SCAN TO VERIFY
LAW DEPARTMENT
GOVERNMENT OF SINDH
www.sindhlaws.gov.pk

SINDH ORDINANCE NO.VII OF 2010
THE ZULFIKARABAD DEVELOPMENT AUTHORITY ORDINANCE, 2010.

CONTENTS

Preamble.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Declaration of Specified Area.
4. Establishment of the Authority.
5. Governing Body.
6. Management.
7. Managing Director.
8. Headquarters of the Authority.
9. Functions and Powers of the Authority.
10. Transfer of Functions to the Authority.
11. Master plan and master programme.
12. Preparation of schemes by a local council, an agency or a private party.
13. Preparation, of schemes by Authority.
14. Manner and form, etc., of scheme.
15. Borrowing powers.
16. Local Councils and Agencies to coordinate with the Authority.
17. Utilization of building material.
18. Amendment of schemes.
19. Removal or demolition of buildings in the public interest.
20. Schemes to be executed after calling objections.
21. Liability to acquisition.
22. Entry upon land, preliminary survey, etc.
23. Compensation for damage.
24. Power to acquire land.
25. Land to be marked out measured and planned.
26. Notice to persons interested.
27. Enquiry and award by Executive District Officer Revenue.
28. Compensation.
29. Vesting of land in the Authority.
30. Acquisition in cases of urgency.
31. Temporary occupation and use of land.
32. Appointment of officers and servants, etc.
33. Members, officers, experts, public servants.
34. Zulfikarabad Development Authority Fund.
35. Budget.

36. Audit and accounts.
37. Penalty.
38. Causing damage to property.
39. Disobedience of Orders.
40. Attempts and abetments.
41. Trial of offences.
42. Cognizance of offences by Courts.
43. Submission of yearly reports and returns, etc.
44. Security of investments.
45. Power to dispose of land.
46. Recovery of dues, etc.
47. Summary ejectment of unauthorised occupants.
48. Removal of building, etc., erected or used in contravention of this Ordinance.
49. Police Assistance.
50. Admissibility of document or entry as evidence.
51. Indemnity.
52. Overriding provisions.
53. Power to make rules.
54. Power to make Regulations.
55. Dissolution of Authority and transfer of its assets and liabilities to Government.

SINDH ORDINANCE NO.VII OF 2010

THE ZULFIKARABAD DEVELOPMENT AUTHORITY ORDINANCE, 2010.

[16th July, 2010]

An Ordinance to provide for establishment of Zulfikarabad City in District Thatta and to establish an Authority for such purpose.

Preamble.

WHEREAS it is expedient to provide for establishment of a modern city to be known as Zulfikarabd City in District Thatta and to establish an Authority for such purpose and provide for matters connected therewith and ancillary thereto;

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

CHAPTER I – PRELIMINARY

Short title, extent and commencement.

1. (1) This Ordinance may be called the Zulfikarabad Development Authority Ordinance, 2010.

(2) It shall extend to such areas of District Thatta as Government may from time to time specify by notification.

(3) It shall come into force at once.

Definitions.

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

a) "agency" means any department or organization of the Government and includes local government, a corporation, or other autonomous or semi-autonomous body set up by Government;

b) "Authority" means the Zulfikarabad Development Authority constituted under section 4 of this Ordinance;

c) "building" includes any factory, industrial or business establishment, shop, godown, warehouse, farmhouse, outhouse, hut, hutment, shed, garage, stable, well, or platform, and any other structure, whether meant for residential, business, recreational

or amenity purpose or not, made of masonry bricks, wood, mud, thatch, metal or any other material, but does not include a temporary structure made for any purpose connected with agriculture;

d) "Chairman" means Chairman of the Governing Body;

e) "Director" means a Director of the Authority;

f) "Government" means the Government of Sindh;

g) "Governing Body" means the Governing Body constituted under this Ordinance;

h) "land" includes earth, water, air above, below or the surface of land and any thing attached to the earth or permanently fastened to any thing attached to the earth;

i) "Managing Director" means the Managing Director of the Authority;

j) "Member" means a Member of the Governing Body;

k) "prescribed" means prescribed by rules and regulations made under this Ordinance;

l) "scheme" means a planning scheme or a development scheme prepared, undertaken or executed under this Ordinance;

m) "Specified Area" means any area of District Thatta as Government may from time to time specify by notification under section 3;

Declaration of Specified Area.

3. Government may, from time to time by notification in the official Gazette, declare any part or parts of District Thatta as Specified Area under this Ordinance.

