

EXTRAORDINARY

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PART IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

Karachi, the 25th October, 1995

No. PAS/Legis-B-11/95.—The Badin Development Authority Bill, 1995 having been passed by the Provincial Assembly of Sindh on 14th September, 1995 and assented to by the Governor of Sindh on 8th October, 1995 is hereby published as an Act of the legislature of Sindh.

THE BADIN DEVELOPMENT AUTHORITY
ACT, 1995

SINDH ACT NO. VII OF 1995

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 25th October, 1995).

AN

ACT

to make provisions for the, development improvement and beautification of the areas comprising Badin District and to establish an Authority for such purpose.

WHEREAS it is expedient to make provisions for the development, improvement and beautification of the areas comprising Badin District and to establish an Authority for such purpose; Preamble.

It is hereby enacted as follows:—

CHAPTER—I
PRELIMINARY

Short title,
extent and
Commence-
ment.

1. (1) This Act, may be called the Badin Development Authority Act, 1995.

(2) It shall extend to the areas comprising Badin District.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) "Authority" means the Badin Development Authority established under section 3;

(b) "Chairman" means the Chairman of the Authority;

(c) "Government" means the Government of Sindh;

(d) "Director General" means of the Director General of the Authority;

(e) "Member" means a member of the Authority;

(f) "Prescribed" means prescribed by the rules or regulations made under this Act;

(g) "regulations" means regulations made under this Act;

(h) "rules" means rules made under this Act.

CHAPTER—II

CONSTITUTION AND FUNCTIONS OF THE AUTHORITY

Authority
and its incor-
poration

3. (1) There shall be an Authority to be called the Badin Development Authority for carrying out the purpose of this Act.

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

Constitution
of the
Authority.

4. (1) The Authority shall consist of—

(a) Minister for Planning and Development or Chairman
any other Minister nominated by the Chief
Minister.

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(b) Commissioner of the Hyderabad Division Member

(c) Director General. Member

(d) Such other non-official members not exceeding three and official members as may be appointed by Government.

(2) A non-official member shall hold office for a period of three years, unless he resigns or is removed earlier; provided that a non-official member shall not be removed unless he is given an opportunity of being heard.

(3) Any person appointed in a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

5. (1) The Director General shall be appointed by Government on such terms and conditions as Government may determine.

Appointment and duties of the Director General.

(2) The Director General shall be the Chief Executive of the Authority, and shall perform such duties and exercise such powers as may be delegated to him by the Authority.

(3) Where the Director General is absent from duty for any reason, or is unable to perform the functions of his office, Government may nominate any official member to perform the duties of the Director General.

6. For efficient performance of its functions, the Authority may appoint such officers, experts, consultants and employees on such terms and conditions as may be prescribed.

Officers and others staff of the Authority

7. Subject to the general or special directions of Government the Authority shall—

Functions of the Authority

(i) be responsible for overall development, improvement and beautification of the areas within its jurisdiction;

(ii) formulate, implement and enforce schemes;

(iii) provide, develop, operate, and maintain public works relating to water supply, drainage, sewerage and disposal of solid waste;

(iv) take such measures and exercise such powers as may be necessary for carrying out the purposes of the Act;

(v) perform such other functions as may be assigned to it by Government.

8. The authority shall meet at such place and time and in such manner and observe such rules of procedure as may be prescribed; provided that until the manner or procedure is prescribed the meeting shall be held as directed by the Chairman.

Meeting of the Authority

Constitution; Committees 9. The Authority may, constitute committees such as Finance Committee, Technical Committee or Advisory Committee for carrying out the purposes of this Act.

Delegation of powers. 10. The Authority may, by general or special order, delegate any of its powers, functions and duties, to the Chairman, Director General or any official member.

CHAPTER—III

MASTER PROGRAMMES AND SCHEMES.

Master Programme. 11. The Authority shall, as soon as may be, prepare a Master scan for development, improvement, expansion and beautification of such areas that need to be developed, improved, expanded and beautified and submit such programme for approval of Government.

