

CONFIDENTIAL

CAPITAL DEVELOPMENT AUTHORITY
(Directorate of Coordination)

No.CDA-1218/BM-Coord/2011/ Islamabad Oct: 2011.

Subject:- MINUTES OF THE 19TH MEETING OF
CDA BOARD FOR THE YEAR 2011.

The 19th meeting of the CDA Board for the year 2011 was convened on Monday, 12th September, 2011 at 11:00 A.M in Room No. 006, Jinnah Convention Centre, Islamabad with the Chairman, CDA presiding.

2. The following were in attendance:-

- 1) Mr. Imtiaz Inayat Elahi, **In Chair**
Chairman, CDA.
- 2) Mr. Saeed-ur-Rehman,
F.A/ Member.
- 3) Mr. Shaukat Ali Mohmand,
Member (Admin).
- 4) Mr. Tahir Shamshad,
Member (P & D).

- 5) Mian Waheed-ud-Din,
Member (Environment).
- 6) Syed Abrar Hussain Shah,
Member (Engineering).
- 7) Mr. Khalid Mehmood Mirza
Member (Estate).
- 8) Dr. Raja Mustafa Hyder,
Secretary CDA Board.

3 The following officers were in attendance and participated:-

- 1) Mr. Habib-ur-Rehman,
Dy. D.G (Law).
- 2) Mr. Abdul Baqi,
Director (Law).
- 3) Mr. Waqar Ali Khan,
Director (L & R).
- 4) Shahzada Rimmel Jamil,
Project Director,
Park Enclave Project.

4. Mr. Omar Asad, Deputy Director (Development / Finance) attended meeting on behalf of Chief Commissioner (ICT), Islamabad and Commissioner, Rawalpindi could not attend the meeting.

5. Meeting commenced with the recitation of "Bismillah" by Dr. Raja Mustafa Hyder, Secretary CDA Board.

6. The agenda items were taken up for discussion and following decisions were taken:-

6.1 ALLOTMENT OF ADDITIONAL PLOTS FOR THE TRAINING AREA OF ANTI NARCOTICS FORCE ACADEMY (ANF) SECTOR H-9, ISLAMABAD.

6.2 ESTABLISHMENT OF CNG STATION ON THE PLOT ALLOTTED TO NATCO IN SECTOR I-11/4, ISLAMABAD.

6.3 CANCELLATION OF AMERICAN SCHOOL PLOT ALLOTTED TO MR. HAMID HIRAJ IN DIPLOMATIC ENCLAVE.

6.4 RESTORATION OF ALLOTMENT OF PLOT NO. 13, MARKAZ F-6, ISLAMABAD.

6.5 REQUEST FOR RESTORATION OF SHOP CUM FLAT NO. 9, BLOCK-C, F-6, SUPER MARKET, ISLAMABAD.

Due to paucity of time, the above 05 items i.e. Item No. 6.1 to 6.5 could not be discussed.

6.6 REVISION OF ISLAMABAD DISPLACED PERSONS
REHABILITATION POLICY-1996.

10021/12183M/11
1249/11/19th

DECISION

Director (Lands & Rehabilitation), presented the proposed amendments in the Islamabad Displaced

Persons Rehabilitation Policy, 1996. The Board approved the same subject to slight modifications. The draft of the proposed policy which was approved by the CDA Board is as under:-

Whereas it is considered expedient to amend, revise and reformulate the rehabilitation policy of the CDA:

It is hereby reformulated as under:

1. **Short title, commencement and application.** This policy may be called the Islamabad Displaced Persons Rehabilitation Policy, 1996.
 - i. It shall come into force at once.
 - ii. It shall apply to persons displaced in Islamabad in consequence of acquisition of their land or built-up-properties prior to 1st January, 1996.
2. **Definitions.** In this policy, unless there is any thing repugnant in the subject or context.
 - (a) **"Affectee"** means a person whose land and or built-up-property has been acquired under the CDA Ordinance, 1960, prior to 1st January, 1996.

(b) **"Family Unit"** means the affectee, his or her spouse & unmarried daughters, minor male sons, Parents/Grand Parents dependent upon & residing with the affectee at the time of acquisition. (as defined in the Law of Inheritance). (CDA Board 21-01-2004).

(c) **"Model Village"** means an agro-village or suburban centre developed as such, in the rural areas of Islamabad i.e. the areas outside the areas specified under section 15-A of the CDA Ordinance, 1960, for the purposes of application of the Municipal Administration Ordinance.

(d) **"Built up Property"** means a residential house with covered area not less than 300 square feet.

