

THE CHOLISTAN DEVELOPMENT AUTHORITY ACT, 1976

(XIV of 1976)

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'THE CHOLISTAN DEVELOPMENT AUTHORITY ACT, 1976
(XIV of 1976)
[21 July, 1976]

An
Act
to provide for the establishment of Cholistan Development Authority.

Preamble.- WHEREAS it is expedient to establish an authority for the speedy development and better administration of Cholistan area of Bahawalpur Division; It is hereby enacted as follows:—

CHAPTER-I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Cholistan Development Authority Act, 1976.

(2) It shall extend to such area as may be notified as Cholistan Area by the Government.

(3) It shall come into force at once.

2. Alterations of boundaries.— The boundaries of the Cholistan area may, from time to time, be altered by the Government through a notification in the official Gazette.

3. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) “Authority” means the Cholistan Development Authority established under this Act;

(b) | “Chairman” means Chairman of the Authority;

(c) “Government” means Government of the Punjab;

(d) “Managing Director” means the Managing Director of the Authority;

(e) | “Member” means a member of the Authority;

(f) “Prescribed” means prescribed by rules;

(g) “Specified” means specified by Government through written instructions; and

(h) “Rules” means Rules made under this Act.

(2) | Words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the same meanings as are assigned to them in the Punjab Land Revenue Act, 1967.

'This Act was passed by the Punjab Assembly on 7th July, 1976; assented to by the Governor of the Punjab on 21st July, 1976; and, published in the Punjab Gazette (Extraordinary), dated 21st July, 1976, pages 2034-2043.

CHAPTER-II ORGANIZATION

4. Establishment and Constitution— (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the official Gazette, establish an Authority known as the Cholistan Development Authority.

(2) | The Authority shall be a body corporate, and shall have the power to acquire and hold property, both movable and immovable, and shall have perpetual succession and a common seal and shall by the said name, sue and be sued.

(3) | The Authority shall consist of:-

(a) a Minister nominated by the Government; Chairman.

(b) three members '[including at least one female Members. member]' from Bahawalpur Division from amongst the Members of the Provincial Assembly of the Punjab or the National Assembly of Pakistan nominated by the Government;

(c) | Commissioner, Bahawalpur Division, Bahawalpur; Member.

(d) | Chief Engineer, Irrigation, Bahawalpur; Member.

(e) | Superintending Engineer, Public Health Member. Engineering, Bahawalpur '[:]

(f) Conservator of Forests, Bahawalpur; Member.

(g) | Deputy Director Agriculture, Bahawalpur; Member.

(h) | Deputy Director, Livestock, Poultry and Dairy Member.

Development, Bahawalpur;

(i) Deputy Registrar, Co-operative Societies, Member. Bahawalpur; and

(j) Managing Director. Member/Secretary.

(4) Government may by notification in the official Gazette alter, increase or decrease the membership of the Authority.

(5) | The Members, except the ex-officio Members shall, unless replaced earlier, hold office for a term of three years; provided that a Member ceasing to hold a public office by virtue of which he became such Member shall cease to be such member, notwithstanding that the terms of three years has not expired.

(6) A Chairman or a Member of the Authority may resign his office by submitting his resignation to the Government in writing.

(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.

'4A. Vice Chairman.— (1) The Government may designate a member as Vice-

Chairman of the Authority.

?Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014); and published in the Gazette of Punjab (Extraordinary), dated 12.3.2014, pages 2733-2744, s.2 and Schedule, at serial No.18.

SNot printed in the original Gazette.

(2) | The Vice Chairman shall perform such functions including the functions of the Managing Director as may be assigned to him by the Authority.]

5. Managing Director.— (1) The Managing Director shall be the principal executive officer of the Authority and shall be appointed by the Government for a period of three years on such terms and conditions as may be determined by Government.

