

THE INFRASTRUCTURE DEVELOPMENT AUTHORITY OF

THE PUNJAB ACT 2016

(IV of 2016)

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[see section 2(l) & 19]

TEXT

'THE INFRASTRUCTURE DEVELOPMENT AUTHORITY OF THE PUNJAB ACT 2016

(IV of 2016)

[6 February 2016]

An

Act

to provide for founding Infrastructure Development Authority of the Punjab.

It is necessary to establish Infrastructure Development Authority of the Punjab for planning, designing, construction and maintenance of infrastructure in the Punjab in line with the best international practices to cope with the futuristic development needs; and, for the purpose, hiring of international and local consultants and contractors for execution, management, operation and maintenance thereof; and, for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Infrastructure Development Authority of the Punjab Act 2016.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) "Authority" means the Infrastructure Development Authority of the Punjab established under the Act;

(b) "Chairperson" means the Chairperson of the Authority;

(c) "Government" means Government of the Punjab;

(d) "infrastructure" includes public buildings or civil structures, roads and related or incidental facilities;

(e) "local government" means a local government as defined in the Punjab Local Government Act 2013 (XVIII of 2013) or in any other law for the time being in force;

(f) "member" means a member of the Authority and includes the Chairperson;

(g) "person" includes an individual, company, firm, institution, Government agency, co-operative society or association of individuals whether incorporated or not;

(h) "prescribed" means prescribed by the rules or regulations;

(i) "regulations" means the regulations framed under the Act;

'This Act was passed by the Provincial Assembly of the Punjab on 3 February 2016; assented to by the Governor of the Punjab on 5 February 2016; and, was published in the Punjab Gazette (Extraordinary), dated: 5 February 2016, pp. 3707-3716.

(j) "road" includes expressways, highways, motorways, public roads, cart-ways which are designed or intended for, or used by the general public for the passage of vehicles, and includes:

(i) culverts, bridges and works of every description built on, under or across any road;

(ii) adjacent berms and side drains within the boundaries of any road;

(iii) | land included within the right of way of the road; and

(iv) | fences, posts and trees on any road;

(k) "rules" means the rules made under the Act; and

(l) "scheduled offence" means an offence set out in the Schedule of this Act.

3. The Authority. (1) The Government may, by notification in the official Gazette, establish an Authority to be known as Infrastructure Development Authority of the Punjab for carrying out the purposes of this Act.

(2) | The Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into contracts, acquire or dispose of property, and may, by the said name, sue or be sued.

(3) |The headquarters of the Authority shall be at such place as the Government may, by notification, determine.

4. Composition of the Authority— (1) The Authority shall consist of the following:

(a) Minister for Communication & Works, Punjab; Chairperson

(b) Chairman, Planning and Development Board Vice Chairperson of the Government;

(c) three members of the Provincial Assembly of Members the Punjab including at least one female member of the Assembly;

(d) at least two members from amongst the Members Mayors of the Metropolitan/Municipal Corporation, Chairmen of Municipal Committees or District Councils;

(e) Secretary (Implementation & Coordination) to Member the Government, Services and General Administration Department or his nominee not below the rank of an Additional Secretary;

(f) Secretary to the Government, Communication and Works Department or his nominee not Member below the rank of an Additional Secretary;

(g) Secretary to the Government, Finance Member

Department or his nominee not below the

rank of an Additional Secretary;

(h) Secretary to the Government, Housing, Urban Member Development and Public Health Engineering Department or his nominee not below the rank of an Additional Secretary;

(i) Secretary to the Government, Agriculture Member Department or his nominee not below the rank of an Additional Secretary;

(j) Secretary to the Government, Irrigation Member Department or his nominee not below the rank of an Additional Secretary;

(k) Secretary to the Government, Local Member Government and Community Development Department or his nominee not below the rank of an Additional Secretary;

(l) Secretary to the Government, Transport Member Department or his nominee not below the rank of an Additional Secretary;

(m) two Divisional Commissioners; Members

(n) four technical experts; and Members

(o) Chief Executive Officer of the Authority. Members/Secretary

(2) | The Government shall appoint members of the Authority, other than the ex-officio members, for each term of two years.

(3) | A member, other than an ex-officio member, shall not be appointed as a member of the Authority for more than two consecutive terms.

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

(5) Seven members of the Authority shall constitute the quorum for a meeting of the Authority.