Schemes. 12. (1) The Authority shall prepare specific scheme or schemes for the area within its jurisdiction or part thereof in such form and such manner as may be prescribed.

(2) All schemes prepared by the Authority shall be submitted to Government for its approval, except those schemes, the provisional estimated cost of which does not exceed such limit as may be prescribed or for which no loan or grant is required from the Government.

Prevention of haphazard growth. 13. (1) The Authority may, by notification, issue such directions and do such things as may be necessary for the prevention of haphazard growth, encroachments, unauthorized construction or operation in any area within its jurisdiction.

(2) The encroachment shall be removed in accordance with the law for the time being in force.

Erection or re-erection of building. 14. (1) No person shall, erect or re-erect any building, make any material external alteration, in, or addition to, any existing building or construct or reconstruct any projecting portion thereof save with the permission of the Authority, which may be granted in such manner and on such terms and conditions as may be prescribed.

(2) Where any person contravenes the provisions of sub-section (1), the Authority may take such measures as may be necessary to enforce such provisions.

Funds of Scheme. 15. (1) The Authority may, with prior consent of Government, raise funds from time to time for meeting the cost of execution of the schemes and works by levying rates, fees and other charges.

(2) The rates, fees and other charges shall be levied and collected in such manner as may be prescribed.

CHAPTER—IV

ACQUISITION OF PROPERTY

16. The Authority may, by purchase, lease or exchange, acquire any other movable or immovable property or any interest therein by entering into an agreement with the party concerned.

Purchase, lease or exchange of property?

17. Where the Authority is of the opinion that any land needed for any scheme or other public purpose cannot be acquired under section 16, such land may be acquired in accordance with the Hyderabad Development Authority Act, 1976.

Acquisition of Land

CHAPTER—V

FINANCES

18. (1) There shall be a separate fund known as the Badin Development Authority Fund which shall vest in the Authority.

Fund of the Authority.

(2) The fund shall consist of—

(a) grants made by Government or local councils;

(b) sale proceeds of movable or immovable properties;

(c) all fees, receipts and charges received under this Act.

(d) all other sums receivable and loans obtained by the Authority.

19. A statement of estimated receipts and expenditure for every financial year shall be prepared and submitted to Government for approval in the manner as may be prescribed.

Budget

20. (1) The accounts of the Authority shall be maintained in such form and in such manner as may be prescribed.

Maintenance of Account

(2) The accounts maintained under sub-section (1) shall be audited by the Accountant-General.

CHAPTER—VI

WATER SUPPLY

21. The Authority shall be responsible for production of potable water and its distribution at such rate and subject to such terms and conditions as may be prescribed.

Supply of water to Government agency

Report 22. The Authority shall, at the close of every calendar year, prepare a report of its activities during that year and submit such report to Government.

23. On the coming into force of this Act, all powers and functions of a local council, local authority or body, in respect of formulation and execution of scheme or in respect of providing operating and maintaining services such as water supply, sewerage and drainage in the area within the jurisdiction of the Authority or part thereof, shall be exercised and performed by the Authority.

Recovery of dues. 24. Any sum due to the Authority or wrongly paid by the Authority under this Act, shall be recoverable as arrears of land revenue.

Jurisdiction barred. 25. No Court shall have jurisdiction to grant any injunction or make any order or entertain any proceedings in relation to anything done or intended to be done under this Act.

indemnity. 26. No suit or legal proceedings shall lie against Government, Authority or any other person in respect of anything done or intended to be done under this Act.

Power to make rules. 27. Government may make rules for carrying out the purposes of this Act.

Power to make regulations. 28. (1) Subject to the provisions of this Act, and the rules, the Authority may make regulations for carrying out the purposes of this Act.

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

- (i) the meetings and conduct of business in such meetings;
- (ii) terms and conditions of service of officers and staff of the Authority.

Repeal 29. The Badin Development Authority Ordinance, 1995 is hereby repealed.

BY ORDER OF THE SPEAKER
Provincial Assembly of Sindh.

KADIR BAKHSH UMRANI
Secretary
Provincial Assembly of Sindh.

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