispose of or deal in any property vested in or entrusted to the Authority, in such a manner as may be prescribed;

undertake any works and incur any expenditure in performance of its function under this Act;

procure machinery, instruments or any other material required by it;

enter into contracts or any arrangement, including but not limited

to those for grant of license to any person for carry out the purpose of this Act;

cause studies, surveys, experiments, technical researches or contribute toward the cost of any such studies, surveys, experiments or technical researches made by any other agencies;

receive, enquire or investigate, and adjudicate on complaints and claims of alleged contraventions of the provisions of this Act and issue interim development orders for areas for which a scheme is under preparation and restrict or regulate by general or special order, any, change in the use of land and alteration in building structure and installations;

(i) cause removal of any works obstructing the execution of its schemes;

Gj) seek and obtain advice and assistance for the preparation of any scheme, or for the execution of scheme, from any Government Agency or person and such Agency or person shall give the advice and assistance, sought by the Authority to the best of ability, knowledge and judgment and the additional expenditure, if any, involved in giving such advice or assistance, shall be borne by the Authority;

(k) procure securities, collaterals, bonds or any other means of assurances from lessees;

() impose fine, levy of taxes and collect fees, charges etc as provided under this Act;

(m) — enforce and periodically revise urban designs and public safety and compliance with the master plans;

(n) recover all arrears of taxes, fees, charges, rents and other moneys, within the Authority area, claimable by it as arrears of land revenue;

(0) make policies, from time to time, for carrying out the purposes of this Act;

(p) order sealing, demolishing, removal of encroachments or repair of property for purposes of this Act and the rules and regulations;

(q) take action that is necessary, incidental or ancillary to enforce and give effect to the provision of this Act; and

(x) undertake any other function which Government may assign to it.

(5) The Authority shall declare emergency, for unforeseen events, caused by nature or man-made.

(6) The Authority, with the approval of Government, may, and if directed by the Government, shall, undertake the maintenance and regulation of schemes and other activities of a Government Agency as may be necessary and when a scheme or any activity is undertaken by the Authority, the assets and liabilities, connected therewith, shall also stand transferred to the Authority.

(7) The Authority, with the approval of Government, may, and if directed by Government, shall transfer any of its functions and powers to a Government Agencies on such terms and conditions as it may deem fit.

7. Levy of taxes, fee, charges and delegation of powers.---(1) Notwithstanding anything contained in any other law, for the time being in force, the Authority shall

collect fees for the services it provides, within the Authority areas. The Authority may collect such user charge, fee or tax as specified in Schedule-I, appended to this Act, in respect of services or facilities extended or made available by the Authority to the public, including fee or charges on account of conservancy, maintenance of public parks, green

belts and green areas or facilities within the said areas.

(2) The Authority may, subject to such conditions as it may impose, by general or special order, delegate to the Director General, any officer of the Authority or to a member of committee, so constituted by it, as the case may be, any of its powers, duties and functions under this Act, not being a power, duty or function delegated to it by Government.

(3) The Authority may, subject to such conditions as it may impose, by general or special order, contract out operational and management functions under clause (f) of sub-section (4) of section 6 of this Act to reputable firms and companies without contradiction to any other law or rules.

8. Appointment of officers and other employees.---(1) The Authority may, appoint such officers, advisors, experts, consultants and employees, as it considers

necessary for the efficient performance of its functions on such terms and conditions as may be prescribed by regulations which are not in contradiction with Government Policies.

(2) The Authority may associate with it, in such manner, on such terms and for such purpose as it may deem fit, any person whose assistance or advice it may require in carrying out its functions under this Act on temporary basis.

(3) The terms and conditions of service and other matters, relating to the employees of the Authority, not so prescribed, the Government rules, for the time being in force, shall be applicable to them.

(4) The Authority shall, within six months after the commencement of this Act, provide for service structure of the Authority's staff, including specification of posts to be filled as prescribed by rules and regulations.