(6) — The Authority shall meet at least once in three months.

(7) | A meeting of the Authority shall be held on such date and time as the Chairperson may determine.

(8) | The agenda of a meeting shall be approved by the Chairperson.

(9) | The Chairperson and, in his absence, the Vice Chairperson shall preside a meeting of the Authority and in the absence of both, the meeting shall be presided by the member of the Authority nominated for the purpose by the Chairperson.

5. Disqualification of the members.— No person shall be appointed or continue as a member who:

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

(b)
(c)
(d)

is or, at any time, has been adjudicated as an insolvent; or
is found to be a lunatic or of unsound mind; or

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
Government.

6. Functions of the Authority.— (1) The Authority may perform such functions and
exercise such powers as are necessary for carrying out the purposes of this Act.

(2)

(a)

(b)

(c)
(d)

(e)

(f)

(g)

(h)

(i)

(k)
(l)

(m)
(n)

Without prejudice to the generality of subsection (1), the Authority may:

plan, promote, organize, re-organize and implement programmes for
construction, development, operations, repairs, rehabilitation, security and
maintenance of the infrastructure;

prepare asset management schemes regarding the property under its
management;

prepare the annual budget of the Authority;

advise the Government on matters relating to infrastructure
development;

acquire or dispose of property or any interest in the property with the

approval of the Government;

cause studies, surveys, consultancies, experiments or technical researches to be made and contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other agency for the furtherance of the objectives of the Act;

raise funds through borrowing, investments, leasing of assets or any other means in the prescribed manner and with the approval of the Government;

prepare the annual report of the Authority and approve it for submission to the Government;

develop commercial sites along the roads and on the property vesting in it;

enter into and perform such contracts with local and international

organizations as may be necessary for carrying out the purposes of the Act;

subject to the approval of the Government, levy, collect or cause to be collected tolls on the use of the infrastructure of the Authority;

license facilities on the infrastructure or land vesting in the Authority on such terms as it deems fit;

determine a building line between structures and the roads;

define permissible uses of the infrastructure developed or owned by the Authority;

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(v)

(w)

(x)

(y)

(2)

(3)

establish different directorates and wings and delegate such powers to the directorates and wings as are necessary for the efficient and effective performance of its functions under the Act;

disseminate and create awareness about the use of infrastructure; develop and maintain green areas including parks along the roads;

collaborate with the Government, the local government or any other public or private sector agency for improvement of services and environment;

advise and assist the Government in implementation of axle load management and road safety regime in coordination with the local government and other concerned authorities;

undertake any work specified in '[section 7] of the Act;

procure plant, machinery, instruments and materials required for its use. including development and management of quarries;

award contracts for projects or schemes to be undertaken through public financing or through public private partnership;

enter into partnership with national and international development agencies, organizations or companies;

organise road shows or seminars to attract national and international investors, consultants and contractors for infrastructure and road development works;

develop enforcement of traffic movement mechanisms on_ roads in coordination with the Government and the local governments; and

perform such other functions as the Government may assign to achieve the objectives of this Act.

A person, without prior approval in writing of the Authority, shall not

make any excavation or raise any sort of construction or create any obstruction on the land inside the building line.

7. Projects and schemes.— (1) The Authority shall prepare projects and schemes for the construction, development, rehabilitation, improvement, execution, operation and maintenance of the infrastructure.

(2)

The Authority may frame a project, scheme or programme for any of the

following matters:

(a)

(b)

(c)

construction, rehabilitation widening, improvement, operation and maintenance of roads or structures;

planning, designing, construction, monitoring and maintenance of infrastructure projects or schemes of Government buildings or structures;

research and development in the field of roads and infrastructure development and quality assurance;

'Substituted for the expression "section 5" by the Infrastructure Development Authority of the Punjab (Amendment) Act 2016 (XLIV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 October 2016, pp. 2445-2446, s.2.

(d) training of the employees of the Authority;

(e) welfare of the employees of the Authority; and

(f) any other matter relating to the functions of the Authority under this Act.

(3) | The Authority may:

(a) consider and approve a project or scheme having cost estimates upto the prescribed financial limit; and

(b) consider and recommend to the Government for approval, a scheme or project having cost estimates beyond the prescribed financial limits.

8. Committees.— The Authority may constitute one or more committees or sub-committees consisting of the members of the Authority, the employees of the Authority and such other persons as it may deem fit and assign functions to each such committee or sub-committee.

