

THE MALIR DEVELOPMENT AUTHORITY ACT, 1993

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[11th April, 1994]

An Act to make provision for the development of certain areas of the Karachi Division and improvement of socio-economic conditions of the people of such area and establish an Authority for such purpose;

Preamble.

WHEREAS it is expedient to make provision for the development of certain areas of the Karachi Division and improvement of socio-economic conditions of the people of such areas 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 Malir Development Authority Act, 1993.

Short title and commencement.

(2) It shall extend to the areas of the Karachi Division mentioned in the Schedule and Government may, from time to time, by notification, extend the area by amending the Schedule.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant to subject or context—

Definition.

- (a) "Agency" means an agency established under section 12;
- (b) "area" means the area mentioned in sub-section (2) of section I;
- (c) "Authority" means the Malir Development Authority established under section 3;
- (d) "betterment fee" means the fee levied under section 26;
- (e) "budget" means an official statement of annual income and expenditure of the Authority;
- (f) "Chairman" means the Chairman of the Authority;

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- 1["(ff) "consolidation of land" means adjustment of plots in a scheme by way of exchange or otherwise for the purpose of the scheme;"."]
- (g) "Controlled Area" means an area declared as controlled area under section 14;
 - (h) "Director General" means the Director General appointed under section 6;
 - (i) "Fund" means the Fund of the Authority;
 - (j) "Government" means the Government of Sindh;
 - (k) "land" includes earth, water, air above, below or on the surface of land and anything attached to the earth or permanent fastened to anything attached to the earth;
 - (l) "Master programme" means a programme prepared under section 16;
 - (m) "Member" means a member of the Authority;
 - (n) "prescribed" means prescribed by rules or regulations made under this Act;
 - (o) "rules and regulations" means rules and regulations made under this Act;
 - (p) "scheme" means a scheme prepared, undertaken or executed under this Act;
 - (q) "Schedule" means schedule to this Act;
 - (r) "Service Area" means urban area declared as service area by the Authority under section 12;
 - (s) "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 Malir 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, hold and to dispose of property, both movable and immovable property, and may, by the said name, sue and be sued.

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

¹ In section 2, after clause (f), insert new clause (ff) vide Sindh Act No.LVI of 2013 dated December 19, 2013.

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4. ¹“(1) The Authority shall consist of—

**[Constitution of
the Authority”]**

- (a) Minister for Local Government, Public Health Engineering, Rural Development and Housing Town Planning, Sindh **Chairman**
- (b) One Local Member of the Provincial Assembly to be nominated by Government **Member**
- (c) Secretary, Local Government, Public Health Engineering, Rural Development and Housing Town Planning Department **Member**
- (d) Commissioner, Karachi **Member**
- (e) Managing Director, Karachi Water and Sewerage Board **Member**
- (f) Director General Malir Development Authority **Member/
Secretary**
- (g) Two Persons to be nominated by Government (one Technocrat and one from Civil Society)” **Members**

(2) The Chairman shall be appointed by Government who shall hold office of a period of three years unless he resigns or is removed earlier.

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

(4) A non-official member may, at any time, by wiring under his hand addressed to Government 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 portion of the term of such vacancy.

¹ In section 4, for sub-section (1) substituted vide Sindh Act No.LVI of 2013 dated December 19, 2013.

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

Remuneration and Privileges on-official members.

6. (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, 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.

7. 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.

Officers and other staff of the Authority.

8. (1) Without prejudice to the generality of the foregoing powers and subject to the general or special directions of Government, the Authority shall:-

Functions of the Authority.

- (i) prepare or cause to be prepared and execute schemes for the development of the area and improvement of socio-economic conditions of the people of that area;
- (ii) develop, operate and maintain water works and irrigation projects;
- (iii) prepare, develop, operate and maintain agriculture schemes, and poultry, fruit vegetable and pan farming and undertake agriculture research and plant protection;

¹["(iii-a) consolidate any land in such manner as may be prescribed by rules;"]

- (iv) develop livestock and fisheries;

¹ In section 8, sub-section (1), after clause (iii), insert a new clause (iii-a) vide Sindh Act No.LVI of 2013 dated December 19, 2013