9. Constitution of the committees.--- The Authority may constitute financial committee, technical committee, tourism committee, departmental accounts committee, departmental procurement committee, consultant committee, auction committee, departmental working approval committee, dispute resolution committee, advisory committee or any other committee, as it may deem necessary, to be chaired by the Director General, for carrying out of the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.

CHAPTER-IV DIRECTOR GENERAL

10. Appointment and terms of office of Director General.---(1) Government may post a Government Officer, of BPS-19 and above, to act as the Director General of the

Authority for a term not exceeding three (03) years.

(2) Notwithstanding the expiration of three (03) years terms of his office, the Director General shall continue to hold office till his successor enters upon his office; provided that the process of new Director General shall be completed within six (06) months from the date on which term of three (03) years of the existing Director General is expired.

(3) In addition to the functions and powers, assigned or delegated under this Act or as may be prescribed by regulations, the Director General shall-

- (a) be whole time officer of the Authority;
- (b) act as the Principal Accounting Officer of the Authority;
- (c) be responsible for day to day management and affairs of the Authority; and
- (d) delegate all or any of his powers under this Act or as may prescribed by regulations, except powers so delegated to him by the Authority.

(4) The Director General shall also act as a Secretary of the Authority and while acting so, he shall be responsible for:-

- (a) convening of meetings of the Authority with the approval of the Chairman;
- (b) the preparation of the agenda, working paper and its distribution among the members of Authority;
- (c) recording the minutes of each meeting of the Authority and its prompt dispatch to the concerned quarters;
- (d) implement decisions of the Authority;
- (e) proper follow-up of all matters connected with or arising out of a meeting of the Authority; and
- (f) monitoring and evaluation of the progress of projects approved by the Authority.

(5) Without prejudice to the generality of the foregoing, the Director General shall function under the supervision and control of the Authority in policy matters and other mega projects except administrative or operational matters in general and that of emergent nature, shall undertake responsibilities and duties as are entrusted to him by the Authority for purposes of this Act.

(6) Save as otherwise provided the executive authority shall vest in, and be exercised by the Director General.

CHAPTER-V PREPARATION AND EXECUTION OF SCHEMES.

11. Preparation of schemes.---(1) The Authority shall, in such form and in such manner as may be determined by it in accordance with the provisions of this Act, prepare schemes for the Authority area or any part thereof.

(2) All constructions, whether for residential or commercial purposes, in the Authority area, shall strictly be in accordance with the scheme and the land use plan prepared by the Authority in accordance with the regulations made under this Act.

(3) No excavation or land leveling in the Authority area shall be made, except with the prior approval of the Authority.

(4) No construction, of whatsoever nature, shall be permissible in the Authority area, contrary to the West Pakistan Highway Act, 1959 (W.P. Ord. No. XXXII of 1959).

12. Modification of schemes.---A scheme, prepared under this Act, may, at any time, be amended, modified or abandoned by the Authority in such form and in such manner as may be decided by it.

13. Power to give directions.---(1) The Authority may, with the prior approval of Government, require a Government Agency, within whose jurisdiction any particular locality or aspect of development 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 provide any amenity in relation to the land which, in the opinion of the Authority, ought to be provided; and

(d) to enforce regulation on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme or 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 Government Agency or, in the event of disagreement, as may be determined by Government.

CHAPTER-VI GENERAL

14. Direction by Government.---The Authority shall, in discharging its functions under this Act, be guided by such directions as Government may give to it from time to time.

15. Borrowing money.---(1) The Authority shall be deemed to be a local authority for the purpose of borrowing money and any scheme or project, prepared or undertaken by the Authority, shall be deemed to be work as defined in section 2 of Local Authorities Loans Act, 1914 (Act IX of 1914):

Provided that no local or foreign loan shall be obtained by the Authority without prior sanction of Government.

(2) The Authority may, in consultation with Government, borrow money or raise funds by issuing bonds or debentures or otherwise for carrying out the purposes of this Act. A scheme or project for which money is borrowed or funds raised shall be self-financing according to profit or loss as may be approved by Government.

