

THE PUNJAB KATCHI ABADIS ACT, 1992
(VIII of 1992)

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TEXT

THE PUNJAB KATCHI ABADIS ACT, 1992 (VIII of 1992)

[19th September, 1992]

An Act

to make provisions for regularisation, development and improvement of Katchi Abadis.

Preamble.— Whereas it is expedient to make provisions for regularization of Katchi Abadis and to provide for development and improvement thereof.

It is hereby enacted as follows:-

- 1. Short title, extent and commencement.**— (1) This Act may be called the Punjab Katchi Abadis Act, 1992.
 - (2) It shall extend to the whole of the Province of the Punjab.
 - (3) It shall come into force at once.
- 2. Definitions.**— (1) In this Act, unless there is anything repugnant in the subject or context—
 - ²[(i) * * * *]
 - ³[(ii) * * * *]
 - (iii) ‘Director-General’ means the Director-General of Katchi Abadis, Punjab;
 - (iv) ‘Dwelling Unit’ means a house or any similar structure, built of any material, and used wholly or partially for human habitation;
 - ⁴[(iv-a) “Government” means Government of the Punjab;]
 - ⁵[(iv-b) “Governmental Agency” means—
 - (a) a local government established under the Punjab Local Government Ordinance, 2001 (XIII of 2001), a cantonment declared as such under the Cantonments Act, 1924 (II of 1924) or under the Cantonments Ordinance, 2002 (CXXXVIII of 2002) or a Development Authority established under any law for the time being in force; or
 - (b) a division, attached department, bureau, section, commission, board, office, company, statutory body or unit of the Government.]
 - (v) ‘Implementation Committee’ means a Committee constituted under Section ⁶[5] of this Act;
 - (vi) ‘Katchi Abadi’ means any area declared as such under Section ⁷[6] of this Act;
 - (vii) ‘Prescribed’ means prescribed by rules; and
 - (viii) ‘Rules’ means rules framed under this Act.

(2) Words and expression not defined in this Act shall, unless the context otherwise requires, have the meanings assigned to them in the Punjab Local Government Ordinance, ⁸[2001 (XIII of 2001)].
- 3. Appointment of Director-General.**— (1) There shall be appointed by Government a Director-General for carrying out the purposes of this Act.

¹ This Act was passed by the Punjab Assembly on 9th September, 1992; assented to by the Governor of the Punjab on 15th September, 1992; and, was published in the Punjab Gazette (Extraordinary), dated 19th September, 1992, Pages 3035-I to 3035-N.

² Clause (i) omitted by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

³ Clause (ii) omitted *ibid.*

⁴ Inserted *ibid.*

⁵ *Ibid.*

⁶ Substituted for the figure “7” by the Punjab Katchi Abadis (Amendment) Ordinance, 2002 (IV of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

⁷ *Ibid.*, for the figure “8”.

⁸ *Ibid.*, for the figures, brackets and words “1979 (Pb. Ord. VI of 1979)”.

- (2) The Director-General shall be provided with such officers and staff as is considered necessary by the Government for the efficient performance of the functions of the Director-General.

4. Powers and functions of the Director-General.— (1) Subject to the provisions of this Act and general control of the Government, the Director-General, shall exercise such powers and perform such functions and duties as may be necessary for carrying out the purposes of this Act.