3. **Policy:** Subject to the conditions hereinafter appearing, residential plots in model villages in Islamabad or agricultural land in the colony districts of the Punjab and Sindh or Agro-farms in Islamabad will be offered to the affectees, on humanitarian grounds, for their permanent rehabilitation.

4. **Allotment of residential plots:** The residential plots shall be allotted to the affectees according to the following scale namely:

(I) Where the land acquired is with or without built up property thereon and the area of land acquired is:

- (a) 4 Kanals or More but less than 10 Kanals. = a plot of size 25x50
- (b) 10 Kanals or more. = a plot of size 30x60.
(for every complete unit of 10 Kanals of acquired land.)
: Deleted

Provided that where the land acquired is less than 4 Kanals, the Affectee will be allowed to join other affectees to make up the deficiency in the minimum area of 04 Kanals to be eligible for joint allotment of a plot.

- (II) Where built up property is acquired in Abadi Deh, residential plots will be allotted to the affectees, notwithstanding the ownership of the land beneath the built up property, on the following criteria:-

	Area of BUP	plot Size
i)	300 to 499 Square feet	Plot of size 25'x50'
ii)	500 Square feet and upwards	Plot of size 30'x60'

The allotment will, however, be subject to the condition that the affectee has not availed any benefit against acquisition of land, if any, acquired from him, provided that where the acquired built up property is located outside Abadi Deh, residential

plots will be allotted to the affectee of the built up property, as in the case of Abadi Deh, only if the land beneath is owned by the affectee himself.

5. Allotment of Agricultural Land. Where an affectee individually, or as a group of affectees, has lost in acquisition to the CDA cultivable land not less than 50 Kanals in area, he or, as the case may be, they will have the option to apply, in lieu of the residential plot, for agricultural land in the colony districts of the Punjab and Sindh under their colonization scheme in which case he or they will be issued Eligibility Certificate (EC) for double the area of land acquired from him or, as the case may be, them.

6. Allotment of Agro-farm.

(1) Where an Affectee individually, or a group of Affectees, has lost in acquisition to the CDA cultivable land not less than 100 Kanals in area, he or, as the case may be, they will have the option to apply, in lieu of the residential plot and the agricultural land in the colony districts, for agro-farm in Islamabad.

Provided that in case of grouping, no member of the group should have lost in acquisition, less than 10 Kanals of cultivable land, **and Joining** must be only between Family Members (Father, Mother, Brothers, Sisters, Grand Parents) **or**, all joining affectees must be from the same village (Revenue Estate).
(CDA Board 21-5-2008)

- (2) The affectee or the group of affectee, opting for agro-farm under sub-para (1) shall be allowed one agro-farm of about 20 Kanals for every complete unit of 100 Kanals of land acquired from him or, as the case may be, them.

7. Options to be final.

- (I) Instead of taking up individual cases, where possible, the rehabilitation of affectees will be taken up revenue estate-wise and award-wise and options under paragraphs 5 and 6 will be available to the affectees (within six months from the date of the rehabilitation: **Deleted**) of their respective revenue estate or award. (is taken up which date will be duly publicized : **Deleted**). The option once exercised shall be final.
- (2) The options under paragraphs 5 to 6 will be available to the affectees of pre-October 1984 acquisition irrespective of whether E.Cs has been issued to them or not. However, where E.Cs had been issued, the option will be available to them only if they have not utilized the EC and surrender the unutilized EC to the CDA.
- (3) The options will not be available to the affectees who (were issued: **Deleted**) applied for E.Cs after 1st October, 1984, as they are deemed to have already exercised this option.

8. Conditions in general.

(1) Allotment of residential plots, agricultural land or agro-farm shall be subject to prior submission of an affidavit to the effect that no member of the family unit of the affectee (owns a plot or house in Islamabad or: **Deletd**) has already availed of any rehabilitation benefit from the CDA, against the subject land, provided, the acquisition so made are not through same award and in the same financial year.

This affidavit will be further subject to the Scrutiny of and acceptance by the CDA. Any false affidavit will render the executants of that affidavit disqualified for any rehabilitation benefit from the CDA for all times and if any allotment has been made, it will render that allotment liable to be cancelled even if construction has been raised thereon and the amount already paid towards its price liable to be forfeited.

(2) In the cases of BUPs acquired prior to 18-9-1978, only those cases will be considered where the affectees had filed his application for allotment of residential plot by 18-9-1978 alongwith the bank draft of Rs.200/-. All other cases of acquisition of BUPs alone stand closed.