16. Power to levy betterment fee.---(1) Where, as a consequence of any scheme having been executed by the Authority, the value of any property in that locality, in the

opinion of the Authority, has increased, the Authority may, with the previous consent of Government, levy upon the owner of the property or any person having an interest therein, a betterment fee in respect of the increase in value of the property resulting from the execution of the scheme.

(2) Any Government Agency, when so directed by Government, shall surrender its local organization along with its assets and liabilities including funds or funding source, to the administrative control of the Authority and the Authority shall, in that event, take over the organization and ensure its efficient performance.

17. Assessment of betterment fee.---(1) Where it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment fee, the execution of the scheme shall be deemed to have been completed and shall thereafter give notice in writing to the owner of the property of any person having an interest therein that the Authority proposes to assess the amount of betterment fee in respect of the property mentioned in section 16.

(2) The betterment fee, under section 16 or under sub-section (1) of this section, shall be assessed and be payable in the manner as may be prescribed by regulations.

18. Property tax.---Notwithstanding anything contained in any other law for the time being in force, the Authority shall, with prior approval of Government, have the power to levy property tax on all commercial buildings within the Authority area.

CHAPTER-VII FINANCES, ACCOUNTS AND AUDIT

19. Authority fund.---(1) There shall be a Fund to be known as the "Authority's fund" which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act, including the payment of salaries and other remunerations to the officers, servants, experts, consultants, other operational and developmental expenditures of the Authority.

(2) The Authority's fund shall consist of-

(a) grants made by Government;

(b) all moneys received from the Federal Government or any international Agency by way of grants, loans, advance or otherwise;

(c) all fines, fees, rates and charges, received by the Authority, under this Act; and

(d) all moneys received by the Authority from the disposal of lands, building and other properties movable or immovable.

20. Custody and investment of funds.---The Authority may keep money in any treasury, sub-treasury or a bank in such manner as may be prescribed.

21. Budget _and_ accounts.---(1) The Director General shall submit annual budget estimates and working plan to the Authority and the Authority may modify the said estimate or working plan to the extent of Authority's fund or grants as it may consider necessary.

(2) The accounts of the receipts and expenditure of the Authority shall be kept in such form as may be prescribed by regulations.

(3) The Director General shall within three (03) months of the close of each financial year, place before the Authority, the annual statement of accounts and audited balance sheet, profit and loss account and the auditor's report, for the preceding financial year.

22. Audit of Accounts---The accounts of the Authority shall be audited by the Auditor General of Pakistan.

23. Annual report.---The Director General, with the approval of Authority, shall, within four (04) months after the end of every financial year, submit an annual report to the Government on the conduct of its affairs for that year.

CHAPTER-VIII OFFENCES AND PENALTIES

24. Power to seal_a building for violation of Act, rules or regulations.---The Director General or any other officer of the Authority, dully authorized by him, shall

have the powers to seal any building, structure or any other premises for violation of any provision of this Act, rules, regulations or bye-laws as the case may.

25. Penalty for violation of construction or trespassing into sealed_building.---

Any person, who enters into or opens a sealed building or initiates construction in a sealed building, within the Authority area, shall be liable to imprisonment for a term not exceeding three (03) years or fine up to rupees one and half million or both.

26. Penalty for encroachment.---Whoever, encroaches or violates the approved site plan or structure of a building in the Authority area, shall be liable to imprisonment for a term not exceeding three (03) years or fine which may extend to rupees two million or with both:

Provided that no person shall be subject to fine or proceedings under this section unless he is given notice and has failed to remedy the violation within fifteen (15) days thereof at his own costs and expense.

27. Penalty for illegal housing schemes.---Whoever, develops a housing scheme or society within the Authority area, without prior written approval of the competent authority, shall be liable to imprisonment for a term which may extend to three (03) years or a fine up to rupees five (05) million.

