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SINDH ORDINANCE NO. XXII of 1993.
THE SINDH COAL AUTHORITY ORDINANCE, 1993.

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SINDH ORDINANCE NO. XXII of 1993.

THE SINDH COAL AUTHORITY ORDINANCE, 1993.

[27th November, 1993]

An Ordinance to provide for the establishment of the Sindh Coal Authority.

Preamble.

WHEREAS it is expedient to establish an Authority for exploration, development, processing, exploitation, mining and utilization of coal in the Province of Sindh and to provide for matter connected therewith and ancillary thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sindh 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 Sindh is pleased to make and promulgate the following Ordinance:-

CHAPTER- I
PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Coal Authority Ordinance, 1993.

(2) It shall come into force on and from 28th October, 1993.

Definitions.

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

(a) "Authority" means Sindh Coal Authority established under this Ordinance;

(b) "Board" means the Board establish under this Ordinance;

(c) "Chairman" means the Chairman of the Board;

(d) "Coal" means a mineral found below earth's surface and includes coal mines;

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

(f) "Fund" means the fund of the Authority;

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

(h) "Member" means a member of the Board;

(i) "Prescribed" means prescribed by rules or regulations;

(j) "Regulations" means regulations made under this Ordinance;

(k) "Rules" means rules made under this Ordinance.

CHAPTER-II

ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY.

Establishment of the Authority and its offices.

3. (1) As soon as may be after the commencement of this Ordinance, Government shall by a notification in the official Gazette establish an authority to be known as the Sindh Coal 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 the property, both movable, and immovable, and shall, by the said name, sue and be sued.

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

(4) The Authority shall have power to establish regional offices at such places as it may consider expedient.

Functions of the Authority.

4. The Authority shall-

(a) accelerate the pace of activities relating to coal development and shall be specifically responsible for planning, promoting, organizing, under-taking appropriate projects in this behalf and implementing programmes for exporation, development, exploitation, mining, processing and utilization of coal;

(b) prepare and execute schemes under this Ordinance and take such steps as may be necessary in connection with the execution of such schemes;

(c) advise Government in all matters connected with conservation, development, working and utilization of geology to evaluate coal deposits;

(d) publish results of research and development activities of coal resources of the Province, from time to time, for general information;

(e) promote joint ventures specially with foreign investors for

development of coal resources of the Province;

(f) take such steps as make be necessary or conductive to the attainment of its objects.

Explanation.----- Planning includes studies, surveys, experiments and scientific and technical evaluation, whereas promotion, organizing and implementing programmes include setting up infrastructure, overall environment including service facilities such as roads, water, electricity, gas, skilled and un skilled labour, professional personal, land development and financial facilities and ancillary facilities directly required to implement the coal development schemes and plans.

Powers and Duties of the Authority.

5. The Authority shall have powers to-----

(a) acquire, hold control over and administer movable or immovable property;

(b) dispose of any property;

(c) formulate and enforce any scheme for the purposes of this Ordinance;

(d) incur any expenditure for carrying out the purposes of this Ordinance;

(e) enter into and execute all such contracts as it may consider necessary;

(f) procure necessary equipments or material required for its proper functioning.

Administration of the affairs of Authority.

6. (1) Subject to the other provisions of this Ordinance and the rules and regulations, the general direction and administration of the Authority shall vest in the Board constituted under section 7 which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board in discharging its functions shall act on commercial considerations and shall be guided by such directions as Government may, from time to time give.

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

Constitution of the Board.

7. The Board shall consist of.-

(i) the Minister for Mineral **Chairman**

Development, Sindh.

(ii)	the Additional Chief Secretary (Dev.) Planning and Development Department, Government of Sindh.	**Official member**
(iii)	the Secretary Industries and Mineral Development, Government of Sindh.	**Official member**
(iv)	the Secretary Finance Department Government of Sindh.	**Official member**
(v)	the Director General, Sindh Coal Authority.	**Official member**
(vi)	Two-Non Official members Appointed by Government.	**Non-official members**

(2) The Director General shall also be the Secretary of the Board.

(3) The Board may coopt any person as a member for any particular purpose, but such person shall not have right of vote.

(4) An Official member appointed by virtue of his office shall cease to be the member on vacating such office.

(5) A non-Official member shall hold office for a term of one year from the date of his appointment, and shall be eligible for re-appointment for such duration as Government may determine.

(6) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by Government without assigning any reason.

Disqualification of members.

