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SIND ORDINANCE NO. III OF 1988.

THE KARACHI DEVELOPMENT AND BEAUTIFICATION AUTHORITY ORDINANCE, 1988.

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SIND ORDINANCE NO. III OF 1988.

THE KARACHI DEVELOPMENT AND BEAUTIFICATION AUTHORITY ORDINANCE, 1988.

[28TH June, 1988]

AN ORDINANCE to make provision for the development, improvement and beautification of certain roads and streets and areas adjoining thereto in the City of Karachi and establish an authority for the purpose.

Preamble.

WHEREAS it is expedient to make provision for the development, improvement and beautification of certain roads and streets and areas adjoining thereto in the City of Karachi and establish and Authority for the purpose;

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

Short title, application and commencement.

1. (1) This Ordinance may be called the Karachi Roads Development and Beautification Authority Ordinance, 1988.

(2) It shall come into force at once.

(3) It shall apply to such roads and streets and areas adjoining thereto in the City of Karachi as may be notified by Government in the Official Gazette.

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

(a) "Authority" means the Authority appointed under section 3;

(b) "committee" means the Karachi Aesthetic Control Committee constituted under section 5;

(c) "fund" means the fund of the Authority;

(d) "Government" means the Government of Sind;

(e) "notified area" means any area as may be notified by Government under sub-section (3) of section 1;

(f) "rules" means rules made under this Ordinance;

(g) "prescribed" means prescribed by rules;

(h) "scheme" means a scheme prepared, undertaken or executed under this Ordinance.

Appointment of the Authority.

3. (1) Government may, by notification, appoint any body corporate, council, Government functionary, organization or committee to act as 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, movable or immovable, and shall by the said name sue and be sued.

Responsibility of the Authority.

4. (1) The Authority shall be responsible for overall development, improvement and beautification of the notified area and for that purpose it shall formulate; implement and enforce scheme in accordance with the provisions of this Ordinance.

(2) The Authority in discharging its functions shall act on sound principles of development in accordance with the provisions of this Ordinance and shall be guided on questions of policy by such directions as Government may, from time to time, give.

Administration of the Authority.

5. (1) The general direction and control of the Authority shall vest in a Committee called the Karachi Aesthetic Control Committee.

(2) The Committee shall consist of—

(i)	Chief Secretary	...	Chairman
(ii)	Secretary, Services and General Administration Department.	...	Member
(iii)	Mayor, Karachi Metropolitan Corporation Karachi.	...	Member
(iv)	Director General, Karachi Development Authority.	...	Member
(v)	Representative of the Pakistan Railways.	...	Member

(vi) Representative of the Karachi Electric Supply Corporation. ... Member

(vii) Prominent Engineer appointed by Government ... Member

(viii) Prominent Architect appointed by Government. ... Member

(3) The Director, Design Bureau of the Karachi Development Authority shall act as the Secretary of the Committee.

(4) Government may at any time change the constitution of the Committee by appointing any person as member in place of an existing member or otherwise.

(5) The Committee may coopt any person as a member for a particular purpose.

(6) The Chairman may nominate any member to act as Chairman in his absence.

(7) A non-official member appointed by Government shall hold office at the pleasure of Government but may at any time resign from membership by addressing a letter to Government.

Preparation and approval of schemes.

6. (1) The Authority may, and if directed by the Committee shall prepare a scheme for the development, improvement and beautification of the notified area and the scheme so prepared shall be submitted to the Committee for approval.

(2) The scheme shall relate to—

(i) removal and redesigning or standardizing of hoardings and neon signs including identification of points from where such hoardings and neon signs are to be removed or installed;

(ii) plantation and vegetation;

(iii) development of round-abouts, rockeries, parks or maidans;

(iv) construction of fountains;

(v) erection of monuments and murals;

(vi) providing street furniture;

(vii) any matter incidental or ancillary to the purposes of this Ordinance.

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

(4) All schemes shall be prepared in such manner and form as the Committee 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.

(5) The Committee shall while according approval to scheme or plan consider the overall impact of the scheme or plan on the environment and if the Committee considers any of the impacts to be negative it may reject any scheme or plan partly or wholly and order revision of schemes or plans, as the case may be.

Alteration of Schemes.

7. At any time after sanctioning any scheme but before its completion the Authority may alter it with the approval of the Committee.

Execution of Schemes.

8. (1) Subject to other provisions of this Ordinance and the rules, the Authority may execute the approved scheme and take such measures and exercise such powers as may be necessary for the purpose.

(2) The Authority may, with the approval of the Committee, entrust the execution of any scheme to any person, body of persons, firm, or company on such terms and conditions as may be mutually settled between the Authority and such person, body of persons, firm or company.

Appointment of Officers and Advisors.

9. (1) The Authority may, for efficient performance of its functions, appoint such Advisers and Officers and other staff possessing such professional, technical and ministerial qualifications and experience and on such terms and conditions as may be prescribed.

(2) The Advisers, Officers, employees and staff of the Authority shall be liable to such disciplinary action and in such manner as may be prescribed.

Lease exchange etc. of property.

10. The Authority may lease, sell, exchange, rent or otherwise dispose of any property vested in it with the prior approval of the Committee.

Fund.

11. (1) There shall be a fund to be known as the "Authority Fund" which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with its functions under this Ordinance.

(2) The Authority Fund shall consist of—

(a) subsidy and grants received from Government;

(b) grants made by local bodies;

(c) loans raised or obtained by the Authority;

(d) fees, rent or any other amount receivable by the Authority.

(3) The accounts of the Authority shall be maintained and audited in such manner as may be prescribed.

Encroachment.

12. (1) Encroachment in the notified area shall be dealt with in accordance with the Sind Public Property (Removal of Encroachment) Act, 1975.

(2) Notwithstanding any thing contained in any other law or agreement, the Authority may remove or cause to be removed any hoarding or neon sign from any place or building.

Removal of hoardings neon signs etc.

13. If any neon sign, hoarding or structure, is installed, erected or constructed at nay place in a notified area in contravention of the provisions of this Ordinance or of any directions of the Authority or is otherwise prejudicial to the environmental beauty of any part of a notified area, the Authority, or any person authorized by it in this behalf, may by order in writing, require the owner, occupier, user or person in control of such neon sign, hoarding or structure, to remove or alter it, so as to bring the same, in accordance with the provisions of this Ordinance, rules or directions of the Authority.

Compensation.

14. Where the Authority is satisfied that any person has suffered any financial loss by removal of any neon sign or hoarding, the person concerned shall be paid such reasonable compensation as may be determined by the Authority or any person authorized by it.

Over-riding provisions.

15. Notwithstanding anything to the contrary contained in any law for the time being in force, the Karachi Development Authority, Karachi Metropolitan Corporation, Zonal Municipal Committee and the Karachi District Council shall not act in a notified area, perform any function assigned to, or exercise any power vested in, the Authority under this Ordinance.

Offence.

16. (1) Whoever contravenes the provisions of this Ordinance or the rules, made thereunder, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both and in default of payment of fine be further punished with imprisonment for a period not exceeding two months and if the offence is a continuing one with a further fine which may extend to five hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(2) No court shall take cognizance of an offence under this Ordinance except on a complaint in writing made by any person authorized by the Authority.

Indemnity.

17. No. suit or legal proceedings shall lie against Government or the Authority in respect of any thing done or intended to be done in good faith under this Ordinance.

Powers to make rules.

18. Government may make rules for the purpose of giving effect to the provisions of this Ordinance.