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ORDINANCE NO. I OF 2021

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ORDINANCE

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;

AND WHEREAS the National Assembly and the Senate are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance, namely:---

1. Short title and commencement.—(1) This Ordinance shall be called the Capital Development Authority (Amendment) Ordinance, 2021.

(2) It shall come into force at once.

2. Amendment of section 8, Ordinance XXIII of 1960.—In the Capital Development Authority Ordinance, 1960 (XXIII of 1960), hereinafter referred to as the said Ordinance, in section 8, clause (f) shall be omitted.

3. Amendment of section 15, Ordinance XXIII of 1960.—In the said Ordinance, in section 15, in sub-section (2), in clause (v), after the word “contracts”, the expression “including but not limited to joint venture, public private partnership, concession agreements, etc.” shall be inserted.

4. Insertion of section 49G, Ordinance XXIII of 1960.—In the said Ordinance, after section 49F, the following new section 49G shall be inserted, namely:—

“49G. Ordinance to override other laws.—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force and such law shall, to the extent of any inconsistency, cease to have effect”.

STATEMENT OF OBJECTS AND REASONS

The brief facts leading to amendment in CDA Ordinance 1960 are that the Islamabad High Court, Islamabad in its judgment dated 29.12.2017 in Writ Petition No.348/2016 set aside the notification for appointment of Sheikh Anser Aziz, Mayor Metropolitan Corporation Islamabad as Member of CDA Board with additional functions of Chairman, Capital Development Authority, Islamabad, Islamabad High Court further directed the Federal Government to initiate the process for selection of an eligible person to be appointed as Member of the Board of the Authority for the fixed term which has been specified under Section 6(3) of the Ordinance of 1960 and appoint a Chairman for a fixed period of five years from amongst the Members within forty-five days (45 days) from the date of announcement of the judgment.

2. In order to elaborate the procedure for appointment of Chairman/Members in CDA, it was decided to amend the relevant sections of Capital Development Authority Ordinance, 1960. Accordingly, the President of Pakistan promulgated Capital Development Authority (Amendment) Ordinance, 2018 on 10.01.2018 for a period of 120 days which was further extended for another period of 120 days w.e.f. 10.05.2018 (till 06.09.2018) by the National Assembly of Pakistan as per laid down procedure. The previous National Assembly could not pass the said amendment in CDA Ordinance, 1960 till completion of its tenure on 31.05.2018.

3. The Federal Government proposed certain amendments in the criteria for appointment of Chairman and Board Members through CDA Amendment Ordinance 2018 which was subsequently extended for another term of 120 days by National Assembly of Pakistan which lapsed 06.09.2018. The purpose of amendment of these sections in CDA Ordinance, 1960 is to comply with the Hon'ble Islamabad High Court's order. Recently, the Federal Government has decided the re-structuring of CDA Board and notification in this regard was issued by Cabinet Division. Therefore the amendments have become inevitable and have been proposed in the light of "Notification" referred above.

4. Further amendment is related to addition of words "joint venture, Public-Private Partnership, concession agreements, etc" in Section 15(2) in clause (v) of CDA Ordinance, 1960 which shall enable CDA to enter into agreement with Private Party for the provision of infrastructure facilities, management functions and/or services with a clear allocation of risks and benefits between the two parties. This will lessen the financial burden on CDA/Government and will enhance development activities of CDA in ICT.

(Sheikh Rashid Ahmed)
Minister for Interior