9. Chief Executive Officer— (1) The Government shall appoint the Chief Executive Officer of the Authority.

(2) |The Chief Executive Officer shall exercise such powers and perform such functions as the Authority may assign or delegate.

(3) | The Chief Executive Officer shall have such qualifications, experience and age and other requirements, shall receive such salary and allowances, and be subject to such conditions of service as may be prescribed and until so prescribed as the Government, on the recommendations of the Authority, may determine.

(4) | The Chief Executive Officer may approve a project of emergent nature, maintenance, rehabilitation and construction affecting traffic movement and safety of structures of not more than one hundred million rupees or may recommend for approval of a proposal, scheme or project exceeding one hundred million rupees to the Authority.

(5) The Authority may empower the Chief Executive Officer to re-appropriate funds from one project to another on the basis of progress of the projects.

10. Appointments.— (1) The Authority may appoint such employees, experts or consultants and other staff in such manner and on such terms and conditions as may be prescribed by regulations, and until so prescribed, as the Authority may determine.

(2) Subject to the terms and conditions of appointment, the Authority may, at any time, terminate the services of an employee by serving thirty days' prior notice or on payment of thirty days salary in lieu of the notice.

11. Appointment by transfer.— (1) The Government may, on the request of the Authority, transfer the services of an employee to the Authority on the terms and conditions which shall not be less favourable than those admissible to him immediately before his transfer to the Authority.

(2) | An employee transferred under subsection (1) shall continue to be the employee of the Government, liable to be transferred back to the Government

unless, with the consent of the employee and approval of the Government, he is

absorbed in the service of the Authority in such manner and on such terms and conditions as may be prescribed and until so prescribed as the Authority may determine.

12. Fund.— (1) There shall be a Fund to be known as the Punjab Infrastructure Development Fund to be administered and controlled by the Authority.

(2) | The Fund shall consist of:

(a) funds provided by the Government;

(b) loans or grants by the Government or the Federal Government;

(c) loans or funds obtained by the Authority under this Act;

(d) grants and loans negotiated and raised, or otherwise obtained, by the Authority under this Act;

(e) income from toll, fee, charges, rentals and fines collected by the Authority and from the lease or sale of property;

(f) funds raised by issuance of infrastructure bonds or securities with the approval of the Government; and

(g) | any other sums received by the Authority.

(3) | The Authority shall meet all its expenses from the Fund.

13. Bank accounts.—The Authority shall open and maintain its accounts at such scheduled banks as may be prescribed and until so prescribed as the Authority may determine.

14. Budget and accounts.— (1) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure, and its assets and liabilities in such form and manner as may be prescribed.

(2) | After the conclusion of a financial year, the Authority shall, in the manner prescribed, cause to be prepared for the financial year statements of account of the Authority which shall include a balance sheet and an account of income and expenditure.

(3) No expenditure for which provision has not been made in the approved budget shall be incurred without prior approval of the Authority.

(4) | The Authority may delegate powers to Chief Executive Officer to administer and incur expenditure in matters of urgent nature subject to such conditions as the Authority may determine.

15. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) |The Government, in addition to the audit under subsection (1), shall cause the accounts of the Authority annually audited by a Chartered Accountant or a firm of Chartered Accountants.

(3) | The auditor appointed under subsection (2) shall:

(a) be provided such access to the books, accounts and other documents as may be considered necessary for the audit of accounts; and

(b) authenticate balance sheet, income and expenditure statement of the Authority before issuance.

(4) The auditor shall submit the annual or any special audit report to the Authority, and the Authority shall take appropriate remedial or other action in the light of the audit report.

16. Enforcement.— (1) The Authority shall devise and implement enforcement plans regarding the observance of the rules, regulations and directions issued by the Authority in relation to the construction, rehabilitation, development, operation, repairs, management and maintenance of the infrastructure; and, may pass appropriate orders in that regard.

(2) | The Authority shall appoint officers for the implementation of the enforcement plans in such manner as may be prescribed.

(3) The officers appointed under subsection (2) shall exercise such powers, in such manner and to such extent as may be prescribed.

17. | Power to enter.— (1) Subject to any rules or regulations, an officer authorized by the Authority may, whenever it is necessary for purposes of this Act and at all reasonable times, enter upon any land or premises, and:

(a) make inspection, survey, measurement, valuation or enquiry;
(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

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

(f) do such other acts or things as may be prescribed.

