

THE FORT MONROE DEVELOPMENT AUTHORITY ACT

2016
(XXIII of 2016)

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'THE FORT MONROE DEVELOPMENT AUTHORITY ACT 2016

(XXIII of 2016)
[20" April, 2016]

An
Act
to provide for the establishment of '[Koh-e-Suleman] Development Authority.

It is necessary in public interest to establish an Authority to develop '[Koh-e-Suleman] as a tourist resort to promote domestic and international tourism; to execute necessary developmental plans; to improve the socio-economic conditions of the local people; and, to make other provisions.

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

CHAPTER | PRELIMINARY

1. Short title, extent and commencement.— '[(1) This Act may be cited as the Koh-e-Suleman Development Authority Act 2016.]

(2) It shall extend to such areas of Koh-e-Suleman and Tribal Area of District Rajanpur, as the Government may, by notification in the official gazette, specify.]

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) "agency" means any department or organization of the Federal or the Provincial Government or of the local government in Dera Ghazi Khan;

(b) "area" means the area notified by the Government for purposes of this Act;

'[(c) 'Authority' means the Koh-e-Suleman Development Authority established under the Act];

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

'This Act was passed by the Provincial Assembly of the Punjab on 13 April 2016; assented to by the Governor of the Punjab on 19 April 2016; and, was published in the Punjab Gazette (Extraordinary), dated: 20 April 2016, pp. 4645-4652.

?Substituted for the words "Fort Monroe" by the Fort Monroe Development Authority (Amendment) Act 2019 (XXxXIII of 2019) published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.6.

SSubstituted for the words "Fort Monroe" by the Fort Monroe Development Authority (Amendment) Act 2019 (XXxXIII of 2019) published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.6.

"Substituted by the Fort Monroe Development Authority (Amendment) Act 2019 (XXxXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.2.

®Substituted by the Fort Monroe Development Authority (Amendment) Act 2019 (XXXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.2.

°Substituted by the Fort Monroe Development Authority (Amendment) Act 2019 (XXXII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.3.

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(h)

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

“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;

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

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

“prescribed” means prescribed by the rules or regulations made under the Act.

CHAPTER II [KOH-E-SULEMAN] DEVELOPMENT AUTHORITY

3. The Authority.— (1) The Government may establish an Authority to be known as ‘[Koh-e-Suleman] Development Authority for carrying out the purposes of the Act.

(2)

The Authority shall be a body corporate, with perpetual succession and a common seal, with powers to acquire and hold property, and may sue and be sued by the said name.

(3)

The Authority shall consist of the Chairperson who shall be the Chief Minister or any other person nominated by him, and the following members:

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one local member of Provincial Assembly of the Punjab, to be nominated by the Government;

Chairman of District Council, Dera Gazi Khan or the Union Council concerned nominated by the Government;

Chairman, Planning and Development Board of the Government; Secretary to the Government, Finance Department;

Secretary to the Government, Housing, Urban Development and Public Health Engineering Department;

Secretary to the Government, Local Government and Community Development Department;

Commissioner of Dera Gazi Khan Division;

District Coordination Officer, Dera Gazi Khan;

Director General of the Authority; and

four technical experts to be nominated by the Government.

"Substituted for the words "Fort Monroe" by the Fort Monroe Development Authority (Amendment) Act 2019 (XXxXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.4.

®Substituted for the words "Fort Monroe" by the Fort Monroe Development Authority (Amendment) Act 2019 (XXxXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.4.

(4) — The ex-officio members mentioned from (c) to (f) may be represented by an officer of the concerned department not below the rank of an Additional Secretary.

(5) [= The Government may, by notification in the official Gazette, increase the membership of the Authority.

(6) The members, other than 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.

(7) A non-official member may, by notice in writing under his hand addressed to the Chairperson, resign from his office.

(8) | The Government may designate a member of the Authority as Vice Chairperson of the Authority.

(9) The Vice Chairperson shall perform such functions as may be prescribed or assigned to him by the Authority.

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

(11) “[* * *], the headquarters of the Authority shall be at Dera Ghazi Khan.

4. Disqualification of members.— No person shall be, or shall continue to be a member who:

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

turpitude;

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

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

(d) is a minor; or

(e) has a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interest as a member and his private interest, and has failed to disclose such interest in writing to the Government.

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

(2) | The Authority may:

(a) develop and improve the area for purposes of tourism, taking full advantage of regional and international trends and developments so that it can significantly contribute to the improvement of quality of life whilst promoting the cultural heritage of the country;

(b) prepare, implement and enforce schemes for promotion of tourism and cultural heritage;

^oThe words “Until the Authority establishes its headquarters at Fort Monroe” deleted by the Fort Monroe Development Authority (Amendment) Act 2019 (XXXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2635-2636, s.4.

