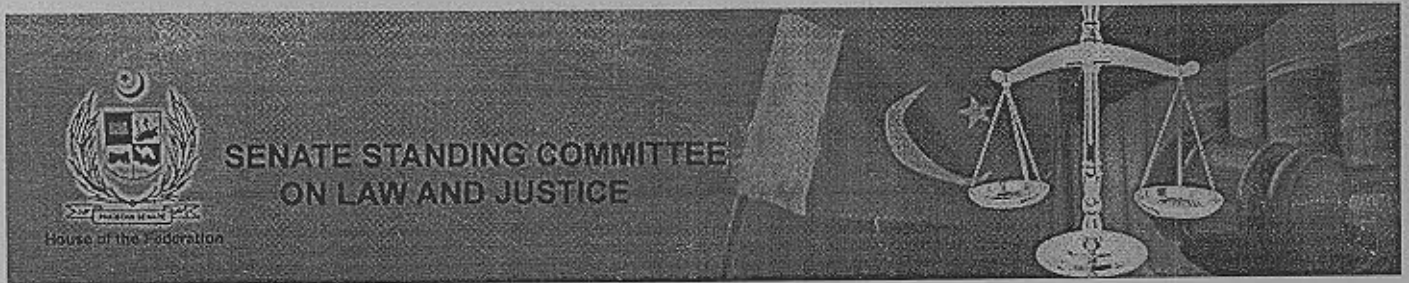




## **SENATE SECRETARIAT**

**Report No. 10**

### **REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



### **“THE CAPITAL DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 2019”**

#### **PRESENTED BY**

**Senator Muhammad Javed Abbasi  
Chairman  
Standing Committee on Law and Justice**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “THE CAPITAL DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 2019”

1, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Capital Development Authority (Amendment) Bill, 2019”, introduced by Senator Abdul Rehman Malik in the Senate sitting held on 29<sup>th</sup> April, 2019. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Dr. Ghous Muhammad Khan Niazi	Member
11.	Senator Mustafa Nawaz Khokar	Member
12.	Senator Sana Jamali	Member
13.	Senator Walid Iqbal	Member
14.	Senator Sitara Ayaz	Member
15.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 16<sup>th</sup> May, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Farooq Hamid Naek



- iii. Senator Siraj ul Haq
- iv. Senator Muhammad Ali Khan Saif
- v. Senator Dr. Ghous Muhammad Khan Niazi
- vi. Senator Mustafa Nawaz Khokar
- vii. Senator Sana Jamali
- viii. Senator Sitara Ayaz

4. Senator Abdul Rehman Malik, Member-in-Charge briefed the Committee that “the Capital Development Ordinance, 1960, does not specify the qualification for the Members of the Board of Directors (BoD) from whom one of the Members shall be considered for appointment as Chairman, CDA. The existing procedure does not bar appointment of a private person as Chairman CDA. This practice is creating anomaly in the administration of the Authority as a number of senior Government servants are working under it. The Capital Development Authority is one of the department working under the administrative control of the Ministry of Interior. The appointment of a private person as Chairman, CDA is also contrary to the practice being followed in the similar provincial development authorities as well. The Bill shall ensure appointment of a serving Government officer in BPS-20 or above as Chairman CDA, to avoid anomaly in the overall administrative matters.”

5. Senator Farooq H. Naek referred to the preamble to the Ordinance, 1960 and pointed out that the most important function to be performed by the Authority is “Planning and Development” therefore, there is no rationale in placing /appointing only Civil Servants on the Board rather the Board Members should be amongst the architects, town planners and engineers to maintain beauty of the Federal Capital.

6. Member Admin, CDA informed the Committee about the Order of the Islamabad High Court dated 22-09-2017 in Writ Petition No.3481/2016 and briefed that steps are being taken for implementation of said order. He further informed that amendment, if any to be made, will be required in Section 8 of the Ordinance which provides disqualifications particularly clause (f) of the said Section and not in Section 6.

7. All Members were of the view that the Member-in-Charge may withdraw the instant Bill and bring forward legislative proposal in view of the position explained by Senator Farooq H. Naek and CDA. The Member-in-Charge endorsed the view point of the Members and accordingly acceded to withdraw the instant Bill.

8. Accordingly, the Committee recommends that the House may grant leave to Senator Abdul Rehman Malik to withdraw "The Capital Development Authority (Amendment) Bill, 2019", in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012. (Copy of Bill is annexed).



**(RABEEA ANWAR)**  
J.S / Secretary Committee



**( SENATOR MUHAMMAD JAVED ABBASI)**  
Chairman  
Standing Committee on Law & Justice

<sup>As</sup>  
~~[TO BE INTRODUCED IN THE SENATE]~~

**A**  
**BILL**

*further to amend the Capital Development Authority Ordinance, 1960*

**WHEREAS** it is expedient further to amend the Capital Development Authority Ordinance, 1960 (XXIII of 1960) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Capital Development Authority (Amendment) Act, 2019.

(2) It shall come into force at once.

**2. Amendment of Section 6, Ordinance No. XXIII of 1960.-** In the Capital Development Authority Ordinance, 1960 (Ordinance No. XXIII of 1960), in section 6, for sub-section (1), the following shall be substituted, namely:-

“(1) The Board shall consist of not less than three Members, who shall be the serving Government Officers in BPS-20 or above, to be appointed by the Federal Government.”

**STATEMENT OF OBJECTS AND REASONS**

The Capital Development Authority Ordinance, 1960, does not specify the qualification for the Members of the Board of Directors (BoD) from whom one of the Members, shall be considered for appointment as Chairman, CDA. The existing procedure does not bar appointment of a private person as Chairman CDA. This practice is creating anomaly in the administration of the Authority as a number of senior Government servants are working under him. The Capital Development Authority is one of the Department working under the administrative control of the Ministry of Interior. The appointment of a private person as Chairman, CDA is also contrary to the practice being followed in the similar provincial development Authorities as well. The Bill shall ensure appointment of a serving Government officer in BPS-20 or above as Chairman CDA, to avoid anomaly in the overall administrative matters.

This Bill seeks to achieve the above objectives.

**SENATOR ABDUL REHMAN MALIK**  
**MEMBER-IN-CHARGE**