28. Imposition of fine.---(1) Where an officer of the Authority, authorized by the Director General, is of the opinion that any person, who contravenes the provisions of this Act, relating to offences as specified in Schedule-II, appended to this Act, shall charge the accused by issuing a ticket, in the form as specified by Authority, for payment of fine, as provided in Schedule-II.

(2) In case of failure, to pay the fine under sub-section (1), within the specified time, and any other kind of outstanding dues, shall be recovered as arrears of land revenue under the Land Revenue Act, 1967 (Act No. XVII of 1967).

29. Violation of agreements.---(1) Whoever violates or contravenes the terms and conditions of lease agreement, rent agreement, sale agreement or any other agreement or default in payment of lease money, levy, taxes etc, or makes other violations of rules and regulations, for the first and second time, shall be liable to fine which may extend to rupees one (01) million, and its repetition for thrice within the time as specified in the notice to be served shall lead to the cancellation of agreement.

30. Consequences of non-payment of fines.---(1) Subject to the provision of section 25, 26 and 27 of this Act, the amount of fine shall be paid to the Authority within thirty

(30) days and in the event of delay in payment of such fine, such person shall be liable to a further fine of rupees five (05) thousand per day for each day defaulted:

Provided that no fine shall be imposed until an opportunity of hearing is given to the person liable to such fine.

(2) In the event a fine, imposed under this Act, remains unpaid for a period exceeding sixty (60) days, the Authority shall, without the need for further notice or proceedings, seal the property, demolish, remove or repair the encroachment, as the case may be.

31. Offences to be cognizable and non-bailable.---The offences, mentioned under this Act shall be cognizable and non-bailable and the Court of District and Session Judge shall take cognizance of offences punishable under this Act upon a complaint by an officer of the Authority, authorized by the Director General, in this behalf.

32. Application of the Code.---The provisions of the Code of Criminal Procedure, 1898 (V of 1898), relating to the trial of offences, shall mutatis mutandis be applicable to the offences under sections 25, 26 and 27 of this Act.

33. Appeals against the orders of the Authority.---(1) Any person, aggrieved by any decision or order of the Director-General or any other officer of the Authority, acting

under delegated powers of the Authority, may, within thirty days (30) of the receipt of such decision or order, appeal to the Chief Secretary Khyber Pakhtunkhwa, to decide the issue within a period of one hundred and twenty (120) days.

(2) The Chief Secretary, Khyber Pakhtunkhwa, while exercising the powers under sub-section (1), may delegate his power to an officer, not below the rank of BPS-20, to hear and dispose of the appeal.

(3) The decision made in the appeal shall be final.

34. Application on corporate bodies.---Where the person guilty of an offence under this Act is a company or other body corporate, every director, manager or other officer responsible for the conduct of affairs of such person shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed guilty of the offence.

CHAPTER-IX SUPPLEMENTAL PROVISION

35. Public servant.---Every person acting or purporting to act under this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

36. Bar to proceedings.----No suit, prosecution or other legal proceedings shall lie against the Authority or any of its employees for anything in good faith done or intended to be done under this Act.

37. Indemnity.---The Chairman, members, Director General, Directors, Advisors, consultants, officers, officials or employees of the Authority shall be indemnified by the Authority against all losses and expenses incurred by him in the discharge of his duties, except as are caused by his own willful act, negligence or default.

38. Power to make rules and regulations.--- (1) The Government may, make rules for carrying out the purposes of this Act.

(2) Subject to this Act or the rules, the Authority may make regulations for carrying out the purposes of this Act.

39. Act to override other laws.---The provisions of this Act shall have overriding effect, notwithstanding anything to the contrary contained in any other law for the time being in force.

40. Removal of _difficulties.---If any difficulty arises in giving effect to the provisions of this Act, the Authority may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

41. Repeal _and_saving.---(1) The Kaghan Development Authority Act, 1996 (Khyber Pakhtunkhwa Act No. VIII of 1996) is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made and notification or orders issued under the aforesaid Act, shall, so far as it is not inconsistent with the provision of this Act, be deemed to have been done; taken, made or issued under this Act and shall have effect accordingly.