CHAPTER II - ESTABLISHMENT OF THE AUTHORITY

Establishment of the Authority.

4. (1) There shall be established an authority to be known as Zulfikarabad Development 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 and hold property, both movable and immovable, and shall by the said name sue and be sued.

Governing Body.

5. (1) The Authority shall perform the functions and exercise the powers through Governing Body which shall consist of-

(a)	Chief Minister	Chairman
(b)	Chief Secretary	Member
(c)	Additional Chief Secretary, Planning & Development	Member
(d)	Senior Member, Board of Revenue	Member
(e)	Secretary Finance	Member
(f)	Secretary Local Government	Member
(g)	Member Land Utilization, Board of Revenue;	Member
(h)	Managing Director	Member

Provided that in his absence, Chief Minister may authorize the Chief Secretary to act as Chairman.

(2) The meetings of the Governing Body shall be held at such time and place and in such manner as may be prescribed.

(3) Notwithstanding the provisions of sub-section (2), the Chairman may convene the meeting of the Governing Body at any time and place.

Management.

6. (1) The administration, management and control of the Authority shall vest in the Governing Body.

(2) The Authority shall perform the functions and exercise the powers as may be prescribed.

Managing Director.

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

(2) The Managing Director shall be the Chief Executive of the Authority, and shall, subject to general and special directions of the Governing Body, perform such duties and exercise such powers as may be delegated to him by the Governing Body and assigned to him under this Ordinance.

(3) Where the Managing Director is absent from his duty for any reason, or is unable to perform the functions of

his office, Government may nominate any officer of the Authority to perform the duties and exercise the powers of the Managing Director.

Headquarters of the Authority.

8. (1) The Authority shall establish its Headquarters within the Specified Area of Zulfiqarabad City.

(2) Until the Authority establishes its Headquarters within the Specified Areas, temporarily its Headquarters may be situated at Karachi.

CHAPTER III – FUNCTIONS AND POWERS OF THE AUTHORITY

Functions and Powers of the Authority.

9. (1) Subject to the provisions of this Ordinance and the Rules made thereunder, the Authority may perform such functions and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of powers conferred by sub-section (1), the Authority may –

a) acquire any land in the Specified Areas;

b) undertake any work in the Specified Areas in pursuance of any scheme prepared under section 13;

c) incur or cause to be incurred any expenditure;

d) procure plant, machinery, instrument and material required for its use;

e) enter into and perform all such contracts as it may consider necessary with specific or general approval of the Governing Body;

f) perform building control functions;

g) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other agency at the request of the Authority;

h) issue interim orders for development of areas for which a master-plan is under preparation and restrict or prohibit by general or special order any change in the use of land and alteration in buildings, structures and installations in the Specified Areas;

i) cause removal of any work, in accordance with the laws in force for the time being, obstructing the execution of its schemes;

j) seek and obtain advice and assistance for the preparation of any scheme or for the execution of any scheme from any local body or agency and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgment, and the additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority;

k) perform municipal functions till the time they are transferred to the local government institution.

Transfer of Functions to the Authority.

10. Notwithstanding any other law for the time being in force any function and power assigned to the Authority under this Ordinance shall stand transferred to the Authority in respect of the Specified Area from the agency which was previously responsible for such functions and was vested with such powers.

Master plan and master programme.

11. The Authority shall prepare or cause to be prepared a master-plan and a phased master-programme for the development of Zulfikarabad City.

Preparation of schemes by a local council, an agency or a private party.

12. (1) The Authority may if it considers expedient, pursuant to master plan and the master programme, call upon any local council, agency or private party in the Specified Areas to prepare, in consultation with the Authority, a scheme or schemes in respect of matters ordinarily dealt with by them and thereupon they shall be responsible for the preparation of scheme.

(2) Such schemes, may relate to -

a) land use, zoning and land reservation;
b) public building;
c) industry;
d) transportation and communications; highways, roads, streets, railways, aerodromes;
e) tele-communications, including wireless, television, radio, telephone;
f) utilization of water, power and other natural resources;
g) community planning, housing, slum clearance, amelioration;

h) community facilities including water supply, sewerage, drainage, sewage disposal, electricity supply, gas supply and other public utilities;
i) preservation of objects or places of historical or scientific interest or natural beauty.

(3) Government may, by notification in the official Gazette, add to, alter or amend the list of subjects given in sub-section (2), and any such addition alteration or modification shall take effect as if it had been enacted in this Ordinance.