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- (v) prepare, develop, operate and maintain forests, including pastures and green belts;
- (vi) prepare, cause to be prepared, develop and operate and maintain the schemes relating to industrial or commercial purposes and ancillary thereto;
- (vii) prepare, develop, operate and maintain schemes to generate income for unemployed persons of the area;
- (viii) formulate, implement and executive schemes for the development of urban, rural and industrial areas;
- (ix) provide, develop, operate and maintain public works relating to socio-economic upliftment of the people through its own agencies or agencies through private sector or in collaboration with other national, international agencies or non government organization;
- (x) act as development agency for the Federal and Provincial Governments or any local authority or autonomous body;
- (xi) collaborate with the Federal or Provincial public or private agencies engaged in the development activities;
- (xii) co-ordinate the development activities of various agencies in the area;
- (xiii) provide technical guidance including technical services and personnel for development and co-ordination of development activities;
- (xiv) render financial assistance for schemes relating to development and improvement of the area and to raise the income level of the people within its jurisdiction;
- (xv) undertake the execution of schemes entrusted to it by the Federal or Provincial Government or any local authority or autonomous body;
- (xvi) undertake research in Development planning;
- (xvii) prescribed procedure and lay down standards for development;
- (xviii) compile literature on planning and development and distribute such literature amongst the persons and agencies engaged or interested in development work;
- (xix) arrange and conduct training programmes and seminars on planning and development.
- (xx) promote professional organizations for planning and development work; and

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- (xxi) perform such other functions as may be considered necessary for achieving the objectives of the Authority or as 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 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,

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programme or scheme, and hold consultation with and seek advice or assistance from any person or body of persons or agency engaged in development works in relation to preparation or execution of any scheme and such persons 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 powers by the Authority under subsection (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, revise or modify such decision.

9. (1) Any matter required to be decided by the Authority shall be decided in a meeting of the Authority presided over by the Chairman, 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.

10. The Authority may, constitute committees such a Financial Committee, Technical Committee, Advisory Committee or such other Committee for carrying out the purposes of this Act.

Constitution of Committee.

11. The Authority may, be 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

Delegation of Powers.

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employee or adviser, expert or consultant.

12. (1) Government may, by notification, declare any area under the jurisdiction of the Authority 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 assign it by the Authority.

13. (1) Where an Agency is established under section 12, 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 PROGRAMME AND SCHEMES AND THEIR EXECUTION.

14. The Authority may, by notification, declare any area under jurisdiction of Authority to be 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 and for planned growth of the area.

Declaration of controlled Area.

15. (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.

Erection or re-erection of buildings.

(2) The permission under sub-section (1) shall be granted in such manner and on such terms and conditions as

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may be prescribed by the Authority.

(3) A person who makes or extends any excavation, erects or re-erects any buildings, or makes any material eternal 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 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.

16. (1) The Authority shall, as soon as may be, prepare Master Programme for development, improvement, expansion and beautification of such areas or such sectors of economy 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;

**Master
Programmes.**

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

17. (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.

Schemes.

(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 caused to be prepared, any scheme on such terms and conditions as may be settled between them.

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

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- (a) Land use and land reservation;
- (b) zoning;
- (c) community planning, housing re-housing and slum clearance and amelioration;
- (d) public buildings, including schools, colleges, libraries, museums, community centres, hospitals, charitable institutions, mosque, markets and musafirkhanas;
- (e) street and roads;
- (f) water supply, drainage, sewerage and sewerage disposal;
- (g) parks, gardens, play-grounds, graveyards, 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 or 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) benefit 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.

18. 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.

19. (1) The Authority shall, after considering the objections and suggestion, if any, under section 19 and hearing the persons making such objections and suggestions if the Authority considers such hearing necessary, sanction of modify or

Sanction of schemes.

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withdraw the scheme if the cost thereof does not exceed ten lacs of rupees and no loan or grant is required therefore from Government and submit other schemes with its recommendations to Government.

(2) Government may, after hearing such persons whose objections or suggestions are not accepted by the Authority, if it considers such hearing necessary, sanction the scheme with or without modification, or refuse to sanction it, or return it for reconsideration, or call for such further details or information about the scheme or direct such further examination as it deems fit.

(3) Where Government or, as the case may be, the Authority has sanctioned a scheme, the order of Government or the Authority sanctioning such scheme shall be published in the official Gazette and thereafter it shall be lawful for the Authority to undertake the execution of such scheme.

20. (1) Government may, on such terms and conditions as may be determined by Government transfer to the Authority any scheme sanctioned or undertaken by Government or any local council or Government agency and place at the disposal of the Authority any funds and properties moveable or immovable, connected with or ancillary or appurtenant to such scheme and thereafter it shall be lawful for the Authority to undertake the execution of such scheme.

