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PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 19TH MARCH, 2013.

NO.PAS/Legis-B-11/2013- The Education City Bill, 2013 having been passed by the Provincial Assembly of Sindh on 14th February, 2013 and assented to by the Governor of Sindh on 13th March, 2013 is hereby published as an Act of the Legislature of Sindh.

THE EDUCATION CITY ACT, 2013.

SINDH ACT NO. XVI OF 2013.

AN ACT

to provide for establishment of education cities in the Province of Sindh.

WHEREAS it is expedient to provide for establishment of education cities in the Province of Sindh and to provide for matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Education City Act, 2013.

Short title, extent and commencement.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

Definitions.

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

- (a) "allotee" means an allottee of land in the education city;
- (b) "Board" means the Board constituted under section 3;
- (c) "Chairperson" means the Chairperson of the Board;
- (d) "Education City" means an area of land reserved for education cities in the Province and includes an area of 8921 acres of land reserved for education city in deh Chuhar District Malir Karachi, and such other areas as may be notified from time to time by Government;
- (e) "Executive Management Council" means the authority appointed under the rules, which is responsible for the day to day management and affairs of each Education City and shall perform such other functions and exercise such powers as may be prescribed under the rules.
- (f) "Fund" means the Fund of the Board;
- (g) "Government" means the Government of Sindh;
- (h) "lease" means the lease of the land granted under this Act;
- (i) "member" means a member of the Board;
- (j) "permit" means a permit in the form and on the terms and conditions as may be prescribed;
- (k) "permit holder" means a person who holds a permit granted under this Act;
- (l) "prescribed" means prescribed by rules or regulations;
- (m) "provisional allotment" means the provisional allotment of land made within the education city under this Act;
- (n) "regulations" means regulations made under this Act;
- (o) "rules" means rules made under this Act; and
- (p) "Vice Chairperson" means the Vice Chairperson of the Board;

3. (1) Government shall, by notification in the official gazette, constitute a Board to be called the Sindh Education City Board.

Constitution of the Board.

(2) The Board shall consist of -

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| (i) Chief Minister | Chairperson |
| (ii) Chairperson, Sindh Board of Investment | Vice Chairperson |
| (iii) Two MPAs of the local area to be nominated by the Speaker, Provincial Assembly of Sindh | Members |
| (iv) Secretary to Government of Sindh, Investment Department | Member and Ex-Officio Secretary of the Board |
| (v) Secretary to Government of Sindh, Local Government Department | Member |
| (vi) Secretary to Government of Sindh, Education Department | Member |
| (vii) Secretary to Government of Sindh, Health Department | Member |
| (viii) Secretary to Government of Sindh, Finance Department | Member |
| (ix) Secretary to Government of Sindh, Land Utilization Department | Member |
| (x) Five persons to be appointed by the Chairperson having regard to the criteria prescribed in sub-section (2) of section 9. | Members |
| (xi) Vice Chancellor or, as the case may be, a dean to be nominated by the Board. | Member |
| (xii) One person from the corporate or business sector to be nominated by the Board. | Member |
| (xiii) A nominee of Higher Education Commission or its successor | Member |

(3) The members other than the ex-officio members shall hold office for a period of two years.

(4) A non-official member may, at any time by writing under his hand addressed to the Chairperson, resign his membership and the resignation shall take effect from the date on which it is accepted.

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

Incorporation.

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

Powers and Functions of the Board.

5. For carrying out the purposes of this Act, the Board shall exercise the powers and perform the following functions:-

- (a) to provide strategic vision and set policy guidelines for all matters pertaining to an Education City;
- (b) to control and supervise land allotment and land usage in an Education City;
- (c) to formulate policy and guidelines to remove land encroachments and illegal occupation of land in an Education City;
- (d) to prepare and oversee master plans, standards and design guidelines for an Education City;
- (e) to approve the designs of facades and building plans proposed by allottee so as to ensure that the architecture of an Education City adequately reflects the culture and heritage of the region;
- (f) to oversee and supervise development of the infrastructure including, but not limited to light rail links, roads network, streetlights, footpaths, and ensure the integration of an Education City with the existing infrastructure;
- (g) to grant, renew or cancel the permit;
- (h) to monitor and enforce the compliance of the terms and conditions of permit issued to permit holder;
- (i) to promote efficient use of the land situated in the an Education City;
- (j) to encourage and promote water conservation and control the utilization of water from an aquifer in an education city;
- (k) to enforce quality standards in an Education City;
- (l) to regulate the nature of vehicular traffic in an Education City;
- (m) to establish and maintain parks and green spaces in an Education City;