(4) The expenditure incurred on the preparation of any such schemes as aforesaid shall be borne as agreed to between the Authority and the local body or agency, and in the event of disagreement between them as may be determined by the Governing Body.

(5) The Authority may if it considers expedient; pursuant to the master-plan and the master-programme, enter into various arrangements with organizations and private parties to exploit the public properties on the terms mutually agreed subject to this Ordinance and other laws in force for the time being in general and Sindh Public Private Partnership Ordinance, 2010 in particular.

Preparation, of schemes by Authority.

13. The Authority may, pursuant to the master-plan, itself prepare, or cause to be prepared when it considers it desirable to do so in the public interest, schemes within the Zulfikarabad Development Authority limits relating to the matters enumerated in subsection (2) of section 10.

Manner and form, etc., of scheme.

14. All schemes under section 10 and section 11 shall be prepared in such manner and form as the Governing Body may specify, and shall contain among other things the following information, namely :-

a) description of the scheme and the manner of its execution;
b) estimate of costs and benefits;
c) allocation of costs to the various purposes to be served by the scheme.

Borrowing powers.

15. (1) The Authority may, with the previous approval in writing of Government, raise funds for the purpose of raising its working capital by issuing bonds and debentures carrying interest at such rates as may be approved by Government.

Local Councils and Agencies to coordinate with the Authority.

16. (1) The Authority may assign a local council or agency within whose jurisdiction any particular area covered by a scheme lies -

a) to execute a scheme in consultation with the Authority;
b) to take over and maintain any of the works and services in that area;
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 work, or the enforcement of regulations, under this section, shall be borne as may be agreed to between the Authority and the local council or agency, and, in the event of disagreement, as may be determined by the Governing Body.

Utilization of building material.

17. Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, no private person shall, allocate, exploit or in any manner utilize, except for the purpose of his own personal use, such natural resources of the Specified Area, used as building material as the Government may, on the recommendation of the Authority, by notification in the official Gazette, specify in this behalf.

Amendment of schemes.

18. Any scheme prepared or caused to be prepared under sections 14, 15 and 16 may at any time be amended or modified in the like manner as provided in these sections by-

(a) in cases where the amended or modified scheme exceeds the financial powers of the Authority, by the Authority with the previous approval in writing of the Governing Body; and

(b) in other cases, by the Authority.

Removal or demolition of buildings in the public interest.

19. The Authority shall not order or cause any building in the Specified Areas, to be removed or demolished except under due process of law, after affording an opportunity of being heard to the person likely to be affected, if such removal or demolition is in the public interest.

Schemes to be executed after calling

20. (1) The Authority shall not execute or cause to be executed any scheme in the Specified Areas, unless the persons whose rights and interests are thereby affected

have been given a reasonable opportunity to file their objections and their objections are disposed of judiciously. **objections**.

(2) All schemes shall be executed in accordance with the provisions of the Sindh Public Procurement Regulatory Authority Act, 2009 and the Rules made thereunder.

CHAPTER IV
ACQUISITION OF LAND

21. All land within the Specified Areas shall be liable to acquisition at any time under the law. **Liability to acquisition.**

22. (1) It shall be lawful for the Authority, and any member thereof, or any such person as may either generally or specially be authorized by the Authority, subject to the law in this behalf , **Entry upon land, preliminary survey, etc.**

a) to enter upon and survey any land;
b) to dig or bore into the subsoil;
c) to do all other acts necessary to ascertain whether land is adapted for the purposes of this Ordinance;

d) to set out the boundaries on the land proposed to be acquired and the intended line of the work, if any, proposed to be made thereon;

e) to mark such levels, boundaries and line by placing marks and cutting trenches; and

f) where it is necessary for the purposes of the survey, taking of levels or marking of line, to cut down and clear away any part of any standing crop, fence or jungle.

(2) No person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

23. Where any damage is caused to any land in consequence of anything done in pursuance of section 25, there shall be paid compensation, which shall be determined in the manner and in accordance with the provisions hereinafter set out, that is to say:- **Compensation for damage.**

(a) where the amount of compensation can be fixed by agreement, it shall be fixed in accordance with such agreement; and

(b) where no such agreement can be reached, it shall be fixed in accordance with the law .

Power to acquire land.

24. (1) Subject to this Ordinance and other laws in force the Authority may acquire or cause to be acquired any land for the purposes of this Ordinance.

Land to be marked out measured and planned.