- (2) Without prejudice to the generality of the foregoing provision, the Director-General shall—
- (i) implement policies formulated by the Government for the regularisation, development and improvement of a Katchi Abadi;
 - (ii) lay-down guidelines for the implementation of such policies by the concerned authorities;
 - (iii) identify an area to be declared as a Katchi Abadi under this Act;
 - (iv) arrange or carry out detailed physical survey, and census of occupants of the Katchi Abadis and prepare or cause to be prepared plans and amelioration plans and designs of infrastructural works in connection with the regularisation and development of the Katchi Abadis;
 - (v) formulate development and financial programmes in respect of the Katchi Abadis and determine implementation strategy of such programme;
 - (vi) oversee the operation of the fund;
 - (vii) acquire, hold, control and administer, movable or immovable property or dispose of such property;
 - (viii) prepare or cause to be prepared schemes and execute or cause to be executed such schemes;
 - (ix) undertake, where necessary, low cost housing and redevelopment schemes for resettlement of shitees from the Katchi Abadis and the areas which are not regularisable as Katchi Abadis;
 - (x) enter into and perform contracts;
 - (xi) incur expenditure for carrying out the purposes of this Act;
 - (xii) arrange civic amenities and civic services in the Katchi Abadis through ⁹[a Governmental Agency or a donor agency of Pakistan or foreign origin];
 - (xiii) take such steps as may be necessary or conducive to the attainment of the objects of the appointment of the Director-General;
 - (xiv) inspect or cause to be inspected the development schemes of Katchi Abadis and may issue such instructions as may be necessary with regard to the sanctioning and preparation of such schemes;
 - (xv) call for the record of any of the proceedings of the Implementation Committee and to alter its decisions if deemed proper subject to the prior approval of the Government;
 - (xvi) evict or cause to be evicted unauthorised persons or remove or cause to be removed encroachments from Katchi Abadis in accordance with the law for the time being in force;
 - ¹⁰[(xvii) decide, with the prior approval of the Government, all disputes between an Implementation Committee and a Governmental Agency with regard to a survey list, fixation of market price of the land and all matters concerning the regularization or development of Katchi Abadis; and]
 - (xviii) issue directions with regard to Survey Lists, fixation of market price and development charges.

5. Constitution of Implementation Committees.— ¹¹[(1) The Government shall constitute an Implementation Committee for a district in which a Katchi Abadi is located.]

⁹ Substituted for the words "the Tehsil Municipal Administration/Development Authorities/Cantonment Boards, other concerned agencies or donor agencies of Pakistan or foreign origin" by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

¹⁰ Substituted *ibid*.

- (2) The Committee shall consist of a Chairman and such other members as Government may appoint.
- (3) The Committee may co-opt any person as its member for any particular purpose.
- (4) The Committee shall:-
 - (i) assist the Government and the Director-General in the performance of their functions;
 - (ii) be responsible for effective co-ordination of the activities of the Director-General pertaining to Katchi Abadis with those of the concerned Agencies in the respective areas;
 - (iii) ensure prevention of encroachments in Katchi Abadis;
 - (iv) take such steps as may be necessary or conducive to the attainment of the objectives of this Act; and
 - (v) perform such other functions as may be assigned to it by the Government.
- (5) The Committee shall function in such manner as the Government may specify.

6. Declaration of Katchi Abadis and Acquisition of Land.— (1) Subject to the provisions of sub-sections (2), (3), (4) and (5) and the directions, if any, of Government, the Director-General may, after such enquiry as he deems fit, by notification in the official Gazette, declare any area or part thereof which was occupied unauthorisedly before the ¹²[31st December 2006] and continues to be so occupied and has at least forty dwelling units on it to be a Katchi Abadi:

Provided that the Government may ¹³[by] notification from time to time re-determine the number of dwelling units for the purpose of declaration of a Katchi Abadi.

- (2) No area belonging to the Federal Government or any authority or Corporation or body established or controlled by the Federal Government shall be declared as Katchi Abadi without the consent of the Federal Government.
- (3) Except as otherwise provided, no area owned by a person or a society shall be declared as Katchi Abadi except with the consent of such person or society and the Katchi Abadi so declared shall be subject to such terms and conditions as may be agreed to between such person or, as the case may be, society and the Director-General.
- (4) Except as otherwise directed by the Government, no area which is reserved for the purposes of roads, streets, water supply arrangements, sewerage or other conservancy arrangements, hospitals, schools, colleges, libraries, playgrounds, gardens, mosques, graveyards, railways, high tension lines, or similar other purposes or is not safe from flood hazard, shall be declared to be a Katchi Abadi.
- (5) Where the Government is of the opinion that the area referred to in sub-section (3) cannot be acquired by consent or agreement, the area may be acquired under the provisions of the Land Acquisition Act, 1894 (I of 1894).
- (6) An area declared to be a Katchi Abadi shall, subject to the agreement referred to in sub-section (3), vest in the Development Authority or the ¹⁴[Tehsil Municipal Administration] within whose area it falls.

7. Schemes.— (1) The Director-General shall prepare or cause to be prepared schemes for development, improvement, or regularisation of Katchi Abadis including the grant of proprietary rights in Katchi Abadis to the dwellers thereof and the schemes so prepared shall have effect on being sanctioned by the Government.

