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# SIND ORDINANCE NO.III OF 1985.

# THE SIND ARID ZONE DEVELOPMENT AUTHORITY ORDINANCE, 1985.

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**SIND ORDINANCE NO.III OF 1985.**

# THE SIND ARID ZONE DEVELOPMENT AUTHORITY ORDINANCE, 1985.

[16th May, 1985]

An Ordinance to provide for the establishment of the Sind Arid Zone Development Authority.

**Preamble.**

**WHEREAS** it is expedient to provide for the establishment of the Sind Arid Zone Development Authority;

**AND WHEREAS** The Provincial Assembly is not in session and the Governor of Sind 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 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance :-

## CHAPTER – I

## PRELIMINARY

**Short title and commencement.**

1. (1) This Ordinance may be called the Sind Arid Zone Development Authority Ordinance, 1985.

(2) It shall come into force at once.

**Definitions.**

2. In this Ordinance, unless there is anything repugnant to the subject or context—

(a) "Arid Zone" means the areas declared as such under section 3;
(b) "Authority" means the Sind Arid Zone Development Authority established under section 4;
(c) "budget" means the official statement of annual income and expenditure of the Authority;
(d) "Chairman" means the Chairman of the Authority;
(e) "Director General" means the Director General of the Authority;
(f) "Fund" means the fund of the Authority;
(g) "Government" means the Government of Sind;

(h) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(i) "member" means a member of the Authority and includes the Chairman;

(j) "prescribed" means prescribed by the rules or regulations;

(k) "regulations" mean regulations made under this Ordinance;

(l) "rules" mean rules made under this Ordinance;

(m) "scheme" means a scheme prepared, undertaken or executed under this Ordinance;

## CHAPTER – II

## SIND ARID ZONE AREAS.

**Declaration of Arid Zone areas.**

3. Government may, by notification in the official Gazette, declare any area to be the Arid Zone, and may, from time to time, by a like notification, exclude any area from the Arid Zone or alter limits thereof.

## CHAPTER – III

## ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

**Authority.**

4. (1) Government may, by notification, establish an Authority to be known as the "Sind Arid Zone Development Authority" for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable and shall by the said name, sue and be sued.

(3) The headquarters of the Authority shall be at Karachi or at such other place as may be fixed by Government by notification.

**Constitution of the Authority.**

5. (1) The Authority shall consist of the Chief Minister who shall be the Chairman and such official and non-official members as may, from time to time, be appointed by Government.

(2) The Director General shall be the Ex-officio-member and Secretary of the Authority.

(3) An official member appointed by virtue of his office shall cease to be member on vacating such office.

(4) A non-official member shall hold office at the pleasure of Government but he may at any time resign from membership by addressing a letter to Government.

(5) The Chief Minister may nominate any person to act as Chairman in his absence.

**Disqualification of members.**

6. No person shall be or continue to be a member who—

(a) has been removed or dismissed from Government service;
(b) is or has been mentally or physically incapacitated;
(c) is or has been convicted for an offence involving moral turpitude;
(d) has acted or is acting in contravention of the provisions of this Ordinance;
(e) has financial interest directly or indirectly in any project or scheme of the Authority; or
(f) has any interest directly or indirectly in conflict with the interest of the Authority.

**Remuneration, allowance and Privileges to members.**

7. Government may allow such remuneration allowance or other privilege to the non-official members as it may determine.

**Director General.**

8. (1) Government shall appoint a person as Director General on such terms and conditions as it may determine.

(2) The Director General shall be a whole-time officer of the Authority and be responsible for the planning, implementation and execution of schemes and carrying out orders of the Authority and performing such other functions under this Ordinance as may be assigned to him by the Authority or the Chairman.

(3) Government may remove the Director General if he—

(a) refuses or fails to discharge or becomes incapable of discharging his responsibilities under this Ordinance;
(b) has abused his position as Director General; or
(c) has directly or indirectly acquired or attempted to acquire without permission in writing of Government any share or interest in any property, scheme, project or other concern of the Authority.

**Removal of members.**

9. No non-official member of Director General shall be removed from his office without affording him an opportunity of being heard.

**Appointment of officers and advisers.**

10. (1) The Authority may, for efficient performance of its functions, appoint such Advisers and Officers and other staff possession such professional, technical, ministerial or secretarial qualifications and experience and on such terms and conditions as may be prescribed by rules.

(2) The officers, employees and staff of the Authority shall be liable to such disciplinary action and in such manner as may be prescribed by rules.

**Financial technical advisory Committee etc.**

11. The Authority may, or carrying out the purposes of this Ordinance—

(a) constitute in the manner as may be prescribed by the regulations, financial, technical or advisory committees;
(b) associate a person or body of persons whose assistance or advice it desires to avail of on such terms and conditions and for such period as it may deem fit.

