

A

BILL

*to provide for housing and real estate development and other activities related to land and construction through the establishment of Naya Pakistan Housing and Development Authority*

WHEREAS the Constitution of the Islamic Republic of Pakistan, 1973, requires the State to endeavour to provide housing, a basic necessity of life, to its citizens;

AND WHEREAS it is expedient to establish the Naya Pakistan Housing and Development Authority for the purposes of planning, development, construction and management of real estate development schemes and projects, including housing, and matters connected therewith and ancillary thereto so as to pursue philanthropic and other objectives on profit and non-profit basis and to carry out refurbishment, uplift or establishment and maintenance of infrastructure, roads etc. and the performance of other civic and municipal ventures or tasks;

It is enacted as follows:-

## CHAPTER I

### PRELIMINARY

#### **1. Short title, extent, commencement and application.—**

(1) This Act shall be called the Naya Pakistan Housing and Development Authority Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

**2. Application.** — This Act shall apply to the works, lands and buildings owned or acquired by, vested in or in the possession of the Federal Government in the specified area and the schemes developed or re-developed under this Act.

#### **3. Definitions.—** In this Act,—

(a) "Acting Chairman" means the Acting Chairman of the Authority appointed in terms of sub-sections (6) or (7), respectively, of section 10;

- (b) "Adjudicator" means an Adjudicator of the Authority appointed in accordance with section 41;
- (c) "Appellate Tribunal" means the Appellate Tribunal of the Authority established pursuant to this Act;
- (d) "Authority" means Naya Pakistan Housing and Development Authority established under this Act;
- (e) "certificate of title" includes a certificate of title with regard to the entitlement to an immovable property in terms of a lease, tenancy, license, allotment or allocation or any other mode of grant issued by the Registrar, in the manner and on such terms and conditions as may be prescribed;
- (f) "Chairman" means the Chairman of the Authority;
- (g) "enforcement inspector" means an employee of the Authority designated as enforcement inspector in accordance with section 38;
- (h) "Federal Land Bank" means the Federal Land Bank constituted under section 16;
- (i) "finance" shall have the same meaning as assigned thereto in the Financial Institutions (Recovery of Finances) Ordinance, 2001 (XLVI of 2001);
- (j) "financial institution" shall have the same meaning as assigned thereto in the Financial Institutions (Recovery of Finances) Ordinance, 2001 (XLVI of 2001);
- (k) "Fund" means Naya Pakistan Housing and Development Authority Fund created under this Act;
- (l) "house finance" means finance provided by financial institutions to individuals for the construction, refurbishment or purchase of residential houses, units or apartments or for purchase of residential plots and construction thereon;
- (m) "management association" means a body, association, trust, body corporate, society or any other entity, registered or otherwise, established and mandated by the Authority, in the prescribed manner, for managing a scheme or part thereof;
- (n) "member" means a member of the Policy Board;

- (o) "Policy Board" means the Policy Board of the Authority constituted under this Act;
- (p) "prescribed" means prescribed by rules or regulations under this Act;
- (q) "Patron" means the Patron of the Authority;
- (r) "Registrar" means a registrar appointed under Section-22 of this Act;
- (s) "Schedule" means a Schedule appended to this Act;
- (t) "scheme" means a scheme or schemes, plan, facility or project, on profit or non-profit basis, comprising development or redevelopment of:
  - (i) new or existing cities, towns and islands, or
  - (ii) mix-use, housing, commercial and/or public amenity plots, buildings and/or units and related infrastructure, or
  - (iii) infrastructure and services including transportation systems and road networks, traffic management systems, healthcare facilities, educational facilities, recreational and cultural facilities, municipal and civic facilities and services, communications systems and facilities, utilities infrastructure and network (including water supply, drainage, sewerage, sanitation), or
  - (iv) energy generation, procurement, transportation, transmission and distribution systems including for electric power (through any energy source) and gas (LNG/RLNG, LPG etc.), or
  - (v) industrial estates and parks, and
  - (vi) all facilities, systems and works incidental or ancillary thereto, planned, made, undertaken and/or supervised and/or approved by the Authority under this Act;
- (u) "Secretary" means the Secretary of the Authority appointed in accordance with section 6 (7) of this Act;
- (v) "section" means a section of this Act; and

- (w) "specified area" includes an area in which the Authority may pursue a scheme;

## CHAPTER 11

### INCORPORATION AND FUNCTIONS

**4. Authority.**— (1) The Patron shall, by notification in the official Gazette, establish the Naya Pakistan Housing and Development Authority.

(2) The Authority shall be a corporation having perpetual succession, a common seal and may sue or be sued in the name mentioned in sub-section (i) of this section 4.

(3) The head office of the Authority shall be at Islamabad and the Authority may establish regional and/or such offices in such other parts of Pakistan as it may deem necessary.

**5. Functions of the Authority.**— (1) The Authority as may be prescribed, shall:-

- (a) identify immovable properties and projects suitable for the development of schemes;
- (b) recommend to the Federal Government to provide or procure immovable property or a project through any means permissible under law, including compulsory acquisition; purchase, lease or license through private agreement; donation by any private party or any state land or project by any government or other public authority, on such terms as may be mutually agreed between the Federal Government and the relevant transferor or provider;
- (c) cause studies, surveys, experiments or technical researches to be undertaken or contribute towards the cost of any such studies, surveys, experiments or technical researches, undertaken by any other entity;
- (d) if necessary, prepare and approve a master or site plan of a specified area containing zoning, spatial or town planning, infrastructure development, land use and building control regulations in consonance with the planning under the applicable building and town-planning dispensation;