**Transfer and
entrustment of
various schemes
to the Authority.**

(2) It shall be lawful for the Authority to undertake many works or execution of any scheme as may be entrusted to it by the Federal Government on such terms and conditions as may be mutually settled between the Authority and the Federal Government.

(3) The Authority may, on request of any local council, Government agency, society or any person or body of persons undertake any work or execution of any scheme entrusted to it by such local council, Government agency, society, person or body of persons on such terms and conditions as may be mutually settled between them.

21. The Authority may, with the approval of Government entrust the execution of any scheme providing for any amenities in the area of any scheme or the maintenance of any works or services to any person, body of persons, firm or

**Entrustment of
schemes by the
Authority.**

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company on such terms and conditions as may be mutually settled between the Authority and such person, body of persons, firm or company within the scope of the terms and conditions as may be prescribed.

22. (1) At any time after sanctioning of any scheme by Government or Authority but before its completion, the Authority may alter it, with the approval of Government if by the alteration the cost of the execution of the scheme is likely to increase by more than ten percent of such cost of fifty thousand rupees and without approval of Government if by such alteration, the cost of the execution of the scheme is not likely to exceed such limits.

Alteration of Schemes.

(2) If the alteration under sub-section (1) involves acquisition, otherwise than by agreement, of any land or, in any manner, adversely affects any property or interest of any local council, Government agency, society, person or body of persons, the procedure laid down in section 19 and 20 shall be followed for sanctioning of the alteration.

23. (1) The Authority may, with the approval of Government require a Government agency or local council within whose jurisdiction any scheme sanctioned by Government is to be executed—

Power of Authority to issue directions to Government agency local Council etc.

- (a) to execute such scheme or part thereof in consultation with and under the direction of the Authority;
- (b) to take-over and maintain any of the works or services or provide any amenities which in the opinion of the Authority ought to be provided in the area of such scheme;
- (c) to enforce regulations on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme or on the taking over or maintenance of any works or services, or providing any amenities or the enforcement of the regulations under sub-section (1), shall be borne as may mutually be agreed upon between the Authority and the Government agency or local council an in the event of disagreement, as may be determined by Government.

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24. (1) The Authority may, with prior consent of Government raise funds from time to time for meeting the cost of execution of the schemes including the schemes to be executed and works to be maintained by any agency by levying rates, fees and other charges.

Funds of Scheme.

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

(3) The funds raised by imposing rates, fees and other charges shall be spent on such schemes, works and projects and in such manner as the Authority may, with approval of Government decide or as Government may direct.

25. All schemes framed under this Act and operated by or on behalf of the Authority shall be deemed to be the scheme for public purposes.

Schemes to be deemed for public purposes.

26. (1) Where the Authority is of the opinion that in consequent 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 nay person, in possession thereof or having interest therein.

Betterment fee.

(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 thereupon 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 representation is made against the determination of betterment fee, after rejection of such representation, proceed to levy and

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collect the betterment fee in such manner and in accordance with such procedure as may be prescribed

27. (1) If the Authority is of the opinion that for the purpose of execution of a scheme it is necessary to remove or demolish any building it may order such building to be removed or demolished:

Removal of demolition of building.

Provided that such removal or demolition shall not be ordered unless opportunity of being heard is given to the owner or occupier of such building.

(2) If any building is ordered to be removed or demolished under sub-section (1), there shall be paid compensation, the amount of which shall be determined ¹["by the Authority."]

28. If the Authority is of the opinion that for the purpose of execution of a scheme, it is necessary to remove any encroachment made on any land or building, it shall proceed to have such encroachment removed in accordance with the law for the time being in force for removal of encroachments, as if the land or building from which the encroachment is to be removed belongs to the Authority.

Removal of encroachments.

29. (1) Whenever any street, road, drain, open space is needed for execution of any scheme, the Authority shall cause to be fixed in conspicuous place in or near such street, road, drain, etc. or space a notice signed by the Chairman or some other person authorized by him stating the purpose for which the street, road, drain or space is needed and declaring that on or after the dates as may be specified in the notice, the Authority will take over such street, road, drain or space, and a copy of such notice shall also be sent to the owner of the street, road, drain or space, at his or its last known address.

Taking over of streets, open spaces, etc.

(2) The Authority may, after considering objections, if any, received before the date specified in the notice under sub-section (1), take over the charge of the street, road, drain or open space and issue any direction or make any order as to closure or otherwise of such street, road, drain or space.