(3) Only one rehabilitation benefit will be admissible under this policy, that is, the affectee will be allowed either a residential plot or agricultural land in the colony districts of

the Punjab or Sindh or agro-farm(s) in Islamabad. Where a rehabilitation benefit has already been availed under a previous policy or the case has otherwise been closed, it will not be re-opened.

- (4) No minor will be independently allotted a residential plot against land or BUP acquired from his name. However, his land or BUP can be joined for making up the deficiency in the minimum area of 4 Kanals of land or the minimum covered area of 1000 square feet or for the purpose of allotment of agricultural land or agro-farm.
- (5) Where an Affectee dies before availing of any Rehabilitation Benefit under this Policy, his admissible benefit will be admissible to the surviving members of his "family unit" (not legal heirs) , notwithstanding that any of them has already been allowed rehabilitation benefit against his own land or BUP or otherwise owns property anywhere in Pakistan.

In cases where the deceased Affectee was not survived by any member of his "family Unit", a plot may be jointly allotted to his legal heirs. The definition of the term "Jointly Unit" may also be modified to include parents of the Affectee dependent on him and living with him (as defined in the Law of Inheritance).

(CDA Board 21-01-2004)

- (6) It will be in the discretion of the CDA to take up a revenue estate for rehabilitation and to rehabilitate its affectees in one model village or the other. However, as a matter of policy, efforts will be made to rehabilitate the affectees of one revenue estate in one model village as far as possible.
- (7) All the benefits under this policy are admissible subject to prior vacation and peaceful handing over physical possession of acquired land and built-up-property to the CDA. The affectee and even the subsequent transferee, if any, of the plot or agro-farm allotted to him will ensure that this possession of the CDA is not disturbed or interfered with in any manner thereafter also. If at any stage it is established that the possession of the CDA over the acquired land or built up property has been disturbed or interfered with in connivance with or due to negligence of the affectee or the transferee that will render the allotment of residential plot or the agro-farm liable to be cancelled.
- (8) Allotment of residential plots and agro-farms will be restricted to the quotas reserved for the affectees in the Islamabad Land Disposal Regulations, 1993, and issuance of E.Cs for agricultural Land in the colony districts of the Punjab and Sindh will be restricted to the land reserved for the Islamabad affectees in those districts.
- (9) Package deal already made with the affectees will be honored. (and implemented but no package deal will be made with the affectees in future: **Deleted**)

- (10) **Cancellation of previous policy.** The Islamabad Displaced Persons Rehabilitation Policy, 1984, and all ancillary instructions and policy decisions taken in this behalf previously are hereby cancelled. However, all allotments made, including decisions taken by the competent authority to make any allotments are hereby confirmed.

Action: Director (L&R)

6.7 MINUTES OF MEETING OF ASC HELD ON 01-03-2011.

Due to paucity of time, above item could not be discussed.

6.8 PAYMENT OF CASH COMPENSATION TO THE AFFECTEES OF SECTOR I-17 & H-16.

10022/1218/BM/'11
12-09-'11/19TH

Director (Lands & Rehabilitation), explained to the Board that CDA Board acquired land for Sector I-17

DECISION

Director (L&R) presented the summary before the CDA Board. The Board approved the summary subject to the modifications. The chronological order of the 05 options will be changed as directed by the Chair during the Board meeting. The draft of the reply to be submitted to the Islamabad High Court should be sent in the shape of a proper

report. The Board further directed that F.A/Member in the meanwhile send a summary to Cabinet Division requesting for payment of Rs. 15 Billion to compensate the Affectees of H-16 & I-17 for complete acquisition of land and the built up property. The Board also remarked that the fact that CDA does not get any government support for such issues and the same should be highlighted in the summary and the requisite report to be sent to the Islamabad High Court. A draft of the report to be submitted to the Honorable Court is reproduced below:-

REPLY TO BE SUBMITTED IN THE HIGH COURT
AFFECTEES OF H-16 & I-17

CDA acquired land for Sector I-17 & H-16 vide Award announced by DC, CDA on 15-01-2009. As per Award of Sector I-17 Land was acquired for Cash Compensation at the rate of Rs. 8,30,000/-, per Kanal, whereas in the Award for Sector H-16, the land owners / Affectees of H-16 have been given dual option of cash compensation or a developed plot.

2. It is important to note that possession of both the Sectors has not been handed over by the

Affectees to CDA and they are still occupying the land. In strict legal sense, until and unless the possession of land is handed over to CDA, the Affectees are not entitled to get payment of compensation and Rehabilitation benefits. In the recent past, in various petitions filed by the Affectees, Islamabad High Court has ordered CDA to arrange the payment of land compensation amount to the Affectees.