(2) | The Managing Director shall,—

(a) be a whole time officer of the Authority;

(b) perform such duties as may be specified by Government or assigned to him by the Authority;

(c) on the expiry of his term of office continue to perform his functions for a period of three months or till such time as his successor is appointed whichever is earlier; and

(d) receive such salary and allowances as Government may determine.

(3) Nothing contained in this section shall preclude the Government from extending the term of office of a Managing Director for such period as Government may determine.

6. Disqualifications of Managing Director.— No person shall be appointed as Managing Director or shall continue to be a Managing Director who—

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

(b) is or at any time has been, disqualified for appointment in or dismissed from Government service;

(c) is, or at any time has been adjudged insolvent;

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

(e) is not a citizen of Pakistan; or

(f) is less than twenty-five years of age.

7. Removal of Managing Director.— The Government may, by order in writing, remove the Managing Director, after giving him an opportunity of being heard, if he—

(a) refuses or fails to discharge, or becomes, in the opinion of Government, incapable of discharging his responsibilities under this Act;

(b) has, in the opinion of Government, abused his position as Managing Director; or

(c) has knowingly acquired or continues to hold, without the permission in writing of the Government, directly or indirectly or through a partner any share or interest in any contract or employment or in any property,

“Added by the Cholistan Development Authority (Amendment) Act, 1999 (XIII of 1999); and published in the Punjab Gazette

(Extraordinary), dated 4.9.1999, s.2.

which, in his knowledge, is likely to benefit or has benefitted him as a result of the operations of the Authority.

8. Resignation by or removal of Managing Director.— Notwithstanding anything contained in this Act, the Managing Director may at any time before the expiry of his term and upon three months' notice, resign his office or upon similar notice, be removed from office by Government without assigning any reason:

Provided that Government may upon payment of three months' salary and allowances in lieu of notice, remove a Managing Director immediately without assigning any reason.

9. Delegation of powers.— The Authority may, by general or special order, delegate to the Chairman, Managing Director, or any member, officer, advisor, expert or employee of the Authority any of its powers, duties or functions under this Act or the rules made thereunder, subject to such conditions as it may deem fit to impose.

10. Appointment of Officers.— The Authority may subject to such general or special orders, as Government may give, appoint such officers, advisors, experts or employees as may be necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

11. Headquarters of Authority.— The Headquarters of the Authority shall be at Bahawalpur.

CHAPTER III CONDUCT OF BUSINESS

12. Financial and Technical Advisory Committees.- The Authority may constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act.

13. Meetings of the Authority.— (1) The meetings of the Authority shall be held at such time and place as may be prescribed:

Provided that until rules are made in this behalf, meetings shall be held at such time and place as may be determined by the Chairman.

(2) [The quorum required for transacting business at a meeting of the Authority shall be four, one of whom shall be an official member.

(3) Each member, including the Chairman, shall have one vote but in the event of equality of votes, the Chairman shall have a casting vote.

[(4) The meetings of the Authority shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both by the member of the Authority elected for the purpose by the members present from amongst themselves.]

(5) No act or proceedings of the Authority shall be invalid on the ground of the existence of any vacancy in or any defect in the Constitution of the Authority.

(6) The Authority shall frame its own regulations for the conduct of its meetings.

14. Power to associate other persons for assistance or advice. The Authority may associate with itself any person in such manner and on such terms and for such period as it may deem fit, whose assistance or advice it may require in carrying out the provisions of this Act:

Provided that a person so associated shall not have right to vote and shall not be deemed to be a member of the Authority for that or any other purpose.