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transform the area into a hill resort and improve infrastructure as well as socio-economic condition of the local people;

conduct promotional programs, activities and events for attracting tourists and promotion of tourism;

make arrangements for preservation of objects or places of historical, archaeological, cultural and recreational importance;

implement and execute master heritage conservation and re-development plans;

identify, assess and authenticate heritage value, prepare and execute schemes, conserve heritage of the area, and preserve and promote culture;

coordinate with various agencies and other local and international organizations and institutes for the due discharge of its functions;

seek information or assistance from any person or agency pertaining to its functions;

acquire property, both movable and immovable;

sell, lease, exchange or otherwise dispose of any property in the prescribed manner;

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

cause studies, surveys, experiments or technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches;

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

constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act and assign functions to the committees; and

perform such other functions as are incidental to the above functions or as may be prescribed or as the Government may assign.

The Authority may, with the consent of the local government:

conceive, prepare, approve and execute any scheme pertaining to the functions of the local government, if the local government is unable to execute it because:

- (i) of lack of capacity or expertise to undertake the scheme;
- (ii) the scheme spills over to more than one local government; or
- (iii) | the scheme is beyond the financial capacity of the local government;

exercise control over land-use, spatial planning, land-subdivision, land development and zoning by public and private sectors for purposes of commerce, markets, shopping, residential, recreation, parks,

entertainment, passenger and transport freight and transit stations, commercialization and approval of private housing schemes;

(c) provide, manage, operate, maintain and improve the municipal infrastructure and services including:

(i) water supply and control and development of water resources, drainage, sewerage and sewerage treatment and disposal; and

(ii) construction and maintenance of roads and streets;

(d) provide, improve and maintain public open spaces and_ landscaping and beautification of the area;

(e) establish and maintain parking stands and levy parking fee within the area; and

(f) establish club houses, waterfalls, zoo, golf club, cinemas, water amusement parks and other recreational facilities.

(4) — The Authority may, at any time, amend or modify any scheme prepared under the Act.

6. Meetings.— (1) The Authority shall meet at such time and place as the Chairperson may determine, and shall observe such rules of procedure with regard to the transaction of business at its meetings as may be prescribed.

(2) | The meetings of the Authority shall be presided over by:

(a) the Chairperson;
(b) the Vice Chairperson, in the absence of the Chairperson; and

(c) by a member of the Authority elected for the purpose, by the members present, from amongst themselves in the absence of the Chairperson as well as the Vice Chairperson.

CHAPTER III DIRECTOR GENERAL and EMPLOYEES

7. 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 prescribed or as may be assigned or 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 the Director General for such period as the Government may

determine.

8. Appointment of officers and employees.— (1) The Authority may, in the prescribed manner and on the prescribed terms and conditions, appoint such officers, advisors, experts, consultants and employees as it considers necessary for the efficient performance of its functions.

(2) | The Authority may acquire the services of such officers, advisors, experts and employees on deputation from any agency as it deems 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 Chairperson, the Vice Chairperson, any member, officer, servant, expert and consultant of the Authority in respect of anything done or intended to be done in good faith under this Act.

CHAPTER IV FUNDS, FINANCE ACCOUNTS AND AUDIT

11. Authority Fund.— (1) There shall be a Fund to be known as the “[Koh-e-Suleman] 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) The following shall be credited to “[Koh-e-Suleman] Development Authority Fund:

(a) all moneys received from the Government or the Federal Government;

(b) all moneys received from any national or international agency or organization by way of grant, loan, advance or otherwise;

(c) all taxes, fees, rates and other charges received by the Authority under the 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 development and environmental sanitation; and

(f) all other sums receivable by the Authority.

12. Borrowing money.— The Authority may, with the prior approval of the

Government, raise loans or funds or issue bonds for the performance of any of its functions under this Act.

"Substituted for the words "Fort Monroe" by the Fort Monroe Development Authority (Amendment) Act 2019 (XXxXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2635-2636, s.5.

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

14. | Budget.— The Authority shall prepare every year, in such form and manner and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipt and expenditure of the Authority and shall submit it to the Government for approval.

15. Audit.— (1) The accounts of the Authority shall be audited annually by such duly qualified auditors or a government audit agency or both as may, with the approval of Government, be appointed by the Authority.

(2) | The Authority shall also make such arrangements for pre-audit or concurrent audit of accounts as may be necessary.