8. No person shall be or shall continue to be a member who----

(a) is not a citizen of Pakistan;

(b) is found a lunatic or becomes of un-sound mind;

(c) is or at any time has been convicted of an offence involving moral turpitude;

(d) is or has at any time been adjudicated insolvent;

(e) is or has at any time been disqualified for employment in or dismissed from Government service;

(f) is acting in contravention of the provisions of this Ordinance;

(g) has without the permission of Government directly or indirectly any financial interest in any project or scheme or property of the Authority.

Remuneration and allowances to the non-official members.

9. The Authority may allow such remuneration, to the non-official member as it may determine with the approval of Government.

CHAPTER-III

APPOINTMENT AND FUNCTIONS OF THE FUNCTIONARIES OF THE AUTHORITY.

Director General.

10. (1) Government shall appoint a Director General possessing such qualifications and on such terms and conditions as it may determine.

(2) The Director General shall be a whole time officer and the chief executive of the Authority and shall unless exempted by Government divest himself of any membership of any other Corporation or Company or authority.

(3) Government may remove the Director General, if he---

(a) refuses or fails to discharge or becomes in the opinion of the Government incapable of discharging his responsibilities under this Ordinance; or

(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 he Authority.

Appointment of Officers and staff.

11. (1) The Authority may, for efficient performance of its functions appoint such officers, advisers, consultants and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience and on such terms and conditions as may be prescribed by regulations.

(2) The officers, advisors, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed by regulations.

Appointment of Financial and Technical Committees.

12. (1) The Authority may, for carrying out the purposes of this Ordinance constitute such financial, technical or advisory committees as deemed fit.

(2) The Committees shall tender advice on such matters and perform such functions as may be referred or assigned to them by the Board, chairman or Director General.

Powers and Functions of the Chairman.

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

(2) Where the Board is not constituted or an emergency arises, the Chairman may exercise such powers of the Board as may be necessary but the powers so exercised and the action taken in pursuance thereof shall be reported to the Board of notification at its first meeting after such action.

Powers and functions of the Director General.

14. 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) be responsible for and have the authority necessary for overseeing, implementing and executing in an expeditious and efficient manner the orders, projects or schemes undertaken by the Authority;

(c) 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;

(d) have power to exercise administrative control over the personnel of the Authority.

Meetings of the Board.

15. (1) All business shall, to the extent and in the manner prescribed by regulations, be disposed of at the meetings of the Board.

(2) The meetings of the Board shall be held in such manner and at such time and place as may be prescribed by regulations; provided that until regulations are framed, the meetings shall be held as and when convened and in the manner as directed by the Chairman.

CHAPTER-IV

FINANCE, AUDIT AND ACCOUNTS

Fund.

16. (1) There shall be a separate Fund of the Authority known as the

Sindh Coal Authority Fund.

(2) The fund shall consist of:---

(a) grants and subsidy received from Government or any local body;

(b) loans raised or obtained by the Authority with the approval of Government in accordance with law;

(c) fees and other charges receivable under this Ordinance;

(d) all other sums receivable by the Authority.

(3) The amounts credited in the fund shall be deposited in any Scheduled Bank approved by the Board.

(4) The fund shall be utilized for carrying out the purposes of this Ordinance including the payment of loans and interest therein, and salaries and other remuneration payable under this Ordinance.

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

Accounts and Audit.

17. (1) The Authority shall maintain complete and accurate accounts in the form and in such manner as may be prescribed by rules in consultation with the Auditor General of Pakistan.

(2) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan in such manner as may be prescribed by rules.

Recovery of dues.

18. All sums due to the Authority from any person, body or organization shall be recoverable as arrears of land revenue.

CHAPTER-V
MISCELLANEOUS

Powers of Government give direction.

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

(2) The Authority shall within three months of the expiry of a financial year furnish a report to Government on the conduct of its affairs for that financial year.

Delegation of powers.

20. (1) The Authority may, by general or special order and subject to such conditions as it impose, delegate to the Chairman, Director General, or its officer or employee, any of its powers, duties or functions under this Ordinance or the rules and regulations made thereunder.

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

Public Servant.

21. The Chairman, Director General, members, Officers, advisers, consultants, or 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.

Validation of acts and proceedings.

22. No act or proceedings of the Authority shall be invalid merely by reason any vacancy in the Board or its constitution.

Indemnity.

23. No suit, prosecution or other legal proceedings shall lie against the Authority, Chairman, Director General or any officer 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.

24. Government may make rules for carrying out the purpose of this Ordinance.

Regulations.

25. The Authority may, make regulations for all matters not provided for in the rules and for which provision is necessary for carrying out the purposes of this Ordinance and the rules.