(3) The Authority shall pay to the owner of the street, road, drain or open space such compensation for any loss or damage caused thereto as may be determined by a person or

¹ In section 27, sub-section (2) for the words substituted vide Sindh Act No.LVI of 2013 dated December 19, 2013.

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officer appointed in this behalf by the Authority.

30. Government may, by notification, direct that the Authority shall notwithstanding anything contained in any law for the time being in force, be competent to exercise powers and perform functions of a local council or Government agency within the controlled area.

Authority competent to exercise functions of a local council.

CHAPTER – IV

ACQUISITION OF PROPERTY

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

Purchase, lease or exchange of property.

32. Where the Authority is of the opinion that nay land needed for any scheme or other public purpose cannot be acquired under section 31, such land may be acquired in accordance with the Hyderabad Development Authority Act, 1976 and any reference in that Act to the Hyderabad Development Authority shall be deemed to be a reference to the Authority.

Acquisition of land.

CHAPTER – V

FINANCES

33. (1) There shall be a separate fund known as the fund of the Authority which shall vest in the Authority.

Fund of the Authority.

(2) The fund shall consist of—

- (a) grants made by Government;
- (b) grants made by local councils;
- (c) loans raised or obtained by the Authority;
- (d) sale proceeds of movable or immovable properties;
- (e) all moneys received from the Federal Government or an international agency;
- (f) all fees , receipts and charges received under the Act;

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- (g) moneys received from utilization or service rendered by any agency;
- (h) proceeds of self-financing schemes;
- (i) all other sums receivable by the Authority.

(3) There shall be a separate accounts of each agency in respect of the moneys received under clause (g) of sub-section (2).

(4) The amounts credited in the fund shall be deposited with the State Bank or its agency or with the approval of Government, with any scheduled Bank.

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

(6) The Authority may, with the approval of Government, raise funds by issuing bonds or debentures for financing any scheme, work or project or for such other purpose.

(7) The Authority may, obtain loan from Government or any bank on such terms and conditions as may be specified Government.

34. (1) The Authority may utilize the fund for –

- (a) meeting charges in connection with its functions under the Act including payment of salaries and other remuneration to the Chairman, members, officers including Director General, Managing Director, servants, experts, consultants and other employees of the Authority and the agencies.
- (b) incurring expenditure on execution of any scheme or work authorized by or under this Act;
- (c) payment of compensation for any land acquired under this Act;
- (d) repayment of loans and interest thereon;
- (e) other expenses required for carrying out the purposes of this Act;

Utilization of Funds.

(2) The moneys received under clause (g) of sub-section (2) of section 34 shall exclusively be utilized for the purposes of the agency for which such moneys are received.

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35. (1) The Authority may, and if directed by Government shall, establish a sinking fund for the payment of any loan obtain the Authority and shall pay into that fund such sums as will, with accumulations of interest, be sufficient to repay the loan. **Sinking Fund.**

(2) The sinking fund may be utilized for carrying out any purpose under this Act, after the repayment of the loan for which such fund is established.

(3) Every year the sinking fund shall be examined by the Accountant General and if he certifies that assets of the fund fall short of the limit at which the assets would have been normally kept, the Authority shall pay into the fund the amount equivalent to the certified shortage.

(4) If any dispute arises between the Authority and the Accountant General as the accuracy of any certificate under sub-section (3), the Authority may after making the payment referred to in that sub-section, refer the matter to Government for decision.

36. (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 six months before the commencement of such financial year. **Budget.**

(2) The estimated receipts and expenditure in respect of each agency shall be shown under a separate head in the statement under sub-section (1).

(3) Government may sanction the budget submitted under sub-section (1), or make such modifications as it deems fit.

(4) 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 by Government.

(5) The Authority shall not, except with the prior approval of Government, incur expenditure in excess of the sanctioned budget.

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

**Maintained of
Accounts.**

(2) The accounts maintained under sub-section (1) shall be audited by not less than two Chartered Accountants.

(3) A statement of accounts duly audited by the auditors under sub-section (2) shall be furnished to Government, as soon as may be, after the end of every financial year.

(4) Government may authorize the Accountant General to conduct the test or other audit of the accounts submitted under sub-section (3), on such terms and conditions as Government may determine.