(2) | A person shall not enter any boundary or any enclosed court or garden attached to a dwelling-house except with the consent of the occupant and for obtaining such consent, at least twenty-four hours' notice in writing of his intention to do so, has been given to the occupant.

18. Powers of seizure.— (1) An officer authorized by the Authority may seize any vehicle, apparatus or other thing which appears to the officer to be used in contravention of this Act, the rules or the regulations.

(2) The officer shall prepare a statement describing the vehicle, apparatus or other thing seized and shall deliver a copy of the statement to the person from whom it is seized or, if such person is not present, send the copy to him by mail.

(3) | A person claiming back anything seized under subsection (1), may apply to the Authority or the Court and the Authority or the Court may confirm such seizure, wholly or in part, or may order that it be restored to the claimant.

(4) If the Court confirms the seizure of the vehicle, apparatus or other thing, it shall stand forfeited to the Authority.

19. Scheduled offence.— An officer authorized by the Authority may, in the prescribed manner, impose fine mentioned in the last column of the Schedule on a person who is found guilty of an offence mentioned in the second column thereof.

20. Punishment for residuary offences A person who contravenes any provision of this Act, the rules or the regulations or commits a scheduled offence shall, if no other penalty is provided for such contravention or commission, be punished with imprisonment for a term which may extend to six months but which shall not be less than seven days and fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.

21. Damage to property and disobedience of orders.— (1) A person who wilfully causes damage, or allows damage to be caused to any property which vests in, or managed by, the Authority, or which is to be acquired by the Authority, or unlawfully converts it to his own or any other person's use, shall be punished with imprisonment for a term which may extend to one year but which shall not be less than fifteen days and fine which may extend to two hundred thousand rupees but which shall not be less than thirty thousand rupees.

(2) Notwithstanding anything contained in subsection (1), the person who is guilty of an offence under that subsection shall make good the damage to the satisfaction of the Authority at his cost and if he fails to do so, the Authority shall determine the cost involved in the restoration of the damage and the said person shall pay the amount so determined within the time specified by the Authority.

(3) | A person who, without lawful excuse fails or refuses to comply with any direction or order issued by the Authority under this Act, shall be guilty of an offence punishable under section 20.

(4) A person who attempts to commit or abets the commission of an offence punishable under this Act, shall be deemed to have committed that offence.

22. | Cognizance of offence.—No Court shall take cognizance of an offence under this Act except on a complaint in writing made by or on behalf of the Authority.

23. Summary trial— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898) but subject to subsection (3), the Court shall summarily try an offence punishable under this Act and impose punishment of imprisonment for a term not exceeding six months or fine not exceeding one hundred thousand rupees.

(2) | The Court shall conduct the summary trial of an offence under the Act under Chapter XXII of the Code of Criminal Procedure, 1898 (V of 1898) relating to the summary trials.

(3) If the Court is of opinion that the nature of the offence does not justify summary trial, it may conduct proceedings under Chapter XX of the Code of Criminal Procedure 1898 (V of 1898).

(4) — An offence punishable under the Act shall be tried by a Magistrate of the first class.

24. Compounding of offence.— (1) Subject to subsection (2), an officer of the Authority specifically authorized in this behalf by the Authority may, at any stage,

compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than twenty five thousand rupees.

(2) The offences under the Act shall not be compoundable if the accused had been previously convicted under the Act or his previous offence had been compounded by the officer authorized by the Authority.

25. Appeals.— Any person aggrieved by any order passed by the Authority under this Act, rules or regulations, may, within fifteen days from the date of communication of the order, prefer an appeal to such authority as the Government may, by notification, determine.

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

27. Delegation of powers.— The Authority may, with or without conditions, delegate to the Chairperson, Vice Chairperson, Chief Executive Officer, a committee or member or employee of the Authority any of its functions except the following functions:

(a) to frame regulations;

(b) to approve the annual budget of the Authority;

(c) to appoint a committee or sub-committee of the Authority;

(d) to approve policies and guidelines of the Authority;

(e) to approve annual report of the Authority; and

(f) to consider audit report of the Authority.

28. Transfer of rights and liabilities— (1) The Government and _ local governments or any other authority or agency may, for purposes of this Act, transfer any assets, rights and liabilities in relation to the infrastructure to the Authority on such terms and conditions as are mutually agreed.