CHAPTER IV FUNCTIONS POWERS AND DUTIES

15. Functions of the Authority.— Subject to such conditions as Government may impose, the Authority may undertake any work for any or all of the functions detailed below within the area of its jurisdiction:—

- (a) The breaking up, cultivation, afforestation, plantation, levelling or reclamation of land for the production of foodgrains, fruits, vegetables, fuel, fodder and the like;
- (b) — to grant land to any person on any conditions it thinks fit and for that purpose issue statement or statements of conditions;
- (c) to provide means of irrigation and irrigational channels;
- (d) to provide drinking water for human beings and cattle;
- (e) — to carry out extensive ground water survey to locate sweet water points and sinking of wells and tubewells for drinking and irrigation purposes;
- (f) the lay out and construction of town, mandi villages and settlements and their up-keep and development;
- (g) the provision of communication facilities, including the lay out and construction of roads and parks;
- (h) the provision of livestock farms, dairy farms, sheep farms, poultry farms, etc;
- (i) the installation and management, maintenance and encouragement of public utility undertakings, rural trades and crafts, industries and works;
- (j) arrangements for the marketing of the produce and goods of Cholistan;
- (k) the conservation, preservation of forests, and multiplication of wildlife and natural vegetation and exploration of mineral resources of Cholistan;
- (l) the doing of all acts intending to promote health, well-being and prosperity of the residents of Cholistan and their cattle heads and establishment of civil and veterinary hospitals and dispensaries;
- (m) the establishment of educational institutions;

(n) to advance loans to the owners, occupiers or tenants of land upon such terms and conditions as may be prescribed for breaking up and cultivation of lands, construction of water courses, sinking of wells and

(0)

(P)

(q)

(r)

tube-wells, purchase of cattle and of agricultural implements and machinery, seed and fodder, cattle farm, construction of houses, godowns, and cattle sheds, and for any other purpose allied or subsidiary to agriculture;

to promote and undertake, research on any matter;

for any other matter with the permission of the Government, which may be deemed necessary to promote the general efficiency of a scheme and for the development of Cholistan;

to promote tourism and establishment of national parks, holiday camps and villages; and

to undertake any function which the Government may assign to it:

‘[Provided that while undertaking the function under clause (f) provision of a plot or plots for construction of mosque shall be made.]

16. Powers and duties of the Authority.— (1) Subject to such rules as may be framed, the Authority shall have full powers to:—

(a)

(b)

(2)

incur expenditure for the improvement and development of Cholistan or for completion of any work, plan or scheme undertaken by it within the area of its jurisdiction; and

enter into and perform all such contracts as it may consider necessary or expedient for carrying out the purposes of this Act.

Without prejudice to the generality of the powers conferred under sub-

section (1) the Authority may:—

(i)

(ii)

(iii)

with approval of the Government grant land to any person on any condition it thinks fit and for this purpose issue a statement or statements of conditions on which the Authority is willing to grant land;

resume land so granted or in the alternative impose a penalty not exceeding Rs.500 when the tenant is proved to the satisfaction of the authority to have committed a breach of the conditions of the tenancy and shall resume the grant so made if the land forming the subject matter of the grant was acquired by mis-representation or concealment of true facts:

Provided that before an order under clause (ii) above is made, the tenant shall be given an opportunity to appear and state his objections:

Provided further that, in a case of resumption, the tenant shall be liable to restore possession of the land to the Authority forthwith, but shall be entitled to compensation for the standing crops and for improvements made by him during his tenancy;

take over and manage Government lands or any other assets and property on such terms and conditions as may be agreed upon between the Authority and the Government;

Added by the Cholistan Development Authority (Amendment) Ordinance, 1984 (XXXVI of 1984); and published in the Punjab Gazette (Extraordinary), dated 17.12.1984, s.2.

(iv) | regulate by general or special order,—

(a) the use of land and restrict or prohibit the carrying of any offensive or any unwholesome trade or construction of buildings or structures;

(b) clearing or breaking up of land for cultivation;

(c) the quarrying of stone and the burning of lime and charcoal;

(d) the admission, herding, parking and retention of cattle;

(e) _ the filling, girdling, looping, taping, or burning of any tree, timber or vegetable; and

(f) the kindling, keeping or carrying of any fire;

(v) undertake breaking up of land, planting of trees, construction of water courses and do all necessary acts to bring land vested in it under cultivation;

(vi) advance money either by way of grant or by way of loan or partly by way of grant and partly by way of loan to any person in furtherance of the objects of this Act on such terms and conditions as may be prescribed.

