

[AS PASSED BY 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 (Ordinance No XXIII of 1960) 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 Capital Development Authority (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Amendment of section 27, Ordinance No. XXIII of 1960.-In the Capital Development Authority Ordinance, 1960 (Ordinance No. XXIII of 1960), hereinafter referred to as the said Ordinance, in section 27, in sub-section (2), the words "and the amount" shall be omitted.

3. Amendment of section 28, Ordinance No. XXIII of 1960.- In the said Ordinance, in section 28, the existing provision shall be re-numbered as sub-section (1) of that section and after sub-section (1), as re-numbered hereinbefore, the following new sub-section (2) shall be added, namely:-

"(2) Notwithstanding anything contained in this Ordinance, where land includes a building or build up property, the Deputy Commissioner may issue two separate awards one for the land and another for the building or build up property."

4. Amendment of section 29, Ordinance No. XXIII of 1960.-In the said Ordinance, in section 29, for the words "the amount of which shall be determined by the Deputy Commissioner who shall be guided by the provisions of section 30 and 31" the words, commas, full stop and figures "in the form of monetary payment, land sharing, or any other form as may be determined by the Authority. The Deputy Commissioner shall announce the award and shall be guided by the provisions of section 30 and 31" shall be substituted.

5. Insertion of section 29A, Ordinance No. XXIII of 1960.-In the said Ordinance, after section 29, the following new section 29A shall be inserted, namely:-

"29A. Rehabilitation and resettlement benefits.- The pending cases for grant of rehabilitation and resettlement benefits in lieu of any award of land and build-up property, pending on the 30th October, 2024 shall be governed and processed in accordance with the provisions of the applicable Rehabilitation Policy in force at the relevant time."

6. **Amendment of section 30, Ordinance No. XXIII of 1960.**-In the said Ordinance, in section 30,-

- (a) in sub-section (1), the words "amount of " shall be omitted; and
- (b) after sub-section (3), the following new sub-section shall be inserted, namely:-

"(4) Where compensation is provided through land sharing, rehabilitation benefits, resettlement benefits, or any other form as determined by the Authority, it shall ensure that the,-

- (a) allotted land is of equivalent value, utility and accessibility as the acquired land;
- (b) rehabilitation and resettlement benefits are provided where required ensuring the restoration of livelihood and standard of living; and
- (c) compensation package aligns with principles of equity ensuring that affected persons are not placed at a disadvantage due to the acquisition."

7. **Amendment of section 32, Ordinance No. XXIII of 1960.**-In the said Ordinance, in section 32, for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that in case of a separate award for land and the buildings thereon, the land or the building, as the case may be, shall vest in the Authority free from all encumbrances upon the making of the respective award."

8. **Substitution of section 32A, Ordinance No. XXIII of 1960.**- In the said Ordinance, for section 32A, the following shall be substituted, namely:-

"32A. Additional Compensation.- When the compensation is determined under section 29 and sub-sections (3) and (4) of section 30, is not paid, deposited or tendered with the Deputy Commissioner on or before taking possession of the land, the Deputy Commissioner shall, in addition to such compensation, pay additional compensation computed at the rate of eight per centum per annum on such compensation from the time of so taking the possession until it has been so paid or deposited."

9. Amendment of section 33A, Ordinance No. XXIII of 1960.-In the said Ordinance, in section 33A, for sub-section (3), the following shall be substituted, namely:-

"(3) The Deputy Commissioner shall, after giving the person having interest in the land an opportunity of being heard, determine the compensation for the temporary occupation and use of the land at the rate at which it was rented during the preceding agricultural year and, if it was not so rented, at such rate as he may consider fair and equitable, and make an award specifying the,-

- (a) area and description of the land;
- (b) purpose and the period for which the land is required;
- (c) compensation and shares therein of the persons, if there be more than one, entitled thereto; and
- (d) mode of compensation."

10. Amendment of section 33B, Ordinance No. XXIII of 1960.- In the said Ordinance, in section 33B,-

- (a) in the head note, for the words, "Payment of compensation" the word "Compensation" shall be substituted;

- (b) for sub-section (1) the following shall be substituted, namely:-

" (1) If any person entitled to the compensation under this Ordinance is a minor or of unsound mind or otherwise under a legal disability to receive and administer the compensation the Deputy Commissioner may, by order, direct that the compensation shall be made to the person applying for it on behalf of the person entitled thereto, if the Deputy Commissioner, after making such enquiry as he may deem fit, is satisfied that the person so applying is the proper person to receive and administer the compensation for the benefit of the person entitled to compensation."; and

- (c) for sub-section (3), the following shall be substituted, namely:-

"(3) Any compensation provided under sub-section (1) or sub-section (2) shall afford full indemnity to the Authority for the compensation made but shall not affect the liability of the person who has received the compensation to account therefore to the person lawfully entitled thereto."

11. Amendment of section 36, Ordinance No. XXIII of 1960.-In the said Ordinance, in section 36,-

- (a) in sub-section (3), in the proviso, after the word "compensation" the comma and words ", rehabilitation and resettlement " shall be inserted; and
- (b) for the words "amount paid", the words "compensation awarded", shall be substituted.

STATEMENT OF OBJECTIONS AND REASON

The Capital Development Authority (CDA) has been constituted and entrusted with the development of Islamabad Capital Territory through the Capital Development Authority Ordinance, 1960. The CDA is the prime Authority which is planning and executing developmental Schemes in Islamabad Capital Territory. The Capital Development Authority Ordinance, 1960 makes it incumbent upon the Authority to compensate the affectees of the compulsory acquisition carried out by the Capital Development Authority. The Capital Development Authority (CDA) faces significant financial constraints, making it impractical to compensate all affectees solely through monetary awards.

2. In view of this matter, draft Amendments have been proposed in Sections 27, 28, 29, 29-A, 30, 32, 32A, 33A, 33B, and 36 of the CDA Ordinance, 1960. It is important to highlight that Article 24 of the Constitution allows compensation for compulsory acquisition of property to be either fixed as a specific amount or determined based on specified principles and manner.

3. To address this challenge and ensure compliance with judicial directives, the proposed amendments introduce the option of land-sharing as compensation mechanism for both future and past acquisitions as practiced in other organizations. This approach balances the financial viability of the CDA with its obligation to provide equitable compensations, preventing delays in settlements and the potential disenfranchisement of the affected individuals.

4. The proposed amendments will provide transparency and fairness in land acquisition and better urban planning.

5. This Bill seeks to achieve the above-said objectives.

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