

ITJ

REPORT NO. 14/2022-23

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**THE CAPITAL DEVELOPMENT AUTHORITY (AMENDMENT)  
BILL, 2022  
(AMENDMENT OF SECTIONS 14, 17 AND 19)  
INTRODUCED BY SENATOR FAWZIA ARSHAD  
ON 06-06-2022**

**PRESENTED BY**

**SENATOR MOHSIN AZIZ  
CHAIRMAN SSC ON INTERIOR**

## SENATE SECRETARIAT

**SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CAPITAL DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 2022 (AMENDMENT OF SECTIONS 14, 17 AND 19)**

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Bill further to amend the Capital Development Authority Ordinance 1960 (XXIII of 1960), the Capital Development Authority (Amendment) Bill, 2022 (amendment of sections 14, 17 & 19). The Bill was introduced by Senator Fawzia Arshad in the Senate sitting held on 6<sup>th</sup> June, 2022 whereupon, the Bill was referred to the SSC on Interior for consideration and report.

2. The composition of the Committee is as under: -

<b>Senator Mohsin Aziz</b>	<b>Chairman</b>
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee considered the Bill in its meeting held on 26<sup>th</sup> August, 2022. The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman
2. Senator Shahadat Awan	Member
3. Senator Fawzia Arshad	Member/Mover
4. Senator Saifullah Abro	Member
5. Senator Faisal Saleem Rehman	Member
6. Senator Moula Bux Chandio	Member
7. Senator Kamil Ali Agha	Member
8. Senator Dilawar Khan	Member

Secretary, Ministry of Interior, Chairman CDA and the representatives of Ministry of Law and Justice and the office of District Attorney, Islamabad also attended the meeting.

4. The Mover briefed the Committee about her intent of introducing the Bill that is to hold such persons criminally liable who causes delay in completion of the development projects which not only cause loss to the exchequer but also cause frustration for the citizens which amounts to criminal breach of trust.

5. Secretary Interior appreciated the spirit of the Mover and acknowledged that it is very unfortunate that projects of public welfare delays for long time, however, he was of the view that laws regarding misconduct of employees under CDA Employees (Service) Regulations, 1992 already exists which deals with such delinquents.

6. Chairman CDA apprised the Committee that the issues of causing delay in completion of projects are addressed in the contract/agreements and the penalties are also imposed on the responsible but to bring such delays under the ambit of criminal law by terming it as criminal breach of trust would cause many practical difficulties as in such a way no one will be willing to sign the contract.

7. The Ministry of Interior and the Chairman CDA supported the proposed insertion of sub-section (2) in section 14 of CDA Ordinance but vehemently opposed insertion of sub-

section (3) and subsequent amendment in section 17 of the Ordinance. Amendment proposed in section 19 of the Ordinance was also agreed by the Ministry and CDA.

8. Senator Saifullah Abro was also inclined to the point of view of the Chairman CDA that invoking of criminal breach of trust in delays in completion of projects will cause practical difficulties for the contractors and the Government functionaries.

9. Senator Kamil Ali Agha was of the view that there is no bar in holding the delinquents criminally liable under section 405 of PPC as the same will cause deterrence and the important projects may in this way be completed within time. He referred some projects which are being delayed for decades.

10. The Chairman observed that one of the main reasons in causing delay in completion of projects is the release of funds by the Government. He suggested that the Government should not include a scheme in the PSDP for which sufficient funds cannot be released later on. He was of the view that ongoing schemes should be given priority so that funds can be allocated for those schemes and can be completed within time.

11. Chairman CDA and Secretary Interior agreed the observations of the Chairman Committee. Chairman CDA further added that delay cannot be attributed to the contractors every time as sometimes there are political reasons behind the causing of delay of projects.

12. After detailed discussion, Senator Shahadat Awan suggested that the proposed sub-section (3) in section 14 may be rephrased as under:

**(3) Failure to complete and execute schemes in the pre-determined time period, without just and plausible reasons, shall be proceeded strictly in accordance with the law.**


He was of the view that in such a way in the cases where there will be no just and plausible reasons of delay, the culprits could be held responsible under the law which will serve the purpose of the Mover without specifying section 405 of PPC.

13. The Mover agreed the suggestion of Senator Shahadat Awan and the Committee unanimously recommended that the Capital Development Authority (Amendment) Bill, 2022, introduced by Senator Fawzia Arshad on 06-06-2022, may be passed as reported by the Committee. The Committee also gave approval of presentation of report of the Committee to the House.

14. Hence, this report is presented to the House.



(MUHAMMAD AZAM)  
Secretary Committee



(SENATOR MOHSIN AZIZ)  
Chairman Committee

**[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, 2022.

(2) It shall come into force at once.