## CHAPTER – IV

## POWERS AND FUNCTIONS OF THE AUTHORITY AND ITS FUNCTIONARIES AND THEIR WORKING.

**Powers and functions of the Authority.**

12. (1) Subject to other provisions of this Ordinance, the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing powers, the Authority may—

(i) acquire, hold, control and administer movable or immovable property;
(ii) dispose of any property;
(iii) undertake the development of the Arid Zone including the development of lands, water resources, construction of buildings and roads, establishment of institutions and provision for improvement and maintenance of services and amenities for the convenience of the public and improvement of economic conditions of the Arid Zone.
(iv) formulate and enforce any scheme for the purposes of this Ordinance;
(v) incur expenditures for carrying out the purposes of this Ordinance;
(vi) enter into and perform contracts;
(vii) undertake planning, designing and supervision of the construction work and installations required for the development of the Arid Zone;
(viii) procure necessary equipments and supplies for its proper functioning;
(ix) take such steps as may be necessary or conducive to the attainment of its objectives.

(3) The Authority in discharging its functions shall act on sound principles of planning construction, operation, management and maintenance of structures, installations, institutions and services necessary for the development of the Arid Zone and shall be guided on questions of policy by such directions as Government may from time to time give.

(4) If any question arises as to whether any matter is a matter of policy or not, the decision of Government shall be final.

**Powers and functions of the chairman.**

13. The Chairman shall discharge such duties and perform such functions as are assigned to him by or under this Ordinance.

**Powers and functions of the Director General.**

14. (1) The Director General shall be the Chief Executive of the Authority.

(2) Subject to the provisions of this Ordinance and rules and the general control of the Chairman, the Director General

shall—

(a) exercise effective control over and be responsible for smooth functioning of the day to day affairs of the Authority;
(b) supervise the financial and executive administration of the Authority and perform all duties assigned and exercise all powers conferred on or delegated to him by or under this Ordinance;
(c) be responsible for and have the authority necessary for overseeing and implementing in an expeditious and efficient manner the orders or schemes of the Authority;
(d) have power to exercise administrative control over the personnel of the Authority.

**Meetings of the Authority.**

15. (1) the meetings of the Authority shall be held in such manner at such time and place as may be prescribed by the regulations:

Provided that until regulations are made in this behalf, the meetings shall be held as and when convened and in the manner as directed by the Chairman.

(2) Any matter required to be decided by the Authority shall be decided in a meeting of the Authority by vote of majority of members present in such meeting.

(3) Each member shall have one vote and in the case of tie the Chairman shall exercise a casting vote;

(4) One third of the total membership of the Authority shall form quorum for a meeting.

## CHAPTER – V

## FINANCE AUDIT AND ACCOUNTS

**Fund.**

16. (1) There shall be a separate fund of the Authority known as the "Sind Arid Zone Development Authority Fund".

(2) The Fund shall consist of –

(a) grants and subsidy received from Government;

(b) loans raised or obtained by the Authority;

(c) fees, commissions and other charges for services rendered by the Authority;

(d) grant made by any local Authority;

(e) all moneys received from the Federal Government or any other donor agency of Pakistan or foreign origin; and

(f) all other sums receivable by the Authority.

**Loans, grants aid and gifts.**

17. The Authority may with the previous sanction of and on such terms and conditions as may be approved by Government obtain—

(a) loans from banks or other sources for carrying out the purposes of this Ordinance;

(b) grants, aid, loans or gifts from donor agencies of Pakistan or foreign origin.

**Crediting of the funds.**

18. The Amount credited in the Fund shall be deposited in the State Bank of Pakistan or its agency or in any Scheduled Bank approved by Government.

**Investment and utilization of the funds.**

19. (1) The Authority may invest its funds in any security of the Federal government or Provincial Government or any other security approved by Government.

(2) The Authority may utilize the fund for carrying out the purposes of this Ordinance including payment of—

(a) charges in connection with the development of Arid Zone or execution of a scheme;

(b) compensation for any property acquired under this Ordinance;

(c) loans and interest thereon;

(d) salaries and other remuneration to the members, Officers including Director General, experts, consultants, agencies employed for any work under this Ordinance and other employees of the Authority.

**Budget.**

20. (1) The Authority shall prepare a statement of estimated receipts and expenditure for every financial year and submit such statement to the Government for approval at least three months before the commencement of such financial

year.

(2) Government may sanction the budget submitted under sub-section (1) with or without modification.

(3) If the budget duly sanctioned by Government is not received before the commencement of the financial year, it shall be deemed to have been sanctioned.

(4) The Authority shall not, except without prior approval of Government, incur expenditure in excess of the sanctioned budget.

**Accounts and Audit.**

21. (1) the Authority shall maintain or cause to be maintained its accounts and records in such form and in such manner as may be prescribe by rules.

(2) The Authority shall prepare or cause to be prepared annual balance sheet as may be prescribed by rules.

(3) The accounts of the Authority shall be audited at least once in every financial year by External auditors approved by Government on such payment as may be determined by Government.

(4) A statement of the finally audited accounts under sub-section (3) alongwith the reports of the auditors shall be furnished to Government within four months after the end of every financial year.

