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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT
(Gilgit-Baltistan Secretariat)

Gilgit, the 17th June, 2020

The Gilgit-Baltistan Development of Cities Act, 2020

(ACT NO. XVI OF 2020)

AN

ACT

To provide for the development of cities in the Gilgit-Baltistan

Preamble.—WHEREAS it is expedient in the public interest to establish a comprehensive system of planning and development in order to improve the quality of life in the cities of the Gilgit-Baltistan, establish an integrated development approach and a continuing process of planning and development, to ensure optimum utilization of resources, economical and effective utilization of land and to evolve

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policies and programmes, relating to the improvement at the environment of housing, industrial and trade development, traffic, transportation, health, education, water supply, sewerage, drainage, solid waste disposal and matters connected therewith and incidental thereto:

2. It is hereby enacted as follows:—

CHAPTER-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Gilgit-Baltistan Development of Cities Act, No. III of 2020.

(2) It shall extend to the whole of the Gilgit-Baltistan.

(3) It applies to the city or cities as the Government may, by notification, specify from time to time.

2. **Definitions.**—In this Act, unless the context otherwise requires:—

(a) "Agency" means an agency established by the Authority to perform one or more of its functions under this Act;

(b) "Area" means the whole or any part of the city;

(c) "Authority" means the Development Authority created under Section 4 of this Act;

(d) "Chairman" means the Chairman of the Authority;

(e) "City" means an area declared by the Government to be a city for the purpose of this Act;

(f) "Controlled area" means an area notified as such by the Authority;

(g) "Deputy Commissioner" means the Deputy Commissioner of the district concerned and includes any other officer appointed by the Authority to exercise all or any of the powers and discharge any of the functions under this Act;

(h) "Government" means the Government of the Gilgit Baltistan;

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(i) "Government Agency" includes:—

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

(k) a "Local Body" means the local body, the local council or the municipal body as established under law for the time being in force having jurisdiction in the area concerned.

(l) a developmental or any other public authority, company or corporation (whether autonomous or semi-autonomous) owned or controlled by Government or a [local Body];

(m) "land" includes earth, mountains, glaciers, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and benefits arising out of land and things attached to earth or permanently fastened to earth;

(n) "Member" means a member of the Authority and includes its Chairman;

(o) "Person" includes an individual, company, firm, cooperative society or association of individuals whether incorporated or not;

(p) "Prescribed" means prescribed by rules or regulations;

(q) "Rules" means rules made under this Act.

(r) "Scheme" means a planning scheme or a development scheme made under this Act.

(s) "Specified Area" means the areas specified in the schedule as notified by the Government, and such other area as may from time to time be included therein by the Government by notification in the official Gazette.

(t) "Employee" means the Civil Servant or Public servant of GB.

3. **Declaration of any area to be a city and alteration of the limits thereof.**—(1) For the purpose of this Act, the Government may, by notification, declare any area to be a city.

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(2) The Government may, at any time, extend, curtail or otherwise alter the limits of a city.

4. **Application of this Act and establishment of an Authority.**—(1) The Government may by notification establish an Authority for the city to which this Act has been applied.

(2) The Authority shall be known by the name as may be specified by the Government.

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

(4) The Authority shall consist of a Chairman and Members, whose number and qualification shall be ascertained by the Government.

(5) Membership of the Authority may be altered, increased or decreased by the Government.

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

(7) The Government may designate one or more members of the Authority as Vice Chairman.

(8) A Vice Chairman shall perform such functions as may be assigned to him by the Authority.

5. **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; or

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

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

(d) is a minor; or

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

6. **Meetings.**—(1) The Authority shall meet at such place and at such time and shall observe such rules of procedure in regard to transaction of business all its meetings as may be prescribed.