CHAPTER – VI

MISCELLANEOUS

38. (1) If any building, structure, works or land is erected, constructed or used in contravention of the provisions of this Act, or of any rules, regulation or order made thereunder, the Deputy Commissioner or any person authorized by him or the Authority in this behalf, may by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or after the building, structure or work or to use it in such manner so as to bring such erection, construction or use, in accordance with the said provisions of this Act.

**Erection
construction of or
use of building
etc. in
contravention of
Act.**

(2) If an order under sub-section (1) in respect of any building, structure, work or land is not complied with, within such time as may be specified therein, the Deputy Commissioner, or any person authorized by him or the Authority in this behalf may, after giving the persons affected by the order, an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing may use such force as may be necessary and may also recover the cost thereof, from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

39. Any conversion of property to a use or purpose other than the one provided under a scheme, by a person or agency without the previous approval of the Authority in writing, shall be

**Conversion of
property to
different use.**

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punishable with a fine which may extend to one hundred rupees per day from the date of its conversion till the default continues or with imprisonment for the term which may extend to one year or with both.

40. The Chairman, members, officers, including Director General and Managing Director and all other employees of the Authority and an agency shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

Chairman, members etc. to be public servants.

41. 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 in such form and on or before such date as may be prescribed.

Report of activities.

42. Every Local Council in the area shall contribute to the Authority every year by such date as may be prescribed such percentage of the taxes, rates, tolls, fees and octroi levied by the council during a financial year as Government may determine.

Liability of Council.

43. Notwithstanding anything contained in any law, rules or agreement all moneys, rents or royalties payable in respect of lease or licence granted for surface minerals in the area shall be paid to and collected by the Authority.

Collection of rents or royalties.

44. Any sum due to the Authority or an agency or wrongly paid by the Authority or an Agency under this Act, shall be recoverable by as arrears of land revenue.

Recovery of dues.

45. (1) 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.

Jurisdiction barred.

(2) No act done or proceedings taken or order passed under this Act, shall be rendered invalid merely on the ground of—

- (a) any vacancy in the Authority or any committee, or any defect in the constitution thereof;
- (b) non-service of notice on any person where substantial justice has been done; and
- (c) any omission, defect or irregularity not affecting the merits of any case.

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46. No suit or legal proceedings shall lie against Government, Authority, Agency or any other person in respect of anything done or intended to be done under this Act. **Indemnity.**
47. The provisions contained in this Act or the rules and regulations thereunder shall have effect notwithstanding anything contained in any other law, rules or regulations. **Overriding Provisions.**
48. Government may, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Act. **Power to make rules.**
49. (1) Subject to the provisions of this Act and the rules, the Authority may, by notification in the official gazette and with previous approval in writing of Government, make regulations for carrying out the purpose of this Act; **Power to make Regulations.**
- (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 in such meetings;
 - (iii) terms and conditions of service of officers and staff of the Authority and Agency; and
 - (iv) any other matter required by the provisions of this Act to be provided by regulations.
50. Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on and from such date as may be specified in such notification and on such dissolution of the Authority all properties, funds and other assets shall vest in and be realizable by Government or by such other authority, body or agency as Government may specify. **Dissolution of Authority.**
51. The provisions of the Karachi Development Authority Order, 1957 shall not apply to the areas within the jurisdiction of the Authority. **Application of the Karachi Development Authority Order 1957.**
52. The Malir Development Authority Ordinance, 1993 is hereby repealed. **Repeal of Sindh Ordinance No.XXIV of 1993.**

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SCHEDULE

(SEE SECTION 1(2))

Areas under the jurisdiction of the Malir Development Authority:-

Territorial areas under Union Councils comprising of—

- (i) Union Council, Ibrahim Hyderi.
- (ii) Union Council, Landhi.
- (iii) Union Council, Darsana Chhana.
- (iv) Union Council, Gadap.
- (v) Union Council, Thano.
- (vi) Union Council, Konkar.
- (vii) Union Council, Moidan.
- (viii) Union Council, Songal.
- (ix) Millat Garden of Unit No.100.
- (x) Karachi Metropolitan Corporation Unit Nos.94 and 95 including Sahibdad Village of Unit No.102.
- (xi) Karachi Metropolitan Corporation Unit Nos.88, 90, 91, 92, 93 and 73 excluding Burmi Colony, Sharif Colony, Labour Colony, Awami Colony and Industrial Areas.
- (xii) Villages namely Pir Bux Goth, Hashim Goth, Panhwar Goth, Ismail Goth and Jamal Goth.

Typed & corrected by:

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