



# The Sindh Government Gazette

PUBLISHED BY AUTHORITY

KARACHI, WEDNESDAY, AUGUST 4, 1976

## PART IV

### PROVINCIAL ASSEMBLY OF SIND

#### NOTIFICATION

Karachi, the 4th August 1976.

No. PAS/Legis/Bill-8/76.—The Hyderabad Development Authority Bill, 1976 having been passed by the Provincial Assembly of Sind on the 21st July, 1976 and assented to by the Governor of Sind on the 31st July, 1976, is hereby published as an Act of the Legislature of Sind:—

#### THE HYDERABAD DEVELOPMENT AUTHORITY ACT, 1976.

SIND ACT NO. XIII OF 1976.

(First published after having received the assent of the Governor of Sind in the Gazette of Sind (Extra-Ordinary), dated 4th August, 1976).

AN

ACT

*to make provision for the development, improvement and beautification of urban areas of the Hyderabad Division and establish an Authority for such purpose.*

WHEREAS it is expedient to make provision for the development, improvement and beautification of urban areas of the Hyderabad Division and establish an Authority for such purpose; Preamble.

It is hereby enacted as follows:—

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Hyderabad Development Authority Act, 1976. Short title, extent and commencement.

(2) It shall extend to such areas of the Hyderabad Division as Government may, from time to time, specify by notification.

(3) It shall come into force at once.

Definitions

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

- (a) "Agency" means an agency established under section 13;
- (b) "Authority" means the Hyderabad Development Authority under section 3;
- (c) "betterment fee" means the fee levied under section 27;
- (d) "budget" means an official statement of annual income and expenditure of the Authority;
- (e) "Chairman" means the Chairman of the Authority;
- (f) "controlled area" means an urban area declared as controlled area under section 15;
- (g) "Government" means the Government of Sind;
- (h) "land" includes earth, water, air above, below or on the surface of land and anything attached to the earth or permanently fastened to anything attached to the earth;
- (i) "master programme" means a programme prepared under section 17;
- (j) "Managing Director" means the Managing Director appointed under section 14;
- (k) "member" means a member of the Authority;
- (l) "prescribed" means prescribed by rules or regulations made under this Act;
- (m) "scheme" means a scheme prepared, undertaken, or executed under this Act;
- (n) "service area" means urban area declared as service area by the Authority under section 13;
- (o) "urban area" means an area within the limits of a town, municipality or city, and includes any area declared as such by Government under this Act.

## CHAPTER II

## CONSTITUTION AND FUNCTIONS OF THE AUTHORITY

3. (1) There shall be an Authority to be called the Hyderabad Development Authority for carrying out the purposes of this Act. Authority and its incorporation.

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

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

4. (1) The Authority shall consist of—

- |  |     |           |  |                                |
|--|-----|-----------|--|--------------------------------|
|  | ... |           |  |                                |
| (a) Commissioner of Hyderabad Division   | ... | Chairman. |  | Constitution of the Authority. |
| (b) Director-General   | ... | Member.   |  |                                |
| (c) Administrator or Mayor, as the case may be of the Hyderabad Municipal Corporation.                         | ... | Member.   |  |                                |
| (d) A representative of the Public Health Engineering Department not below the rank of Executive Engineer.     | ... | Member.   |  |                                |
| (e) Such other non-official members not exceeding five and official members as may be appointed by Government. | ... | Members.  |  |                                |

(2) A non-official member shall hold office for a period of three years, unless he resigns or is removed earlier.

(3) A non-official member may, at any time, resign from membership by addressing a letter to Government and his resignation shall take effect from the date on which it is accepted by Government.

(4) Government shall, by notification, remove a non-official member who has incurred any of the disqualifications mentioned in section 5.

(5) A casual vacancy in the office of non-official member shall be filled in accordance with sub-section (1) and the member appointed in such vacancy shall hold office for the unexpired portion of the term.

Disquali-  
fications  
of members.

5. No person shall be or continue to be a non-official member who—

- (a) is not competent to enter into a contract;
- (b) is or, at any time has been, convicted of an offence involving moral turpitude;
- (c) has financial interest in any project or scheme or other concern of the Authority or an interest which is, directly or indirectly, in conflict with the interest of the Authority;
- (d) is for the time being disqualified for membership of an elective body under any law or rules for the time being in force.