(3) Any documents referring to the repealed Act shall be construed as referring to the corresponding provisions of this Act.

SCHEDULE-I

[see section 7(1)]

LIST OF APPLICABLE TAXES

=

Local tax on services.

Fee on sale of animals in cattle markets.

Market Fees.

Tax on the transfer of immovable property in the Authority area.

na) BL w| n

Fee for fairs, agricultural shows, cattle fairs, industrial exhibitions, tournaments and other public events organized by the Authority.

Fee for licenses or permits and penalties or fines for violations.

Fee on cinemas, dramatical, theatrical shows and tickets thereof, and other entertainment.

Collection charges prescribed for recovery of any tax on behalf of the Government.

Rent for land, buildings, equipment, machinery and vehicles owned by the Authority.

Fee for specific services rendered by the Authority.

Fee on advertisements, other than on radio and television.

Fee for approval of building plans, housing schemes, erection and re-erection of buildings.

Charges for development, betterment, improvement and maintenance of works of public utility like lighting of public places, drainage, conservancy and water supply by the Authority.

NOC fee for any adventure, sports activity and installation of seasonal cabins for running small business on tourist's spots within the Authority area.

Conservancy fee from hotels, restaurants and shops.

License fee from shops, restaurants and commercial tents.

Entry Fee or Toll on roads, bridges, routes, ferries maintained by the Authority.

Oriya n| uN

Installation of Communication Towers within the Authority area.

SCHEDULE-II

[see sections 2(c) and 28(1)]

OFFENCES WHERE TICKET CAN BE ISSUED

| Offence Amount of fine | Through

01 | Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public or Officer

overcharging

02 | (a) Fixing of wooden khokhas, and temporary shops or extension thereof on footpaths or beyond the street line

Officer

(b) Plying of handcarts for the sale of goods without permission.

03 | Failure by the owner or occupier of any land to clear away and remove any vegetation declared by authority to be injurious to health or offensive to neighborhoods. Officer

04 | Slaughtering of animals for the sale of meat at a place other than the place set a part for the purpose. Officer

05 | Without the permission of the Authority causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to commercial flow, or drain or to be put upon any street, or public place, or into irrigation channel or any sewer or drain b. Rs. 4,000/- not set apart for the purpose. for others

06 | Keeping or maintaining any cattle in any part of the prohibited area or failure to remove the cattle from the prohibited area within the specified time when an order to this effect has been made. Officer

07 | Keeping ferocious dogs or other animals in residential areas or taking such animals to public places or the areas specified by the authority, without leash or chain and without being muzzled or to set at large any animal or dog infected with rabies or any other infectious disease. Officer

08 | Obstructing or tampering with any road, street drain or payment. Officer

09 | Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or Officer

sewerage system.

10 | Without previous sanction of the Authority laying out a_| Rs. 7,000/- Authorized drain or altering any drain in as street or road; Officer connecting any house drain with a drain in a public street; and drawing off; diverting or taking any water.

11 | Excavation of earth, stone or any other material within Rs. 10,000/- Authorized such distance of the residential area as specified by the Officer Authority.

12 | Burying or burning a dead body at a place which is not a | Rs. 3,000/- Authorized public or registered burial or burning place, except with Officer the sanction of the authority.

13 | Picketing, parking animals or collecting carts or Rs. 2,000/- Authorized vehicles on any street, using an street as a halting place Officer for vehicle or animals or a place for encampment without permission of the Authority.

14 | (a) Throwing or placing any refuse, litter or garbage on | Rs. 5,000/- Authorized

any street, or in any place, not provided or appointed Officer for the purpose by a Authority;

(b) Failure to provide for disposal of litter or garbage inside or outside a hotel / shop etc. by its owner;

(c) Failure to provide for disposal of litter or garbage inside or outside a shop by its owner;

(d) Failure to maintain clean premises of the area in front of a hotel, shop, office or factory up to the public street or road serving this facility.

