

THE NEW MURREE DEVELOPMENT AUTHORITY ACT 2004

(I of 2004)

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TEXT

'THE NEW MURREE DEVELOPMENT AUTHORITY ACT 2004

(II of 2004)

[24" January, 2004]

An

Act

to provide for establishment of the New Murree Development Authority.

Preamble.— Whereas it is expedient in the public interest to establish an Authority for planning, development and management of a new township near Murree and to make provisions for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the New Murree Development Authority Act 2004.

(2) It shall extend to such areas as may be notified by the Government from time to time.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the subject or context otherwise requires,—

(a) "Agency" means any department or organization of Federal, Provincial or Local Government;

(b) "area" means the area notified by the Government from time to time to be the area of the Authority;

(c) "Authority" means the New Murree Development Authority established under this Act;

(d) "Government" means the Government of the Punjab; and

(e) "prescribed" means prescribed by rules made under this Act.

3. Establishment of New Murree Development Authority.- (1) As soon as may be after the commencement of this Act, the Government shall establish an Authority to be called the New Murree Development Authority for carrying out the purposes of this Act.

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

4. Constitution of the Authority.- (1) The Authority shall consist of—

'This Act was passed by the Punjab Assembly on 7 January 2004; assented to by the Governor of the Punjab on 14 January 2004; and, was published in the Punjab Gazette (Extraordinary), dated 24 January 2004, pages 153-158.

(a) Chief Minister of the Punjab; Chairman

(ex-officio)

(b) Chief Secretary, Government of the Punjab; Member (ex-officio)

(c) Chairman, Planning & Development Department, Member (ex-Government of the Punjab; officio)

(d) Secretary, Finance Department, Government of the | Member (ex-Punjab; officio)

l(d-a) Secretary, Tourism & Resort Development Member (ex-Department officio)

(e) Secretary, Housing, Urban Development & Public Member (ex-Health Engineering Department, Government of the ___ officio) Punjab;

(f) Secretary, Forestry , Wildlife [and] Fisheries '[* **] | Member (ex-Department, Government of the Punjab; officio)

(g) Secretary, communication & Works Department. Member (ex-Government of the Punjab; Officio)

(h) Secretary, Environment Protection Department, Member (ex-Government of the Punjab; Officio)

(i) Director General, New Murree Development Member/Secr Authority; and etary (ex-

Officio)

(j) five non-official members to be appointed by the Member

Government.

(2) |The members except the ex-officio members shall hold office for a period of three years unless removed earlier by the Government at any time without assigning any reason.

(3) Any non-official member may, by a notice in writing under his hand addressed to the Chairman, resign from his office.

(4) No act or proceedings of the Authority shall become invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Authority.

(5) Meetings of the Authority shall be held at such times and places and in such manner as the Chairman may decide.

5. Headquarters of Authority.- Until the Authority establishes its headquarters within the area, its headquarters may be situated at any place in the province of the

Punjab as may be notified by the Government.

?Inserted by the New Murree Development Authority (Amendment) Act 2004 (XVII of 2004); and published in the Punjab Gazette (Extraordinary), dated 17.6.2004, pages 1579-1580, s.2.

3Substituted *ibid.*, for the “comma”.

“The words “& Tourism” omitted *ibid.*

6. Director General.- (1) The Director General shall be appointed by the Government on such terms and conditions as may be determined by the Government.

(2) | The Director General shall be the Chief Executive of the Authority and shall-

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

(b) perform such duties as may be assigned to him and exercise such powers as may be delegated to him by the Authority; and

(c) hold office for a term of three years unless removed earlier by the Government without assigning any reason.

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

7. Functions and powers of the Authority.— (1) Subject to the provisions of this Act and any rules framed thereunder, the Authority may exercise such powers and take such measures as may be necessary for the planning, development and management of the area.

(2) | Without prejudice to the generality of the foregoing sub-section, the Authority may—

(a) prepare and approve a master plan and a phased master programme for the development of the area;

(b) pursuant to the approved master plan and the master programme, call upon any Agency to prepare or execute, in consultation with the Authority, a scheme or schemes in respect of matters ordinarily dealt with by such Agency and approval of such schemes shall vest with the Authority;

(c) establish, maintain and periodically revise as necessary, planning, controls and building regulations for the area in order—

(i) to provide appropriate urban design and protect public safety;
and

(ii) to ensure compliance with the Master Plan after its preparation;
and

(d) take all steps and measures necessary for the implementation and enforcement of the provisions of clauses (a) to (c) above.

(3) | Without restricting the scope of sub-sections (1) and (2), the Authority may-

(a) prepare, implement and enforce schemes for environmental improvements, housing, water supply, sewerage, drainage, solid waste disposal, transportation and traffic, health and education facilities and preservation of objects or places of historical, archaeological, scientific,

cultural and recreational importance;

(b) take any steps or adopt any measures for the beautification of the area;

- (c) acquire property, both moveable and immoveable;
 - (d) _ sell, lease, exchange or otherwise dispose of any property vested in it;
 - (e) undertake any works and incur any expenditure;
 - (f) procure machinery, instruments or any other material required by it;
 - (g) enter into contracts;
 - (h) cause studies, surveys, experiments or technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches;
 - (i) 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 structures and installations;
 - (j) cause removal of any works obstructing the execution of its schemes;
 - (k) construct, maintain, upgrade and exclusively charge toll on roads, or such other facilities within the area;
 - (l) seek and obtain advice and assistance for the preparation of any scheme, or for the execution of any scheme from any Government Agency or person;
 - (m) constitute such financial, technical and advisory committees, as may be deemed necessary for carrying out 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;
 - (n) by general or special orders, delegate to the Director General or any committee or member or officer of the Authority, any of its powers, duties or functions under this Act subject to such conditions as it may deem fit to impose; and
 - (o) perform any or all civic functions including policing and watch and ward for the enforcement of the provisions of this Act.
- (4) No planning or development scheme shall be prepared by any person or by agency in the area except with the concurrence of the Authority.
- (5) | Any scheme prepared under this Act may at any time be amended or modified by the Authority.
- (6) No person shall, without the prior written consent of the Authority, allocate, exploit or in any manner utilize any natural resources used as construction material in the area.
- (7) Notwithstanding anything contained in any other law for the time being in force, the Authority may exercise and perform any or all powers and functions of the local government as defined and provided under the Punjab Local Government Ordinance, 2001 (XIII of 2001).