Remune-  
ration and  
privileges of  
non-official  
members.

6. Non-official members shall receive such remuneration, fees and allowances and enjoy such privileges, as may be determined by Government.

Appointment  
and duties  
of the  
Director-  
General.

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

(2) The Director-General shall be the Chief Executive of the Authority, and shall, subject to general or special directions of Government, 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 one of the persons mentioned in sub-section (1) of section 4 to perform the duties and exercise the powers of the Director-General.

Officers and  
other staff  
of the  
Authority.

8. The Authority may, subject to general or special orders of Government, appoint such officers, advisers, experts, consultants and employees on such terms and conditions as it may deem fit, for efficient performance of its functions.

Functions  
of the  
Authority.

9. (1) Subject to the general or special directions of Government, the Authority shall—

- (i) be responsible for over-all development, improvement and beautification of urban areas;
- (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) act as development agency of the Federal and Provincial Governments or any local authority or autonomous body;
  - (v) collaborate with the Federal or Provincial, public or private agencies engaged in development activities;
  - (vi) co-ordinate the development activities of various agencies;
  - (vii) provide technical guidance including technical services and personnel for development and co-ordination of development activities;
  - (viii) render financial assistance for schemes relating to development, improvement and beautification of the area within its jurisdiction;
  - (ix) undertake the execution of schemes entrusted to it by the Federal or Provincial Government or any local authority or autonomous body;
  - (x) undertake research in urban planning and development;
  - (xi) prescribe procedure and lay down standards for development;
  - (xii) compile literature on planning and development and distribute such literature amongst the persons and agencies engaged or interested in development work;
  - (xiii) arrange and conduct training programmes and seminars on planning and development;
  - (xiv) promote professional organizations for planning and development work; and
  - (xv) perform such other functions as may be assigned to it by Government.
- (2) The Authority may—
- (i) take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act;

- (ii) acquire permanently or requisition temporarily property, movable or immovable;
- (iii) dispose any land or other property vested in it by sale, lease, exchange or otherwise;
- (iv) undertake any works in pursuance of any scheme or otherwise entrusted to it or brought under its control;
- (v) incur any expenditures for carrying out the purposes of this Act;
- (vi) procure plant, machinery, instruments or material required for its use;
- (vii) enter into and perform all such contracts as it may consider necessary;
- (viii) cause removal of any obstruction in execution of any work or scheme;
- (ix) issue interim orders for development pending preparation of a scheme;
- (x) restrict or prohibit by general or special order, any change in use of land and alteration of any building, structure or installation;
- (xi) cause any building, structure or installation to be dismantled or removed;
- (xii) require any person or body of persons or agency engaged in development work to furnish any information, record, report or plan relating to matter under this Act;
- (xiii) make inspection of any development project under execution or about to be undertaken together with record thereof;
- (xiv) require any person or body of persons or agency concerned with any development project, programme or scheme to obtain its prior permission for undertaking any specified action in respect of such project, programme or scheme;
- (xv) direct or, as the case may be, advise any person or body of persons or agency concerned with any development project, programme or scheme to do or omit to do anything in relation to such project, programme or scheme, and hold consultation with and seek advice or assistance from any person or body of persons or agency engaged in development work in relation to preparation or execution of any scheme and such

person or body of persons or agency shall give the advice and assistance sought by the Authority to the best of his or its ability, knowledge and judgement and the expenditure if any involved in giving such advice or assistance shall be borne by the Authority.

(3) If in exercise of power by the Authority under sub-section (2), any dispute arises between the Authority and any person or body of persons or agency, it shall be referred to and decided by such person or authority as may be appointed by Government in this behalf and the decision given by such person or authority shall be final; provided that Government may, on its own initiative or on motion by any person or body of persons or agency involved in the dispute, alter or modify such decision.

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

(2) Each member shall have one vote; provided that in case of a tie, the Chairman shall exercise a casting vote.

(3) One-third of the total members shall form a quorum for a meeting of the Authority.

(4) The Authority shall meet at such place and time and in such manner as it may prescribe.

11. The Authority may, constitute committees such as Financial Committee, Technical Committee, Advisory Committee or such other Committee for carrying out the purposes of this Act. Constitution of Committees.