17. Transfer of functions to different Government Departments or autonomous Bodies.— The Authority may, with the approval of the Government, and if the Government so directs, shall, transfer any of its functions and powers to a department of the Government or a semi-autonomous Body or Local Authority on such terms and conditions as may be determined by Government or agreed upon between the parties.

18. Development work is to be undertaken with the approval of Authority.—

(1) No person or a Government agency shall continue or undertake any development work or a project within the area of jurisdiction of the Authority without the prior approval of the Authority in writing.

(2) | The Authority may require a Government agency or a local body to undertake any specific developmental activity in the Cholistan area and to ensure its compliance failing which the Authority may take over such developmental activity and complete itself.

CHAPTER V FINANCES

19. Cholistan Development Authority Fund.— (1) There shall be formed a fund to be known as “Cholistan Development Authority Fund” which shall vest in the Authority and shall be utilised by the Authority in connection with its functions under this Act including the payment of salaries and other remunerations to the members, officers, servants, experts and consultants of the Authority.

(2) The fund shall consist of—

(a) Grants-in-aid by the Government or Federal Government;

(b) Loans obtained from the Government;

(c) Loans obtained from the State Bank of Pakistan or scheduled banks with special or general sanction of the Government;

(d) Foreign Aid/loans obtained through the Government;

(e) All fees, rates and service charges received by the Authority;

(f) Sale proceeds by way of disposal of assets of the Authority; and

(g) All other money received by the Authority.

20. Power to borrow money.— The Authority shall be deemed to be a Local Authority under the Local Authorities Loans Act, 1914 (Act No. IX of 1914) for the purpose of borrowing money, under the said Act:

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

21. Power to levy tax.— The Authority may with the previous sanction of the Government levy rates, fees and charges to cover expenses for the development of the Cholistan area.

22. | Budget.— The Authority shall prepare its annual budget estimates and submit the same to the Provincial Government by the end of the month of March preceding the commencement of the financial year to which it relates and the Provincial Government may modify the said estimates to such extent as it may consider necessary.

23. Audit.— (1) The Auditor General shall audit and check the accounts of the Authority at least once in a financial year.

(2) |The Authority shall produce all accounts, books and connected documents and furnish such explanation and information as the Auditor-General or any officer authorised by him in this behalf, may require at the time of audit.

(3) | The statement of audit and accounts referred to in sub-section (1) shall be furnished to Government by the Authority within a period of 3 months after close of financial year.

24. Accounts.— The Authority shall maintain complete and accurate accounts and other relevant record including the Annual Statement of accounts showing profit and loss accounts in such form as be prescribed.

CHAPTER VI MISCELLANEOUS

25. Power to make rules.— (1) Subject to the provisions of this Act, Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for any of the matters incidental, consequential or supplemental to the provisions of this Act.

26. Reports.— (1) The Authority shall furnish to Government such reports as may be required by Government from time to time.

(2) | The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date, as may be prescribed.

27. Members and officials to be public servants.— The Chairman, Members, Managing Director, other officers, advisers, experts and employees of the Authority shall when acting or purporting to act in pursuance of any provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860.

28. Bar of jurisdiction.— No court shall have jurisdiction in any matter relating to the disposal of estate land vesting in the Authority and no order passed or proceedings taken by the Authority, its Chairman or any officer shall be called into question in any court of Law.

29. Recovery of sums due to Authority.— All sums due to the Authority under an award of an arbitrator or decree of any court in respect of a contract or a tenancy granted under the provisions of this Act or rules and conditions made or issued thereunder and all sums due on account of penalty shall be recoverable as arrears of Land Revenue.

30. Immunity of the Authority and its employees.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, the Managing Director, any Member, Officer, Expert, Consultant or employee of the Authority, in respect of any thing done or intended to be done in good faith under this Act.