8. Appointment of officers and employees.— (1) The Authority may, from time

to time 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 it may deem fit.

(2) | The Authority may acquire the services of such officers, advisors, experts and employees on deputation from any agency as it considers necessary.

9. Employees to be public servants.— All persons acting or purporting to act in pursuance of any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

10. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the authority, the Chairman, any member, officers, servants, experts and consultants of the Authority in respect of anything done or intended to be done in good faith under this Act.

11. | Authority Funds.— (1) There shall be formed a fund to be known as the “New Murree Development Authority 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 members, officers, servants, experts and consultants of the Authority.

(2) Following shall be credited to the “New Murree Development Authority Fund”:—

(a) — grants and loans made by the Government;

(b) — all moneys received from Government or any international agency by way of grants, loans, advances or otherwise;

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

(d) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;

(e) proceeds from the self-financing schemes of urban development and environmental sanitation; and

(f) all other sums receivable by the Authority.

12. Accounts.— The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

13. | Budget.— The Authority shall prepare and approve every year, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure of the Authority.

14. Audit.- The accounts of the Authority shall be audited annually by duly qualified auditors appointed by the Authority.

15. Penalty.- Whoever contravenes any provision of this Act, or any rules or regulations made thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

16. Causing damage to property and disobedience of orders.— (1) Whoever willfully causes damage, or allows damage to be caused to any property which vests in the Authority or which is intended to be acquired by the Authority or unlawfully converts it to his own or to the use of any other person shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) | Whoever refuses or neglects to provide any officer or servant of the Authority with the means necessary for entering into any premises for the purpose of collecting any information or making an examination or enquiry shall be punishable with imprisonment which may extend to one year or fine or with both.

(3) | Whoever attempts to commit or abets the commission of an offence punishable under this Act, shall be deemed to have committed that offence.

(4) | Whoever negligently does any act in the performance of his duties which causes loss of money or property to the Authority, shall be liable to be punished with imprisonment for a term which may extend to two years or fine or with both.

17. | Cognizance of offences.— (1) No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by an officer authorized for the purpose by the Authority.

(2) | A court taking cognizance of the offences punishable under this Act shall try such offences in a summary manner in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

18. Water resources.— The Authority shall have the exclusive right to use water emanating from the main source situated outside the area and other resources of supply within the area.

19. Taxes, rates, fees and other charges.— The Authority may levy and recover taxes, rates, fees and other charges in the area for the purposes of this Act as may be notified.

20. Recovery of dues.— Any sum due to the Authority from or any sum wrongly paid by the Authority to, any person under this Act shall be recoverable as arrears of land revenue.

21. Conversion of property to a different use.— Any conversion of property to a different use or purpose than the one provided under a scheme, by a person or agency, without the previous approval of the Authority in writing, shall be punishable with a fine which may extend to rupees one thousand per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to one year or with both.

22. Removal of building etc, erected or used in contravention of this Act.—

(1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Act or of any rule, regulation or order made thereunder, the Authority or any person authorized by it in this behalf, may, by an order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or alter the building, structure

or work or to use it in such manner so as to bring such erection, construction or use, in accordance with the provisions of this Act.

(2) If an order under sub-section (1) in respect of any building, structure, work or land is not complied within such time, as may be specified therein, the Authority in this behalf may remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force as may be necessary and may also recover the cost thereof from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

23. Power to make rules.- Government may, by notification in the official Gazette, make rules for carrying into effect the purposes of this Act.

24. Power to make regulations.— The Authority may make regulations as may be necessary, to carry out the purposes of this Act and rules framed thereunder.

25. Act to override other laws.- In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other law for the time being in force, the provisions of this Act, to the extent of such conflict or inconsistency, shall have an overriding effect.

26. Dissolution of Authority.— (1) The Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on such date as may be specified in such notification and the Authority shall stand dissolved accordingly.

(2)(a) On the dissolution of the Authority under this Act-

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

(ii) all properties, funds and dues exchanged for, derived from or otherwise attributable to the properties, funds and dues referred to in clause (i) which, immediately before the dissolution, were held by or were releasable by the Authority, or were realizable by the Authority, shall vest in, and be realizable by the Government;

(b) all properties, funds and dues, other than those referred to in clause (a) which immediately before the dissolution were vested in or were realizable by the Authority shall vest in and be realizable by such Agency as the Government may determine and its decision thereon shall be final;

(c) all liabilities which, immediately before the dissolution were enforceable against the Authority shall be assumed by and be enforceable against the Government or such Agency as the Government determines under clause (b);

(d) for the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realizing properties, funds and dues referred to in clauses (a) and (b) the functions of the Authority under this Act shall be discharged by the Government or by the Agency determined by the Government under clauses (b) and (c); and

(e) the Agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys received and expended by it under this Act as the Government may determine.

27. Removal of difficulties. If any difficulty arises in giving effect to any provision of this Act, the Government may give such directions, as it may consider necessary for the removal of such difficulty.