25. Where any land is proposed to be acquired under section 27, the same may be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

Notice to persons interested.

26. (1) The land acquiring authority shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Authority intends to take possession of the land, and that claims to compensation for all interests in such land may be made to such authority.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally before the acquiring authority at a time and place therein mentioned (such time not being earlier than ten days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interest, and their objections, if any, to the measurements made under section 28, and such authority may require any such statement to be made in writing and signed by the party.

(3) The land acquiring authority shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested.

Enquiry and award by Executive District Officer Revenue.

27. (1) On the day so fixed, or on any other day to which the enquiry has been adjourned, the land acquiring authority shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to the notice given under section 26, and into the market value of the land and into the respective interests of the persons claiming the compensation, and shall make an award of-

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) the apportionment of such compensation among all the persons known or believed to be interested in the land of whom, or of whose claims, he has information, whether or not they have appeared before him.

(2) The award may be referred to the Referee Court, in accordance with the law, if any person affected does not accept the award.

Compensation.

28. Where any land is acquired by the land acquiring authority under this Ordinance there shall be paid compensation, the amount of which shall be determined by such authority.

Vesting of land in the Authority.

29. Immediately on the making of the award and payment by land acquiring authority, the land shall vest in the Authority for the purpose of registration, resale, subdivision, hypothecation, lease, sub lease, building plan approvals, lease renewals, planning approvals, for which the Authority shall issue the NOCs. The Authority shall also demarcate the land as per the Master Plan and hand over the possession. The Authority may also carry out development in such lands according to the schemes approved by it.

Acquisition in cases of urgency.

30. In cases of urgency, the land shall be acquired in the same manner as is provided in the law for acquisition in cases of urgency.

Temporary occupation and use of land.

31. Where the Authority requires any land for temporary occupation and use for the purposes of this Ordinance for a period not exceeding five years, it may temporarily occupy the same in the same manner as provided in the law.

CHAPTER V – ESTABLISHMENT

Appointment of officers and servants, etc.

32. The Authority may, from time to time, appoint such officers, servants, experts, consultants or consultancy firms as it may consider necessary for the, performance of its functions, on the terms and conditions as may be prescribed.

Members, officers,

33. The Managing Director, member(s), officer(s), servant(s), expert(s) and consultant(s) of the Authority shall,

when acting purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servant(s) within the meaning of section 21 of the Pakistan Penal Code. **experts, public servants.**

CHAPTER VI – FINANCES

34. (1) There shall be a fund to be known as the "Zulfikarabad Development Authority Fund" which shall vest in the Authority and shall be utilized by the Authority for the purposes of this Ordinance. **Zulfikarabad Development Authority Fund.**

(2) To the credit of Zulfikarabad Development Authority Fund shall consist of -

(a) grants made by Government;

(b) loans and bridge financing obtained from Government;

(c) grants made by local government;

(d) sale and lease proceeds of movable and immovable property and receipts for services rendered;

(e) loans obtained by the Authority with the special or general sanction of Government;

(f) foreign aid and loans obtained from the International Donor Agencies, Banks or from any other source outside Pakistan, with the sanction of, and on such terms and conditions as may be approved by Government;

(g) Special development packages and grants funded by Federal or Provincial Governments; and

(h) all other sums receivable by the Authority.

35. (1) In the month of May each year the Authority shall submit to the Governing Body for approval a statement of the estimated receipts and expenditure in respect of the next financial year. **Budget.**

36. (1) The accounts of the Authority shall be audited in the prescribed manner. **Audit and accounts.**

(2) Notwithstanding the provisions of the preceding sub-section, the Auditor General may either of his own motion or upon a request received in this behalf from the Governing Body, the Auditor General may undertake such audit of the accounts of the Authority at such time as he considers necessary, and the Authority shall produce, at the time of such audit, the account books and connected documents at such place or places as the Auditor-General may fix, and furnish such explanations and information as the Auditor-General or an officer or officers authorized by him in this behalf may ask for.

CHAPTER VII - PENALTY AND PROCEDURE

Penalty.

37. Whoever contravenes any provision of this Ordinance, rules or regulations made thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment which may extend to one year or fine which may extend to twenty five thousand rupees or with both.

Causing damage to property.

38. Whoever willfully causes damage or allows damage to be caused to any property which vests in the Authority or unlawfully converts it to his own use or to that of any other person shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to one lac rupees or with both.

Disobedience of Orders.