3. With this background in view, the following five proposals were considered by CDA Board and approved for onward submission to Honourable Islamabad High Court through Legal Advisor.

- i) Because of CDA's acute financial crunch instead of payment of cash compensation, allotment of plots in the same sectors on Land Sharing Basis may be offered to the Affectees. In that case the Affectees shall be required to hand over vacant and peaceful possession of their land to CDA in order to qualify for Rehabilitation Benefits.
- ii) For complete acquisition of land and Built-up-Property in H-16 & I-17 Sectors CDA needs approximately Rs. 15 Billion to compensate the Affectees. The CDA is in the process of approaching the Federal Government for provision of adequate funds to pay the

compensation to the affectees and after they hand over vacant, peaceful possession of their lands to CDA. As soon as the funds are approved and received from the Federal Government will be disbursed among all Affectees to meet the end of justice and avoiding any discrimination.

- iii) CDA has been holding meetings with the committee of the Affectees in order to reach some agreement over the possibility of payment of compensation in installments keeping in view the present financial position of CDA. For this purpose CDA is willing to allocate Rs. 100 Million per quarter for the Affectees and disburse the same to the Affectees after they hand over vacant peaceful possession of their land to CDA.
- iv) CDA being short of funds and not able to develop the sector independently through its own resources, the government agencies like EOBI etc. has also been approached to come forward and enter into a Joint Venture with CDA to develop these sectors.
- v) In case the Affectees do not agree to the above proposals, CDA is willing to de-notify the award for de-acquisition of acquired lands. Since the present CDA Ordinance does not allow such de-acquisitions, CDA is in the process of amending the CDA Ordinance 1960 so as to pave the way for giving the Authority legal cover for carrying out the de-acquisition process.

**Action: F.A / Member
Director(L&R)**

**6.9 REIMBURSEMENT OF THE MEDICAL CHARGES
IN FAVOUR OF S/O TARIQ FAQIR (EX. DEPUTY
DIRECTOR, CDA).**

Due to paucity of time, above item could not be discussed.

**6.10 DISCUSSION ON AMENDMENTS IN THE CDA
ORDINANCE, 1960.**

10023/1218/BM/'11
12-09-'11/19TH

DECISION

DDG (Law) presented the proposed amendments in the CDA Ordinance, 1960. The Board examined the proposed amendments in the CDA Ordinance-1960 and approved the changes subject to slight modifications. The Board directed DDG (Law) to make the necessary changes and examine the document. Final scrutiny of the amended document will be carried out by the Law Directorate. The CDA Board further remarked that certain points of the proposed document are to be excluded from the Ordinance and incorporated in the Rules of Business.

Action: DDG (Law)

6.11 APPEAL FOR ALLOTMENT OF PLOT IN SECTOR I-8 OF ANOTHER DEVELOPED SECTOR OUT OF CDA EMPLOYEES QUOTA IN FGEHF SCHEME OF SERVICE BENEFIT (MR. MUNIR KHAN LODHI & CH. M. ILYAS).

6.12 ALLOTMENT OF PLOTS TO THE LEGAL HEIRS OF DECEASED OTHER THAN WIDOW OF EX-CDA EMPLOYEES.

6.13 EXTENSION OF ADMINISTRATIVE SUPPORT TO LAW DIRECTORATE ENABLING IT TO DISPOSE OF CASES RELATING TO CDA VALUABLE PROPERTIES INVOLVING BILLION OF RUPEES.

Due to paucity of time, the above 03 items i.e. Item No. 6.11 to 6.13 could not be discussed.

NON-AGENDA ITEM

10024/1218/BM/11
12-09-'11/19TH

HIRING OF CONSULTANTS M/S NESPAK FOR PLANNING MANAGEMENT, DESIGN REVIEW AND CONSTRUCTION SUPERVISION OF THE PROJECT "DEVELOPMENT OF PARK ENCLAVE"

DECISION

Project Director (Park Enclave), presented the summary pertaining to approval of TOR and engagement / hiring of M/s NESPAK as Consultants for planning, management, design review and construction supervision of the project **"Development of Park Enclave"**. The Board approved the TOR for hiring of Consultants and engagement of M/s NESPAK as planning, design review and management consultants for the project including supervision of consultants for pre-qualification subject to the modifications as pointed out by the CDA Board.

Action: Project Director
(Park Enclave Project)

7. The meeting concluded with a word of thanks to and from the Chair.