(2) Subject to such condition as the Authority may approve, the Government may assign a contract made in relation to the infrastructure to the Authority and the Authority shall be deemed to be the successor of the Government for purposes of such contract.

29. Authentication of instruments of Authority. All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Chief Executive Officer or any other employee of the Authority authorized by the Authority.

30. Recovery of dues.— (1) If a person fails to pay any amount due to the Authority, an employee of the Authority authorized by the Authority shall recover the amount due from the person as an arrear of land revenue under the Punjab Land Revenue Act, 1967 (XVII of 1967).

(2) The fine imposed or the fee charged under this Act, the rules or the regulations shall be deposited in, and shall form part of, the Infrastructure Development Fund.

31. Land acquisition.— The acquisition of any land or any interest in land by the Authority under this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894).

32. Powers to eject unauthorized occupants.— The Authority may, in the manner prescribed, summarily eject any unauthorized occupant of any part of the infrastructure or a proposed project site thereof and remove any structure thereon, and to use such force, including police force, as may be necessary for the purpose and to recover the cost thereof from such unauthorized occupant.

33. | Annual report.— (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual report.

(2) | The Annual report shall consist of:

(a) the statement of accounts and audit reports of the Authority;

(b) | a comprehensive statement of the work and activities of the Authority during the preceding financial year and its proposed projects and schemes; and

(c) such other matters as may be prescribed or as the Authority may consider appropriate.

(3) | The Government shall, within three months of the receipt of the annual report from the Authority, cause it to be laid in Provincial Assembly of the Punjab.

34. | Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Authority, any member, officer, consultant and other employee of the Authority, in respect of anything caused or done or intended to be caused or done in good faith under this Act.

35. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

36. Regulations.—Subject to this Act and the rules, the Authority may frame regulations for giving effect to the provisions of this Act.

37. Removal of difficulties.— If any difficulty arises in giving effect to any provision of this Act, the Government may, within one year, make such order, not inconsistent with the Act, as may be necessary for the removal of such difficulty.

[38. Repeal. The Punjab Highways Authority Act, 1989 (V of 1989) is hereby repealed.]

39. Repeal-***** + * *]

¹Substituted by the Infrastructure Development Authority of the Punjab (Amendment) Act 2016 (XLIV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 October 2016, pp. 2445-2446, s.3.

²Omitted by the Infrastructure Development Authority of the Punjab (Amendment) Act 2016 (XLIV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 October 2016, pp. 2445-2446, s.4.

SCHEDULE

[see section 2(l)& 19]

Code Amount of Fine in

Offence

No. rupees

1. Unauthorized fixing of Khokha (kiosk), or Five thousand temporary shop or extension thereof on footpaths or on right-of-way of the roads under the control of Authority.
2. Unauthorized plying of a handcart or donkey-cart Five thousand for the sale of goods on footpaths or on right-of-way of roads under the control of Authority.
3. Causing or knowingly or negligently allowing the i. Five thousand in contents of any sink, sewer or cesspool or any case of commercial other offensive matter to flow, or drain to be put concerns; and upon the roads under the control of Authority, . without permission in writing of the Authority. " one Mousand for
4. Keeping or maintaining any cattle, without One thousand permission in writing of the Authority, in any part of the roads under the control of Authority or failure to remove the cattle from the said roads within the specified time.
5. Obstructing or tampering with the roads under Two thousand the control of Authority, drain, electrical system or pavement of roads of the said Authority.
6. Obstructing or tampering with any main pipe, Two thousand meter or any apparatus or appliance for the sewerage system pertaining to roads under the control of Authority.
7. Without the previous sanction of the Authority: Two thousand
 - a. laying out a drain or altering any drain along the roads under the control of Authority; or
 - b. connecting any house drain with a drain along the roads under the control of Authority.

Excavation, without the permission in writing of the Authority, of earth, stone or any other material within such distance of the roads under the control of Authority, as may be notified by the Authority.

Two thousand

Throwing or placing any refuse, litter or garbage within right-of-way on the roads under the control of Authority.

One thousand

10.

Failure to provide for disposal of litter or garbage inside or outside a shop at the roads under the control of Authority.

One thousand

11.

Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting road structure of the roads under the control of Authority.

Two thousand

12.

Exhibiting, without the previous approval in writing of the Authority, any advertisement in any manner, including flex, cloth banner and paper poster, on or along the roads under the control of Authority.

Two thousand