- (2) The schemes may relate to—

¹¹ Substituted by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

¹² Substituted *ibid.*, for "23rd of March, 1985".

¹³ Substituted for the word "be", by the Punjab Katchi Abadis (Amendment) Ordinance, 2002 (IV of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

¹⁴ Substituted, for the word "Council", by the Punjab Katchi Abadis (Amendment) Ordinance, 2002 (IV of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

- (i) community planning, housing, re-housing including low cost housing and amelioration;
 - (ii) rehabilitation of occupants of Katchi Abadi in the same Katchi Abadi or where it is not possible in some other area or locality;
 - (iii) community facilities including water supply, sewerage disposal, electricity supply, gas and other public utilities or amenities;
 - (iv) roads and streets; and
 - (v) any subject or matter incidental or ancillary to the purposes of this Act.
- (3) Government may, by notification in the official Gazette, alter or amend the list of subjects given in sub-section (2), and any such addition or modification shall take effect as if it had been enacted in this Act.
- (4) All schemes shall be prepared in such manner and form as Government may specify, and shall contain, among other things, the following information, namely:-
- (i) description of the scheme and the manner of its execution;
 - (ii) estimate of costs and benefits;
 - (iii) allocation of costs to the various purposes to be served by the scheme;
 - (iv) date of commencement; and
 - (v) date of completion.
- (5) At any time after sanctioning of any scheme but before its completion, Government may, on its own motion or on the recommendation of the Director-General, alter it.
- (6) The Director-General, and if so directed by him the ¹⁵[Governmental Agency], shall execute or cause to be executed the sanctioned schemes and take such measures and exercise such powers including the power of removal of encroachments in accordance with the law for the time being in force as may be necessary for the purpose.
- 8. Shifting of Occupants of Katchi Abadis.—** (1) Occupants of any Katchi Abadi may, with the prior approval of the Government, be shifted by the Director-General if the land under a Katchi Abadi or a part thereof—
- (a) is not transferred by the owner of the land;
 - (b) is required for providing civic amenities in the Katchi Abadis;
 - (c) is low-lying and its development is not economical; or
 - (d) is required for any public purpose.
- 9. Katchi Abadis Fund.—** (1) There shall be a separate fund of each concerned ¹⁶[Governmental Agency] to be known as Katchi Abadis Fund.
- (2) The fund shall consist of—
- (i) grants and subsidy received from the Federal Government, the Provincial Government or ¹⁷[a Governmental Agency];
 - (ii) loans raised or obtained by the ¹⁸[Governmental Agency];
 - (iii) contributions or donations, aid or gifts received by the Director-General ¹⁹[or] the

¹⁵ Substituted for the words “concerned Development Authority or Tehsil Municipal Administration” by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

¹⁶ *Ibid.*, for the words “Development Authority or Tehsil Municipal Administration”.

¹⁷ *Ibid.*, for the words “any Local Authority”.

¹⁸ *Ibid.*, for the words “Development Authority or the Tehsil Municipal Administration”.

¹⁹ Substituted for the comma, by the Punjab Katchi Abadis (Amendment) Ordinance, 2002 (IV of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

²⁰[Governmental Agency] ²¹[* * *]; and

- (iv) price of land and development charges, recovered under this Act and other charges, if any, for services rendered by the ²²[Governmental Agency].

10. Loans, grants, aid and gifts.— The Director-General may, with the previous sanction of and on such terms and conditions as may be approved by Government, obtain—

- (i) loans from banks and other sources for carrying out the purposes of this Act; and
(ii) grants, aid, or gifts from donor agencies of Pakistan or foreign origin.

11. Custody and investment.— The amounts credited in the fund shall be operated, kept and invested in such manner as may be prescribed.

12. Utilization of the Fund.— The amount credited in the fund shall be utilised for carrying out the purposes of this Act.

13. Accounts.— (1) The accounts of the fund shall be maintained in such manner and form as may be prescribed.

(2) An annual statement of the accounts shall be prepared by the ²³[Governmental Agency] after the close of every financial year and shall be transmitted to the Director-General by such date as may be prescribed.