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

(a) the Chairman;

(b) in the absence of the Chairman, the Vice Chairman;

(c) in ease there are more than one Vice Chairmen, in accordance with such priority as may be determined by the Authority; and

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

CHAPTER-II

POWERS AND FUNCTIONS OF THE AUTHORITY

7. **Powers and functions of Authority.**—(1) Subject to the provisions of this Act and any rules framed there under, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act.

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

(i) initiate and maintain a continuous process of comprehensive development planning for the area with the objective of preparing a development plan;

(ii) periodically update such a development plan and coordinate its implementation by the Authority or Government agencies within the area;

(iii) develop, operate and maintain water supply, sewerage and drainage system within the area;

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(iv) prepare Annual Development Programme for the area, ensure compliance of the Annual Development Programme with priorities established in the development plan after its preparation and evaluate performance under the Annual Development Programme at the end of each year;

(v) establish, maintain and periodically revise as necessary, planning controls and building regulations for the area to;

(vi) provide appropriate urban design and protect public safety; and

(vii) ensure compliance with the development plan after its preparation,

(viii) prepare, implement and enforce schemes for environmental, improvements, housing, urban renewal including slums improvement and re-development, solid waste disposal, transportation and traffic, health and education facilities and preservation of objects or places of historical, archaeological, scientific, cultural and recreational importance;

(ix) take any steps or adopt any measures for the face lifting and beautification of the area;

(x) acquire property, both movable and immovable;

(xi) sell, lease, exchange or otherwise dispose of any property vested in it;

(xii) undertake any works and incur any expenditure;

(xiii) procure machinery instruments or any other material required by it;

(xiv) enter into contracts;

(xv) cause studies, surveys, experiments, technical researches or contribute towards the cost of any such studies, surveys, experiments of technical researches made by any other Agency;

(xvi) issue interim development order for the area 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 installation;

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(xvii) 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 and such agency or person shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgment and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority; and

(xviii) establish an agency/agencies and entrust to it such powers and functions as it may deem fit with the approval of the Government.

(3) The Authority may, or if so directed by the Government shall prepare master plan and phased master programmes for the development of any part or whole of the specified area of the District concerned and all such plans and programmes prepared from time to time shall be submitted to the Government for approval. Provided, that the Authority may issue interim development orders for areas for which master plan is being contemplated or is under preparation and restrict or prohibit by general or special order any change in the use of land and alteration in buildings, structures and installation.

8. **Delegation.**—The Authority may, by general or special orders, delegate to the Director-General or a Committee constituted under Section 10 or a member 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.

9. **Appointment of officers and employees.**—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 it may deem fit.

10. **Committees.**—The Authority may constitute such financial, technical and advisory committees as may he 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.

CHAPTER-III

DIRECTOR-GENERAL

11. **Appointment and terms of office.**—(1) The Director-General shall be appointed by Government on such terms and conditions as may be determined by the Government.

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

(a) be a whole time, or part time officer of the Authority; and

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

CHAPTER-IV

PREPARATION AND EXECUTION OF SCHEMES

12. **Preparation of schemes.**—(1) The Authority shall, in such form and in such manner as may be prescribed, prepare schemes for the area or any part thereof and execute or have them executed in the prescribed manner.

(2) All such schemes prepared by the Authority shall be submitted to the Government for its approval, except those schemes, the provisional estimated cost of which does not exceed such limit us may be prescribed by rules or for which no loan or grant is required from the Government.

(3) The Authority shall publish the sanctioning of any scheme in the official Gazette.

(4) The publication of a sanction under sub-section (3), shall be conclusive evidence that the scheme has been duly framed and sanctioned.

(5) No planning or development scheme shall be prepared by any person or Local Body or Government agency within the area except with the concurrence of the Authority.

13. **Modification of schemes.**—Any 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 prescribed.

14. **Power to give directions.**—(1) The Authority may 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 the area;

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(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 regulations, on behalf of the Authority.