**2. Amendment of section 14, Ordinance XXIII of 1960.-**In the Capital Development Authority Ordinance, 1960 (Ordinance XXIII of 1960), hereinafter referred to as the said Ordinance, the existing section 14, shall be re-numbered as sub-section (1) of section 14, and thereafter, in section 14 amended as aforesaid, the following new sub-sections shall be added, namely:-

"(2) All schemes under section 12, section 13 or under any other provision of this Ordinance shall be completed within such pre-determined time period which is reasonably required for execution and completion of such schemes.

(3) Failure to complete and execute schemes in the pre-determined time period, without just and plausible reasons, shall be a criminal breach of trust within the meaning of section 405 of the Pakistan Penal Code for which liability shall be fixed on those responsible for the failure and penal action shall be taken against them according to law."

**3. Amendment of section 17, Ordinance XXIII of 1960.-** In the said Ordinance, in section 17, after sub-section (2), the following new sub-section shall be added, namely:-

"(3) The provisions of sub-sections (2) and (3) of section 14 shall mutatis mutandis apply to schemes which are to be executed under this section."

**4. Amendment of section 19, Ordinance XXIII of 1960.-** In the said Ordinance, the existing section 19 shall be re-numbered as sub-section (1) of section 19, and thereafter, in section 19, amended as aforesaid, the following new sub-section shall be added, namely:-

"(2) Any amendment or modification in a scheme under sub-section (1) shall not confer any right on the Authority or the Federal Government to extend, without just and plausible reasons, the pre-determined time period necessary for execution and completion of the schemes."

#### **STATEMENT OF OBJECT AND REASONS**

The Capital Development Authority (CDA) was constituted and was entrusted with the development of the Islamabad Capital Territory through the Capital Development Authority Ordinance, 1960. The CDA is the prime authority which is planning and executing developmental schemes in the Islamabad Capital Territory. Unfortunately in executing developmental schemes, CDA generally fails to complete developmental schemes within a reasonable time. It takes years and years for its developmental schemes, especially in developing new sectors. This on one side causes loss to state exchequer by increasing the cost of developmental schemes and on the other side it causes frustration to those who want to have their abode or business activities in the area. Through this amendment, it will be binding on CDA and other executing agencies including the Federal Government to execute and implement the developmental schemes in a pre-determined time period. In this way the loss to state exchequer as well as frustration to the public due to delay in the developmental schemes will be eradicated.

The Bill has been designed to achieve the aforesaid objectives.

**SENATOR FAWZIA ARSHAD  
MEMBER-IN-CHARGE**

## [AS REPORTED BY THE COMMITTEE]

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, 2022.

(2) It shall come into force at once.

**2. Amendment of section 14, Ordinance XXIII of 1960.**-In the Capital Development Authority Ordinance, 1960 (Ordinance XXIII of 1960), hereinafter referred to as the said Ordinance, the existing section 14, shall be re-numbered as sub-section (1) of section 14, and thereafter, in section 14 amended as aforesaid, the following new sub-sections shall be added, namely:-

"(2) All schemes under section 12, section 13 or under any other provision of this Ordinance shall be completed within such pre-determined time period which is reasonably required for execution and completion of such schemes.

**(3) Failure to complete and execute schemes in the pre-determined time period, without just and plausible reasons, shall be proceeded strictly in accordance with the law."**

**3. Amendment of section 17, Ordinance XXIII of 1960.**- In the said Ordinance, in section 17, after sub-section (2), the following new sub-section shall be added, namely:-

"(3) The provisions of sub-sections (2) and (3) of section 14 shall mutatis mutandis apply to schemes which are to be executed under this section."

**4. Amendment of section 19, Ordinance XXIII of 1960.**- In the said Ordinance, the existing section 19 shall be re-numbered as sub-section (1) of section 19, and thereafter, in section 19, amended as aforesaid, the following new sub-section shall be added, namely:-



"(2) Any amendment or modification in a scheme under sub-section (1) shall not confer any right on the Authority or the Federal Government to extend, without just and plausible reasons, the pre-determined time period necessary for execution and completion of the schemes."

### **STATEMENT OF OBJECT AND REASONS**

The Capital Development Authority (CDA) was constituted and was entrusted with the development of the Islamabad Capital Territory through the Capital Development Authority Ordinance, 1960. The CDA is the prime authority which is planning and executing developmental schemes in the Islamabad Capital Territory. Unfortunately in executing developmental schemes, CDA generally fails to complete developmental schemes within a reasonable time. It takes years and years for its developmental schemes, especially in developing new sectors. This on one side causes loss to state exchequer by increasing the cost of developmental schemes and on the other side it causes frustration to those who want to have their abode or business activities in the area. Through this amendment, it will be binding on CDA and other executing agencies including the Federal Government to execute and implement the developmental schemes in a pre-determined time period. In this way the loss to state exchequer as well as frustration to the public due to delay in the developmental schemes will be eradicated.

The Bill has been designed to achieve the aforesaid objectives.

**SENATOR FAWZIA ARSHAD  
MEMBER-IN-CHARGE**