CHAPTER V PENALTIES AND PROCEDURE

16. Penalty. (1) A person who contravenes any provision of this Act, or any rules or regulations made under the Act, shall, if no other penalty is provided for such contravention, be liable to punishment with imprisonment for a term which may extend to six months or with fine which may extend to one hundred thousand rupees or with both.

(2) | The Magistrate competent to try an offence under subsection (1) may try the offence in a summary manner under sections 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).

17. Damage to property and disobedience of orders.— (1) A person who willfully causes damage, or allows damage to be caused to any property which vests in 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 which may extend to one hundred thousand rupees or with both.

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

(3) 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.

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

(5) Any Magistrate empowered for the time being to try in a summary way the offence specified in subsection (1) of section 260 of the Code of Criminal Procedure, 1898 (V of 1898), may if such Magistrate thinks fit, on application being made in this behalf by the prosecution, try an offence punishable under this Act, in accordance with the provisions contained in sections 262 to 265 of the said Code.

18. Offences mentioned in the Schedule. (1) A person who commits an offence specified in:

(a) Part-A of the Schedule appended to this Act, shall be liable to imprisonment for a term which may extend to seven years or with fine which may extend to five hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence, the Court may impose a further fine which may extend to fifty thousand rupees for every day during the period the accused has persisted with the offence from the date of its first commission; and

(b) Part-B of the Schedule appended to this Act, shall be liable to imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence, the Court may impose a further fine which may extend to ten thousand rupees for every day during the period the accused has persisted in the offence from the date of its commission.

(2) An offence punishable under subsection (1) shall be cognizable on a complaint in writing of an officer authorized by the Authority to the officer incharge of the police station.

CHAPTER VI MISCELLANEOUS

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

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. Delegation.— The Authority may, by general or special order, delegate to the Chairperson, Vice Chairperson, a member, committee, Director General or an officer of the Authority any of its powers, duties or functions under this Act subject to such conditions as it may think fit to impose but the following powers shall not be so delegated:

- (a) framing of regulations;
- (b) approval of budget and accounts;
- (c) approval of the Annual Report; and
- (d) major policy decisions.

22. Directions by Government.— The Authority shall, in discharging its functions, act and be guided by such directions as the Government may give to it.

23. Transfer of functions.— Where the Authority ceases to perform a function and another organization controlled by the Government assumes that function, the Government may direct:

- (a) that the servants of the Authority connected with that function shall become servants of the said organization on such terms and conditions as the said organization may determine, subject to the condition that the said terms and conditions are not less favorable than those admissible to them as servants of the Authority; and
- (b) that such part of the Fund of the Authority as the Government may determine shall stand transferred to the said organization.

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

25. Power to make regulations.— Subject to this Act and the rules, the Authority may make regulations to carry out the purposes of the Act.

26. Overriding effect.— (1) In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other law except the laws relating to local governments, the provisions of the Act, to the extent of such conflict or inconsistency, shall prevail.

(2) If any conflict or inconsistency arises between the provisions of this Act and the Punjab Local Government Act 2013 or any other law relating to local governments, the provisions of law pertaining to local governments shall prevail to the extent of such conflict or inconsistency.

27. Annual report.— (1) 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.

(2) The report referred to in subsection (1) shall be laid before the Provincial Assembly of the Punjab within six months of its receipt by the Government.

28. Removal of difficulties— If any difficulty arises in giving effect to any provision of this Act, the Government may, within one year from the commencement of the Act, give such directions, consistent with the Act, as it may consider necessary for the removal of such difficulty.

29. Validation.— Notwithstanding the repeal of the Fort Monroe Development Authority Ordinance 2015 (XXXIV of 2015), any action of the Government or of the Authority taken from the date of repeal of the said Ordinance and till the date of commencement of this Act shall be deemed to have been taken under this Act.

Part-A

Part-B

1.

SCHEDULE

(see section 18)

Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in, managed, maintained or controlled by the Authority or an agency in such manner as it causes or is likely to cause danger to persons passing by or living or working in the neighborhood, or causing risk or injury to property or causing harm to the environment.

Failure of industrial or commercial concerns or such property holders to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.

Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Act.

Failure to deliver back possession of a property to the Authority on expiration or cancellation of a lease or allotment.

Doing an act without license, approval or permission when the doing of such act requires a license or permission under any of the provisions of the Act, the rules or regulations.

Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by the Authority or any agency.

Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden khokas or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority.

Willfully causing damage, or allowing damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converting it to his own or any other person's use.

Without lawful excuse, failing or refusing to comply with any direction or order issued by the Authority under the Act.

Unauthorized occupation of the property of the Authority.

Attempting to commit or abetting the commission of an offence punishable under the Act.