**Recovery of dues.**

22. All sums due to the Authority from any person or body of persons or agency shall be recoverable as arrears of land revenue.

## CHAPTER – VI

## OFFENCES AND THEIR COGNIZANCE

**Penality.**

23. (1) Whoever obstructs or causes to obstruct any person in the discharge of his duties or execution of any scheme or work under this Ordinance of contravenes or attempts to contravene or abets the contravention of any order or direction given under this Ordinance, rules or regulations in connection with the execution of such scheme or work, shall be punished with imprisonment for a term which may extend to twelve months or with fine which may extend to ten thousand rupees

or with both.

(2) Where the person referred to in the preceding sub section is a company or other body corporate, the Director concerned, officer or agent thereof, shall, unless he proves that the offence was committed without his knowledge or that he exercised due deligence to prevent commission of such offence, deemed to be guilty of such offence.

**Cognizance of offence.**

24. (1) No court shall take cognizance of any offence under this Ordinance except on a complaint in writing made by the Director General or any person authorized by him.

(2) No court, inferior to that of the Magistrate of the first class, shall be competent to take cognizance of the offence under this Ordinance, rules or regulations.

## CHAPTER – VII

## MISCELLANEOUS

**Control of Government over acts and proceeding of the Authority.**

25. All acts and proceedings of the Authority shall be subject to control of Government, and Government may suspend or modify any such act or proceedings.

**Power of the Government to give Directions.**

26. (1) Government may require the Authority to furnish to it any document, return, statement, statistics or any other information regarding any matter under the control of the Authority and the Authority shall comply with such requisition.

(2) Government may, from time to time, give such directions as it considers necessary, for the guidance of and compliance by the Authority.

**Annual report.**

27. The Authority shall, within three months after expiry of each financial year, furnish an annual report to Government on the conduct of its affairs for that year.

**Delegation of powers.**

28. (1) The Authority may, be general or special order and subject to such conditions as it may impose, delegate to the Director General, an Officer or employee of the Authority any of its powers, duties or functions under this Ordinance or the rules

and regulations.

(2) The Chairman or Director General may delegate to any member, officer or employee of the Authority any of his powers conferred on him under this Ordinance or the rules or regulations, not being the power delegated to him under sub-section (1).

**Public Servant.**

29. The Chairman, members, officers and employees of the Authority shall, while acting or purporting to act under this Ordinance, rules or regulations, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

**Indemnity.**

30. No suit, prosecution or other legal proceedings shall lie against Government, Authority, Chairman, Member or Director General or any officer or employee of the Authority in respect of anything done in good faith or intended to be done in good faith under this Ordinance, rules or regulations.

**Rules.**

31. Government may make rules for carrying out the purposes of this Ordinance.

**Regulations.**

32. (1) Subject to the provisions of this Ordinance and the rules, the Authority may make regulations for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for—

(i) the meeting of the Authority;
(ii) conduct of business by the Authority;
(iii) constitution of financial, technical and advisory committee;
(iv) transaction of financial business;
(v) the recovery of charges or fees which may be due to the Authority;
(vi) any matter required to be prescribed under this Ordinance.

**Betterment fee.**

33. (1) Where the Authority is of the opinion that in consequence of the execution of any scheme the value of any property has increased or will increase, it may levy upon such property a betterment fee and collect the same from the owner thereof or any person in possession thereof or having interest therein.

(2) The betterment fee shall be levied and collected at such rate, not being 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 as the Authority may determine.

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

(4) The Authority shall at the expiry of fifteen days after the service of the notice under sub-section (3), or if any appeal is made to Government against the determination of betterment fee, after rejection of such appeal, proceed to levy and collect the betterment fee in such manner and in accordance with such procedure as may be prescribed by regulations.

**Dissolution of the Authority.**

34. (1) Government may, by notification in the official Gazette declare that the Authority shall be dissolved on such date as may be specified in such notification and the Authority shall stand dissolved accordingly.

(2) Immediately on the dissolution of the Authority—

(i) all properties, funds and dues placed at the disposal of the Authority by Government shall revert to Government;

(ii) All properties, funds and dues exchanged for, derived from, or otherwise attributable to the properties, funds and dues referred to in clause (i) which immediately before the said date were held by or were recoverable by the Authority, shall vest in and be recoverable by Government or any person or authority as it may appoint in this behalf;

(iii) all properties, funds and dues other than those referred to in clause (i) which immediately before

the said date vested in or were recoverable by the Authority shall vest in or be recoverable by Government;

(iv) all liabilities which immediately before the said date were enforceable against the Authority shall be enforceable against Government;

(v) for the purpose of completion of any on-going scheme sanctioned under this Ordinance, and recovery of properties, funds and dues referred to in clauses (i) and (ii), the functions of the Authority and the Chairman under this Ordinance shall be discharged by Government or any person authorized by Government.

**Removal of Difficulties.**

35. If any difficulty arises in giving effect to any of the provisions of this ordinance, Government may make such order as may appear to it to be necessary or expedient for the purpose of removal of the difficulty.