

[AS PASSED BY THE SENATE]

A

Bill

to amend the Defence Housing Authority Islamabad Act, 2013.

Whereas, it is necessary to amend the Defence Housing Authority Islamabad Act, 2013 (XII of 2013), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act shall be called the Defence Housing Authority Islamabad (Amendment) Act 2023.

(2) It shall come into force at once.

2. Amendments of section 2, Act XII of 2013.— In the Defence Housing Authority Islamabad Act, 2013 (XII of 2013), hereinafter called as the said Act, in section 2,—

(A) in the rider provision, for the word "resurgent", the word "repugnant" shall be substituted;

(B) in clause (h) for the words "rule or" shall be omitted;

(C) for clauses (j) and (k), the following shall be substituted, namely:-

"(j) "project" means any project of construction, repair, renovation, maintenance, up-gradation and development of any facility or land or area undertaken or planned by the Authority to achieve a particular aim in the specified area;

(k) "scheme" means any scheme, plan, facility or project for development of land for residential, commercial or other use, undertaken, planned or made and approved by the Authority under this Act;";

(D) clause (n) shall be omitted; and

(E) after clause (n), omitted as aforesaid, the following new clause shall be added, namely:-

"(o) "welfare and rehabilitation activities" mean activities done or undertaken by or through the

Authority for the purpose of welfare and rehabilitation of serving or retired personnel of the defence forces, *inter alia*, officers, soldiers, bereaved families of *Shuhada*, war wounded or disabled personnel or other people.”.

3. Amendment of section 3, Act XII of 2013.— In the said Act, in section 3, after sub-section (5), the following new sub-section shall be added, namely:—

“(6) In particular and without prejudice of the generality of the provisions of this Act, the Authority shall take all such measures and exercise all such powers as may be necessary for carrying out the purposes of this Act, as well as to carry out any other works or activities connected therewith, or ancillary thereto.”.

4. Amendment of section 5, Act XII of 2013.— In the said Act, in section 5, in sub-section (2), in clause (b), for the word “Vice-President”, the word “member” shall be substituted.

5. Amendment of section 6, Act XII of 2013.— In the said Act, in section 6, in sub-section (2),—

(A) for clause (g), the following shall be substituted, namely:—

“(g) impose, vary and recover any fee or charges for rendering any service within any scheme in the specified area including registration fee, transfer fee, management fee, development or re-development charges or additional development charges and maintenance fee, dues and charges, etc.”;

(B) in clause (j), the word “and”, occurring at the end, shall be omitted;

(C) after clause (j), amended as aforesaid, the following new clause shall be inserted, namely:—

“(ja) carryout welfare and rehabilitation activities in accordance with the provisions of this Act.”;

(D) in clause (k), after the word “facilities”, the expression “, including arrangement of security,” shall be inserted.

6. Amendment of section 11, Act XII of 2013.— In the said Act, in section 11, the existing provision thereof shall be numbered as sub-section (1) thereof and thereafter the following new sub-section (2) shall be added, namely:-

"(2) The persons appointed or hired under sub-section (1) shall not, directly or indirectly, during employment or engagement with the Authority and for a period not exceeding two years thereafter enter into employment, consultation or otherwise engage in any manner whatsoever with an entity that competes or conflicts with the activities of the Authority as may be prescribed:

Provided that nothing contained in this sub-section shall apply to any such employment, consultation or engagement made after seeking prior approval of the Executive Board."

7. Substitution of section 20 Act XII of 2013.— In the said Act, for section 20, the following shall be substituted, namely:-

"20. Power to make regulations and bye-laws.— (1) The Governing Body may, on the recommendations of the Executive Board, for carrying out the purposes of this Act, make regulations, not inconsistent with the provisions of this Act or any other laws, regulations or bye-laws for the time being in force in the specified area.

(2) For carrying into effect the purposes of sub-section (1), the Executive Board may make bye-laws, not inconsistent with the provisions of this Act and regulations made thereunder and any other laws, rules, regulations and bye-laws, for the time being in force."

STATEMENT OF OBJECTS AND REASONS

DHA Islamabad is established through DHA Islamabad Act 2013, however, some definitions were not inserted / substituted, whereas, these are required for more understanding and clarification, therefore, appropriate proposed definitions have been inserted and substituted accordingly.

Power to appoint co-opted member of Executive Board is extended to Government which is lengthy and difficult exercise, therefore, power to appoint co-opted member is being proposed to be exercised by the Governing Body so that participation of residents as part of Governing Body shall be ensured through easy process.

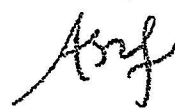
No clear mechanism for arrangement of security in the specified area is provided in the Act. This ambiguity creates security threats to allottees of the Authority for which proposed security mechanism is inserted.

DHA Islamabad is providing all services and quality development in its housing schemes form time to time without and budgetary allocation from any Government rather services are being provided from its own resources for which no clear power for imposition of required changes and fee are provided in the Act.

Power to make regulations and bye-laws is being substituted for smooth functioning of DHA.

Under these circumstances purpose and object of the Authority cannot be carried out unless amendments in DHA Islamabad Act, 2013 are made for the welfare and interest of community and management functions through this Bill.

The Bill is designed to achieve the aforesaid objects.



Minister-in-Charge

Rawalpindi, July, 2023