15 | Watering cattle or animals, or bating or washing at or Rs. 1,500/- Authorized near a well or other source of drinking water for the Officer public.

16 | Steeping hemp, jute or any other plant in or near a pond | Rs. 3,000/- Authorized or any other excavation within such distance of the Officer residential area as may be specified by the Authority.

17 | Failure to provide, close, remove, alter, repair, clean, Rs. 10,000/- for | Authorized disinfect or put n proper order any latrine, urinal drain, | commercial Officer cesspool or other receptacle for filth, water or refuse by | concerns an owner if a house, shop, office, industry or premises. | Rs. 2,000/-

18 | Failure to clean the premises, houses, shops and Rs. 2,000/- Authorized cultivated lands of the plastic bags and other non- Officer perishable materials.

19 | Damaging or polluting physical environment, inside or | Upto Rs. Authorized outside private or public premises, in a manner to 2,0000/- for Officer

endanger public health.

public premises

Rs. 10000/- for

private premises

20 | Failure by the owner or occupier of any land to cut or Rs. 1,500/- Authorized
trim the hedges growing thereon which overhang any Officer
well, tank or other source from which water is derived
for public use.

21 | Failure by the owner or occupier of any land or building | Rs. 3,000/- Authorized
to clean, repair, cover, fill up or drain off any private Officer
well, tank or other source of water supply, which is
declared under this Act to be injurious to health or
offensive to the neighborhood.

22 | Failure to stop leakages of water pipes, faucets and Rs. 5,000/- Authorized
sanitary fittings resulting in dirty water pools affecting Officer
physical environment and breeding of mosquitoes.

23 | Failure of an owner or occupier of any building or land | Rs. 3,000/- Authorized
to put up and keep in good condition troughs and pipes Officer
for receiving or carrying water or sullage water.

24 | (a) Fixing or allowing the fixing of any bill, notice, play | Rs. 1,000/- Authorized
card, poster or other paper or means of Officer
advertisement against or upon any private or public
building or place other than the places fixed for the
purpose by authority.

(b) Exhibiting any obscene advertisement.

25 | Loud playing of music or radio, beating of drum or tom- | Rs. 3,000/- Authorized
tom, blowing a horn or beating or sounding any brass or Officer
other instruments or utensils in contravention of any
general or special prohibition issued by the authority or
a hospital or an educational institution.

26 | Loud shouting in abusive language causing distress to Rs. 3,000/- Authorized
the inhabitants of the neighborhood or village or any Officer
other public place.

27 | Using or allowing the use for human habitation of a Rs. 10,000/- Authorized
building declared by authority to be unfit for human Officer
habitation.

28 | Failure to lime-wash or repair a building, if so required | Rs. 5,000/- Authorized
by Authority. Officer

29 | Begging importunately for alms by exposing any Rs. 2,000/- Authorized
deformity or disease or any offensive sore or wound to Officer
solicit charity.

30 | Causing or permitting to be caused by any owner or Rs. 3,000/- Authorized
keeper of an animal who through neglect or otherwise Officer

damage any land or crop or produce of land, or any
public road, by allowing such animal to trespass
thereon.

31 | Kite flying in contravention of any general or specific Rs. 1,500/- Authorized prohibition issued by Authority. Officer

32 | Keeping pigeon or other birds in a manner causing Rs. 5,000/- Authorized danger to air traffic. Officer

33 | Digging of public land without the permission in writing | Rs. 10,000/- Authorized of Authority. Officer

34 | Contravention of prohibition or direction of the Rs. 1,500/- Authorized Authority issued under the Act. Officer

35 | Non-disposal of building materials/ debris. Rs. 25,000/- Authorized Officer

36 | Construction of illegal speed breaker on public roads / Rs. 20,000/- Authorized streets. Officer

37 | Illegal installations or alteration the water supply line Upto Authorized Rs. 500000/- Officer

38 | Sewerage, Sanitation & other violations Rs. 1,0000/- Authorized upto Officer

1 million