14. Audit.— The accounts of the fund shall be audited by such Audit Agency as may be prescribed.

²⁴**[15. Surcharge.—** Every member, official or servant of a Governmental Agency and every person charged with the administration of the fund or acting on behalf of a Governmental Agency under this Act shall, for misappropriation or misapplication of any money of the fund which is a direct consequence of his negligence or misconduct, be liable to pay such surcharge as may be determined by the Government after giving the person concerned a reasonable opportunity of being heard and such amount shall be recoverable by the Director General as arrears of land revenue.]

16. Betterment fee.— (1) Where the Government is of the opinion that in consequence of the execution of any scheme the value of any property involved in such scheme has increased or will increase, it may levy upon such property a betterment fee and collect or cause to be collected the same from the owner thereof or any person in possession thereof or having interest therein.

- (2) The betterment fee shall be levied at such rate as may be determined by the Government:

Provided that such fee shall not be more than half of the amount by which the value of the property on the completion of the execution of the scheme exceeds the value of the property prior to such execution.

- (3) When it appears to the Government that any scheme is sufficiently advanced to enable the determination of the betterment fee, the Government may, by an order made in this behalf, declare, that for the purpose of levying the betterment fee, the execution of the scheme shall be deemed to have been completed and thereupon give notice in writing to the owner of the property or any person in possession thereof or having interest therein that the Government proposes to determine the betterment fee in respect of such property.

- (4) The Government shall at the expiry of fifteen days after the service of the notice under sub-section (3) or if any representation is received by the Government against the determination of betterment fee, after decision on such representation proceed

20 Substituted for the words "Development Authority" by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

21 The words "or Council" deleted by the Punjab Katchi Abadis (Amendment) Ordinance, 2002 (IV of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

22 Substituted for the words "Development Authority or the Tehsil Municipal Administration" by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

23 *Ibid.*

24 Section 15 substituted by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.

to levy and collect or cause to be collected betterment fee in such manner and in accordance with such procedure as may be prescribed.

- 17. Delegation of powers.—** (1) The Government may delegate any of its powers under this Act to the Director-General.
- (2) The Director-General may, with the previous approval of the Government and subject to such conditions as it may impose, delegate to any person, agency or authority any of his powers, duties or functions under this Act, not being the powers delegated to him under sub-section (1).
- 18. Committees.—** The Director General may constitute financial, technical or advisory committees with such constitution and functions as the Government may specify.
- 19. Power of Government to give Directions.—** (1) Government may, from time to time, give such directions as it considers necessary for the guidance and compliance by the Director-General.
- ²⁵[(2) The Government may direct the Director-General or the Governmental Agency to furnish to it any document, return, statement or any other information regarding any matter under this Act, and the Director General or the Governmental Agency shall act accordingly.]
- 20. Offences and their Cognizance.—** (1) Whoever obstructs or causes to obstruct any person in the discharge of his duties or execution of any scheme or work under this Act or contravenes, attempts to contravene or abets the contravention of the order or direction given under this Act or rules in connection with the execution of such scheme or work shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both.
- (2) No court shall take cognizance of any offence under this Act except on a complaint in writing made by the Government, the Director-General or by a person duly authorised by it or him in this behalf.
- (3) No court, inferior to that of a Magistrate of the First Class shall be competent to take cognizance of an offence under this Act.
- 21. Validation.—** All appointments or regulations made, notifications, orders, instructions or notices issued, Katchi Abadis declared, schemes prepared, or caused to be prepared, surveys conducted or caused to be conducted, contracts entered into, rights acquired or granted, claims made, proceedings or actions taken before the commencement of this Act by the Government or any officer or authority in exercise of powers derived from the Government with regard to regularisation or development of Katchi Abadis shall be deemed to have been respectively made, issued, declared, prepared or caused to be prepared, conducted, caused to be conducted, entered into, acquired, granted, made, or taken under this Act.
- 22. Power to make Rules.—** The Government may make rules for carrying out the purposes of this Act.
- 23. Removal of difficulties.—** If any difficulty arises in giving effect to any of the provisions of this Act, the Government may make such orders as may appear necessary or expedient for the purpose of removal of the difficulty.

²⁵ Substituted by the Punjab Katchi Abadis (Amendment) Act 2009 (XIII of 2009). This Act was originally promulgated as Ordinance XVIII of 2007; was given permanent life by PCO I of 2007; however, consequent upon the judgment of the Supreme Court of Pakistan dated 31 July 2009, this Ordinance was laid in the Assembly; and was enacted as Act XIII of 2009.