39. Whoever, without lawful excuse, fails or refuses to comply with any direction or order issued by the Authority under this Ordinance shall be guilty of an offence punishable under section 44.

Attempts and abetments.

40. Whoever attempts to commit or abets the commission of an offence punishable under this Ordinance shall be deemed to have committed that offence.

Trial of offences.

41. A Magistrate of the first class shall be competent to try the offences under this Ordinance.

Cognizance of offences by Courts.

42. No court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Authority or by an officer authorized for the purpose by the Authority.

CHAPTER VIII MISCELLANEOUS

Submission of yearly reports

43. (1) The Authority shall submit to Government after approval of the Governing Body, as soon as possible after

the end of every financial year but before the last day of October next following, a report on the conduct of its affairs for that year. **and returns, etc.**

(2) Government may, after giving sufficient notice to the Authority, require it to furnish-

a) any return, statement, estimate, statistics, or other information regarding any matter under the control of the Authority;
b) a report on any subject with which the Authority is concerned; or
c) a copy of any document in the charge of the Authority.

44. (1) The Governing Body shall, as and when required, evaluate the feasibility reports, plans, schemes, invoices, receipts and any documentary or physical evidence submitted by any party, person or Government, who intends to make any investment within the Specified Areas under this Ordinance. **Security of investments.**

(2) Government may on the recommendations of the Governing Body issue security in the nature of bonds, debentures, stocks or any other form to safeguard the interests of the entities mentioned in sub-section (1) above.

45. The Authority may lease, sell, exchange, rent out, license or otherwise dispose of any land vested in it in the prescribed manner. **Power to dispose of land.**

46. Any sum due to the Authority from, or any sum wrongly paid to, any person under this Ordinance shall be recoverable as arrears of land revenue. **Recovery of dues, etc.**

47. The Authority may authorize any person to summarily eject unauthorised occupant of the property belonging to it after giving seven days' notice in writing, and may, for such ejectment, use such force including police force as may be necessary. **Summary ejectment of unauthorised occupants.**

48. (1) If any building, structure or work is erected, constructed or used in contravention of the provisions of this Ordinance, any person empowered in this behalf by the Authority, may, by order in writing, require the owner, occupier, user or person in control of such building, structure or work to remove, demolish or so alter the building, structure or work. **Removal of building, etc., erected or used in contravention of this Ordinance.**

(2) If an order under sub-section (1) in respect of any building, structure or work is not complied with within such time as may be specified therein, any person empowered in this behalf by the Authority, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, and, in so doing may use such force including police 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 or work in contravention of the provisions as aforesaid.

Police Assistance.

49. Government may establish Police Stations for enforcement of the provisions of this Ordinance within the Specified Areas.

Admissibility of document or entry as evidence.

50. A copy of any receipt, application, plan, notice order or other document or of any entry in a register, in the possession of the Authority shall, if duly certified by the legal keeper thereof or other person authorised by the Authority in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

Indemnity.

51. No suit, prosecution or other legal proceedings shall lie against the Authority, Chairman and members of the Governing Body, any officer, servant, expert or consultant of Authority in respect of anything done or intended to be done, in good faith under this Ordinance.

Overriding provisions.

52. The provisions contained in this Ordinance or the rules and regulations thereunder shall have effect notwithstanding anything contained in any other law, rules or regulations, for the time being in force.

Power to make rules.

53. Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance:

Power to make Regulations.

54. The Authority may make regulations, not inconsistent with the Ordinance and rules, on the matters for which regulations are necessary or expedient; and such regulations shall be published in the official Gazette.

Dissolution of Authority and

55. (1) Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on

such date as may be specified in such notification, and the Authority shall stand dissolved accordingly.

transfer of its assets and liabilities to Government.

(2) On dissolution of the Authority under sub-section (1) -

(a) (i) all properties, funds and dues placed at the disposal of the Authority by Government; and

(ii) all properties, funds and dues exchanged or derived from, or otherwise attributable to the properties, funds and dues referred to in sub-clause (i), which, immediately before the said date, were held by or were realizable by the Authority shall vest in, and be realizable by Government;

(b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realizable by the Authority shall vest in and be realizable by such agency as Government may determine, and its decision thereon shall be final;

(c) all liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the Government;

(d) for the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Authority under this Ordinance shall be discharged by Government or by the agency determined by Government under clauses (b) and (c), as the case may be; and

(e) the agency referred to in clauses (b) and (d) shall keep such accounts of all moneys respectively received and expended by it under this Ordinance, in the manner as Government may prescribe.