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

15. **Power to execute any schemes.**—(1) Where the Authority is satisfied that any direction given by it under sub-section (1) of Section 14, with regard to any scheme, has not been carried out by the Government agency, the Authority may, itself undertake any works for the execution of that scheme and the cost thereof shall be borne as may be agreed between the Authority and the Government agency and in the event of disagreement, as may be determined by the Government.

(2) Where any work is undertaken by the Authority under sub-section (1), it shall be deemed to have, for the purpose of execution of such work, all the powers which may be exercised under any law for the time being in force, by the Government agency concerned.

CHAPTER-V

GENERAL

16. **Directions by Government.**—(1) The Authority shall, in discharging its functions, act and be guided, by such directions as Government may give to it from time to time.

(2) Where the Authority ceases to perform a function and another organization controlled by the Government assumes that function, the Government may direct—

(i) 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 favourable than those admissible to them as servants of the Authority; and

(ii) that such part of the Fund of the Authority as the Government may determine shall stand transferred to the said organization.

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17. **Controlled area.**—The Authority may issue in respect of a controlled area such directions as it considers fit and appropriate and do all such things as may be necessary for the prevention of haphazard growth, encroachments and unauthorised constructions in such area.

18. **Power to act as Local Body.**—The Government may, by a notification in the official Gazette, authorise the Authority to exercise and perform such powers and functions as a local body may exercise and perform in relation to its local area or in an area in which schemes are undertaken by the Authority or which is declared as controlled area.

19. **Power to remove sources of pollution.**—The Authority shall have full powers to undertake improvements of the environment of the area or any part thereof and to check, replace, eliminate, remove, demolish, conserve, resettle or relocate the sources of environmental pollution such as milch cattle, horses or other animals, tongas, vehicular exhaust, industrial waste, solid waste, congestion, blight and slums etc. :

Provided that the Authority shall provide alternate accommodation or compensation to be determined in accordance with the provisions in Chapter VI, to any person evicted from the premises owned by him.

20. **Beautification.**—The Authority shall also undertake beautification of the area or part thereof, in any manner it deems fit, or prepare schemes and prescribe environmental standards to be adopted by the Government agencies or persons or direct any Government agency or person to undertake any improvements or activities for beautification of the area or part thereof.

21. **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 the Local Authorities Loans Act, 1914 (Act No. IX of 1914):

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

(2) The Authority may, in consultation with the Finance Department, Government of the Gilgit Baltistan, borrow money or raise funds by issuing bonds or debentures or otherwise for currying out the purposes of this Act at such rate of interest as may be approved by the Government.

22. **Power to levy betterment fee.**—Where any new scheme has been executed by the Authority by providing services or amenities in any locality, the

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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 on account of the execution of the scheme.

23. **Assessment of betterment fee.**—(1) When 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, thereupon give notice in writing to the owner of the property or any person having an interest therein, that the Authority proposes to assess the amount of the betterment fee in respect of the property under Section 22.

(2) The betterment fee under Section 22 or under sub-section (1) of this section, shall be assessed and be payable in the manner prescribed.

CHAPTER-VI

ACQUISITION

24. **Liability to acquisition.**—Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894, all land within the area shall be liable to acquisition at any time in accordance with the provisions of this Chapter.

CHAPTER-VII

FINANCE, ACCOUNTS AND AUDIT

25. **Authority Fund.**—(1) There shall be formed a fund to be known as the "Authority Fund" which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act.

(2) To the credit of the Authority Fund, shall be credited—

(a) All moneys received from Government;

(b) All moneys received from Federal Government or any international agency or any other body by way of grants, loans, advances or otherwise;

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

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(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.

(3) The Authority may keep in current account of any scheduled bank such sums as may be prescribed and any amount in excess of the said amount shall be invested in Government securities, Government sponsored saving schemes or in such manner as may be determined by the Government.

Explanation.—For the purpose of this sub-section Government, includes Federal Government.

26. **Rates and fees.—**(1) With the previous consent of the Government, adequate funds may be raised by the Authority from time to time, to meet the cost of its schemes by imposing rates, fees and other charges.