- (n) to procure, develop and maintain all infrastructure within an Education City including roads, streetlights, footpaths, lines for the provisions of electricity, gas, water, sewage and telecommunications in an Education City; and
- (o) to exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

6. (1) New allotments shall be made only by the Board in an Education city in accordance with the provisions of this Act. **Vesting of land.**

(2) All the existing allotments in an Education City shall remain in force and shall be governed under the provisions of this Act.

(3) The unallotted land earmarked by Government in an Education City shall be transferred to the Board on payment of the cost of the land which shall vest in the Board.

7. (1) The meetings of the Board shall be regulated by regulations but until such regulations are framed, the meetings shall be held as and when required by the Chairperson or in his absence Vice-Chairperson at the time and place as the Chairperson or, as the case may be, Vice Chairperson may determine; provided that the meeting shall be held once in a quarters. **Meetings of the Board.**

(2) Half of the total membership shall form a quorum for a meeting; provided that fifty percent of such members shall be non-official members.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(4) The decisions of the Board shall be taken by the majority of its members present and, in case of tie, the person presiding over the meeting shall have a casting vote.

(5) The decisions of the Board shall be reduced in writing and shall be signed by the Secretary of the Board.

8. No member of the Board shall take any part in the proceedings of the Board on any matter to be decided by the Board in which he is in any way, whether directly or indirectly concerned or interested, nor shall his presence count for the purpose of forming a quorum at the time of any discussion or vote. **Conflict of interest.**

9. (1) No person shall be eligible to apply for provisional allotment under this Act without having obtained a permit. **Permit holders.**

(2) In deciding whether to grant or renew a permit to an applicant, the Board shall consider -

- (a) the years of experience of the applicant institution;
- (b) the standing of the institution and its faculty;
- (c) the facilities proposed to be established by the applicant;
- (d) the amount proposed to be invested by the applicant on the proposed facility;
- (e) the certifications and accreditations held by the applicant institution;
- (f) the academic program proposed by such institution; and
- (g) any other criterion that it may from time to time deem fit.

Provisional allotment.

10. (1) No person other than a permit holder shall be eligible to apply for provisional allotment of unallotted land in an Education City;

(2) All applications for provisional allotment of Unallotted Land shall be decided by the Board with reference to the following criteria:

- (a) the area of land that would be reasonably required for the facility proposed to be established by the permit holder in an Education City;
- (b) the financial capability of the Permit Holder to establish the facility proposed;
- (c) the Permit Holder's past record of establishing and operating facilities of a scale comparable to the facility proposed to be established by the Permit Holder in Education City; and
- (d) any other considerations that the Board may from time to time deem fit.

(3) The Board may allot the land to the permit holder subject to payment of fifty percent of the prevailing market price of the land, on the terms and conditions as may be prescribed.

Lease.

11. The Board shall be competent to grant lease to the permit holder for a period of ninety nine years on the terms and conditions as may be prescribed.

Delegation of Powers.

12. Except the power of allotment of land, the Board may, by general or special order, delegate any of its powers, functions and duties to the Chairperson, Member or Members or any of its Officer or Officers or Executive Management Council.

Fund.

13. (1) There shall be a fund known as the Education City Fund which shall vest in the Board and shall be utilized by the Board to pay salaries, costs, expenses and any other financial charges incurred for carrying out its functions under this Act, or rules and regulations.

(2) The Fund shall consist of -

- (a) fees and payments received by the Board;
- (b) loans obtained by the Board;
- (c) grants or loans provided by the Government or the Federal Government;
- (d) land development charges paid by allottees;
- (e) foreign aid and loans obtained with the sanction of the Government and on such terms and conditions as may be approved by the Government; and
- (f) any other sum received by the Board.

(3) The monies of the Education City Fund shall be kept with a reputable Scheduled Bank and may be invested in any security of the Federal Government or the Government or in any other security approved by the Government.

14. The Board may appoint such officers, advisors, experts, consultants and employees on such terms and conditions as it may deem fit for efficient performance of its functions.