12. The Authority may, by general or special order, and subject to such conditions as it may impose, delegate any of its powers, functions and duties, to the Chairman or member or any committee or the Director-General or any other officer or employee or adviser, expert or consultant. Delegation of powers.

13. (1) Government may, by notification, declare any urban area as service area. Establishment of Agency.

(2) The Authority may, and if so ordered by Government shall, establish an Agency consisting of one or more persons for a service area.

(3) The Agency shall perform such functions, provide such services and exercise such powers of the Authority as may be delegated to it by the Authority.

14. (1) Where an Agency is established under section 13, the Authority shall, with prior approval of Government, and on such terms and conditions as may be determined by Government, appoint a Managing Director. Appointment and powers of Managing Director.

(2) The Managing Director shall be the Chief Executive of the Agency and shall perform such functions and exercise such powers as may, from time to time, be entrusted to him by the Agency.

## CHAPTER III

DECLARATION OF CONTROLLED AREA AND PREPARATION  
OF MASTER PROGRAMMES AND SCHEMES AND  
THEIR EXECUTION

Declaration  
of  
controlled  
area.

15. The Authority may, by notification, declare any urban area to be a controlled area and issue such directions and do such things as may be necessary for the prevention of haphazard growth, encroachments, unauthorized constructions or operations in such area.

Erection or  
re-erection of  
building.

16. (1) No person shall, within the controlled area, 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.

(2) The permission under sub-section (1) shall be granted in such manner and on such terms and conditions as may be prescribed and shall be valid for one year; provided that it may be renewed for such further period as the Authority may deem fit in the circumstances justifying such renewal.

(3) A person who makes or extends any excavation, erects or re-erects any building, or makes any material external alteration in or addition to any existing building or constructs or re-constructs any projecting portion of building, within a controlled area shall, within two months of the completion of such work intimate the Authority in writing about such completion.

(4) The Authority may, on receipt of the intimation under sub-section (3), authorize an officer or any other person to inspect such work and after such inspection pass such order as it may deem fit.

(5) Where any person contravenes the provisions of sub-section (1) or sub-section (3) or order passed under sub-section (4), the Authority may take such measures as may be necessary to enforce such provisions or order and the expenditure incurred on such enforcement shall be recovered from the person concerned.

Master  
Programmes

17. (1) The Authority shall, as soon as may be, prepare Master Programme for development, improvement, expansion and beautification of such urban areas as in its opinion or in the opinion of Government need to be developed, improved, expanded and beautified and submit such programme for approval of Government.

(2) Government may approve the aforesaid programme in its original shape or with such modifications as it deems fit.

Schemes.

18. (1) The Authority may, and if directed by Government shall, prepare specific scheme or schemes for a controlled area or part thereof in such form and such manner as may be prescribed.



(2) The Authority may, on the request of any local council, Government agency, society or any person or body of persons, assist in preparation of, or cause to be prepared, any scheme on such terms and conditions as may be mutually settled between them.

(3) The scheme under this section may relate to—

- (a) land use and land reservation;
- (b) zoning;
- (c) community planning, housing, re-housing and sium clearance and amelioration;
- (d) public buildings, including schools, colleges, libraries, museums, community centres, hospitals, charitable institutions, mosques, markets and musafirhanas;
- (e) streets and roads;
- (f) water supply, drainage, sewerage and sewage disposal;
- (g) parks, gardens, play-grounds, grave-yards, and open spaces used for public gathering or any other public purposes;
- (h) community facilities including supply of electricity and gas;
- (i) preservation of objects or places of historical or scientific interest or natural beauty;
- (j) public transport and communication system;
- (k) commercial and industrial enclaves;
- (l) removal of hazards to life and property of citizens;
- (m) utilization of natural resources;
- (n) any subject or matter concerning public.

(4) Such schemes shall, among other things contain—

- (a) description of the scheme and the manner of its execution;
- (b) estimate of cost and allocation thereof to various purposes to be served by the scheme;
- (c) benefits of the scheme;
- (d) public or private property or such interest affected by the scheme and the proposal to deal with such property or interest.

19. Every scheme prepared by the Authority shall be published in the official Gazette and local daily newspapers, one in English and one each in Urdu and Sindhi for inviting objections and suggestions thereon, within thirty days of the publication of the scheme.

Publication  
of schemes.