(2) The rates, fees and other charges for water supply, sewerage and drainage schemes shall be such as to provide sufficient revenues—

(a) to cover the operating expenses including taxes, if any, and interest to provide adequate maintenance;

(b) to cover repayment of loans; and

(c) to finance the normal year to year extension of any of such schemes and to provide a reasonable portion of the cost of future major expansion of such schemes.

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

28. **Budget.—**(1) The Authority shall, at such time as may be prescribed, prepare an annual budget statement for the next financial year, showing the estimated receipts and expenditures of the Authority and its agencies and shall submit the same to the Government for approval.

(2) The Authority shall obtain specific sanction of the Government in respect of each individual scheme to be financed out of the Authority's Fund.

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29. **Audit.**—The accounts of the Authority and each of its agencies shall be audited annually by such duly qualified Auditors or Government Audit Agencies or both as may be appointed by the Authority and each agency respectively, with the approval of Government. The Authority shall also make necessary arrangements for pre-audit or concurrent audit of account.

CHAPTER-VIII

PENALTY AND PROCEDURE

30. **Penalty and procedure.**—Whoever contravenes any provision of this Act, or any rules or regulations made there under shall, if no other penalty is provided for such contravention, be punishable with simple imprisonment for a term which may extend to one month or with fine or with both.

31. **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 unlawfully converts it to his own or any other person's use, shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

(2) Whoever refuses or willfully 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 in relation to any water works, shall be punishable with imprisonment extending to one year or fine or with both.

(3) Whoever 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 30.

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

(5) Any magistrate empowered for the time being to try in a summary way the offence specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 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 202 to 265 of the said Code.

32. **Cognizance of offence by Courts.**—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.

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CHAPTER-IX

MISCELLANEOUS

33. **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 sub-section (1) shall be laid before the Gilgit-Baltistan Legislative Assembly within six months of its receipt by the Government.

34. **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.

35. **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 default continues or with imprisonment for a term which may extend to six months or with both.

36. **Summary ejectment of unauthorised occupants.**—The Authority or any person authorised by it in this behalf may, after giving fifteen days notice, summarily eject any person in unauthorised occupation of any land or property vested in the Authority and may for such ejectment use such force as may be necessary.

37. **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 any rules, regulations or orders made there under, the Authority or any person authorised by it in this behalf, may, by 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 said provisions of this Act.

(2) If an order under sub-section (1), in respect of any building, structure, work or land is not complied with within such time, as may be specified therein, the Authority or any person authorised by it in this behalf may, after giving the person affected by the order an opportunity of being heard, 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 us aforesaid.

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38. **Members, Experts and Consultants to be public servants.**—The Chairman, Vice Chairmen, Members, Experts and consultants of the Authority 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.

39. **Immunity of the Authority and its employees.**—No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, Vice Chairmen, Director-General, any member, officer, servant, expert or consultant of the Authority in respect of anything done or intended to be done in good faith under this Act.

40. **Jurisdiction of Courts barred.**—Save as otherwise provided by this Act, no Court or other Authority, shall have jurisdiction to question the legality of anything done or any action taken under this Act by or at the instance of the Authority.

41. **Power to make rules.**—Subject to the provisions of this Act, Government may make rules for carrying into effect the purposes of this Act.

42. **Power to make regulations.**—Subject to the provisions of this Act and the rules framed there under, the Authority may make regulations as may be necessary to carry out the purposes of this Act.

43. **This Act to prevail over other laws.**—Subject to the Gilgit Baltistan Empowerment and Self Governance Order, 2009, 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 shall, to the extent of such conflict or in consistency, prevail.

SPEAKER/PRESIDING OFFICER,
Gilgit-Baltistan Assembly.

RAJA JALAL HUSSAIN MAQPOON,
Governor
Gilgit-Baltistan .

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