Officers and other Staff of the Board.

15. The Chairperson, Members, members of the committees, employees, consultants and advisers of the Board and members of the Executive Management Council shall, when acting in pursuance of their respective functions under this Act, or rules, be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

Public Servant.

16. (1) The accounts of the Board shall be maintained in such form and in such manner as Government may determine.

Maintenance of Accounts.

(2) The accounts of the Board shall be audited every year within six months of every financial year, by a reputable and established firm of chartered accountants approved for such purpose by the Government.

(3) Copies of the Audit Report shall be sent to the Board and the Board shall forward the report alongwith its comments, if any, to the Government within fifteen (15) days of the receipt of such report.

(4) The Audit Report shall be made available for public inspection.

(5) Government may issue directions to the Board for the rectification of matters connected with the audited accounts objected to by the firm of chartered accountants appointed for such purpose and the Board shall comply with every such direction.

(6) The Board may, in addition to the audit under sub-section (2) above, cause its accounts to be audited by internal auditors.

(7) Government may at any time in addition to the audit under sub-section (2) cause the accounts of the Board to be audited by any other reputable and established firm of chartered accountants or by the Auditor-General of Pakistan.

**Property,
Returns, etc.**

17. (1) The Board shall submit to Government and publish as soon as possible after the end of every financial year but before the last day of December next following, a report on the conduct of the affairs of the Board for that year.

(2) Government may require the Board to supply any return, statement, estimate, statistics or other information regarding any matter under the control of the Board or a copy of any document in the charge of the Board; and the Board shall for and on behalf of the Board expeditiously comply with every such requisition.

**Powers of the
Government to
issue Policy
Guidelines.**

18. Government may, as and when it considers necessary, issue guidelines to the Board on matters of policy, not inconsistent with the provisions of this Act, or rules.

**Corporate Social
Responsibility.**

19. (1) Each permit holder shall be required to take such steps as may be specified in its Permit, Rules and Regulations in order to -

- (a) accord preference to applicants who are inhabitants of area within the limits of an Education City and those residing in the Province in recruitment of its employees;
- (b) provide ten percent compulsory freeship to the deserving inhabitants of area within the limits of Education City and those residing in the province who have been admitted on merit;
- (c) establish facilities within their respective infrastructure in Education City to provide vocational training to citizens who are inhabitants of area within the limits of an Education City and those residing in the Province; and
- (d) devote a proportion of their income to corporate social responsibility initiatives aimed at developing local enterprise, healthcare infrastructure, access to clean drinking water and parks within the limits of and in the adjoining areas of an Education City.

20. Government may make rules for carrying out the purposes of this Act.

Power to make Rules.

21. (1) Subject to the provision this Act and the rules, the Board may, by notification in the official gazette, and with the previous approval in writing of Government, make regulations for carrying out the purposes of this Act.

Power to make Regulations.

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

- (a) master plans, standards and design guidelines for an Education City;
- (b) removal of encroachments and illegal occupation of land in an Education City;
- (c) land allotment and land usage in an Education City;
- (d) development of infrastructure and roads network and streetlights;
- (e) use of sub-soil water;
- (f) grant, renewal or cancellation of permits;
- (g) monitoring and compliance by the permit holders with the conditions of their permits;
- (h) the manner of applying for permits;
- (i) eligibility criteria for issuing permits;
- (j) categorization of permits;
- (k) encouragement and promotion of water conservation;
- (l) manner of submitting and withdrawing monies;
- (m) specifying the type of building and construction that may be raised;
- (n) the method of the payment of bills;
- (o) the method of regulating water and sewerage connections; and
- (p) any other matter required by the provisions of this Act to be provided by the regulations.

- Overriding Provisions.** 22. The provision contained in this Act, and the rules and regulations thereunder shall have effect notwithstanding anything contained in any other law, rules or regulations.
- Indemnity.** 23. No suit, prosecution or other legal proceedings shall lie against Government, the Committees, the Chairpersons of the Committees, Vice-Chairpersons of the Committees or any member of a Committee or employee of the Board in respect of anything done or intended to be done in good faith under this Act or rules and regulations.
- Removal of Difficulties.** 24. If any difficulty arises in giving effect to any of the provisions of this Act or any matter addressed herein, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty; provided that no such power shall be exercised after the expiry of two years from the date of coming into force of this Act.

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**