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SINDH ORDINANCE NO.III OF 1995.

THE BADIN DEVELOPENT AUTHORITY ORDINANCE 1995

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SINDH ORDINANCE NO.III OF 1995.

THE BADIN DEVELOPENT AUTHORITY ORDINANCE 1995

[6th August, 1995]

An Ordinance to make provisions for the development improvement and beautification of the areas comprising taluka Badin and other areas of Badin District and to establish an Authority for such purpose.

Preamble.

WHEREAS it is expedient to make provisions for the development, improvement and beautification of the areas comprising talukas of Badin District and establish an Authority for such purpose;

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, Extent and commencement.

1. (1) This Ordinance may be called the Badin Development Authority Ordinance, 1995.

(2) It shall extend to the areas comprising taluka of Badin District and such other areas of Badin District 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) "Authority" means the Badin Development Authority established under section 3;

(b) "Chairman" means the Chairman of the Authority;

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

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

(e) "member" means a member of the Authority;

(f) "Prescribed" means prescribed by rules or regulations made under this Ordinance;

(g) "regulations" means regulation made under this Ordinance;

(h) "rules" means rules made under this Ordinance.

CHAPTER—II

CONSTITUTION AND FUNCTIONS OF THE AUTHORITY

Authority and its incorporation.

3. (1) There shall be an Authority to be called the Badin Development Authority for carrying out the purpose of this Ordinance.

(2) The Authority shall be a corporate, having perpetual succession and common seal with power, to acquire and hold property, both movable and immovable and may by the said name, sue and be sued.

Constitution of the Authority.

4. (1) The Authority shall consist of—

(a)	Minister for Planning and Development or any other Minister nominated by the Chief Minister.	Chairman
(b)	Commissioner of the Hyderabad Division.	Member
(c)	Director General.	Member
(d)	Such other non-official members not exceeding three and officials members as may be appointed by Government.	

(2) A non-official member shall hold office for a period of three years, unless he resigns or is removed earlier; provided that a non-official member shall not be removed unless he is given an opportunity of being heard.

(3) Any person appointed in a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

Appointment and duties of the Director General.

5. (1) The Direct General shall be appointed by Government on such terms and conditions as Government may determine.

(2) The Director General shall be the Chief Executive of the Authority, and shall 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 official member to perform the duties of the Director General.

Officers others staff of the Authority.

6. For efficient performance of its functions, the Authority may appoint such officers, experts, consultants and employees on such terms and conditions as may be prescribed.

Functions of the Authority.

7. Subject to the general or special directions of Government the Authority shall—

(i) be responsible for overall development, improvement and beautification of the areas within its jurisdiction;

(ii) formulate, implement and enforce schemes;

(iii) provide, develop, operate, and maintain public words relating to water supply, drainage, sewerage and disposal of solid waste;

(iv) take such measure and exercise such powers as may be necessary for carrying out the purpose of this Ordinance;

(v) perform such other functions as may be assigned to it by Government.

Meeting of the Authority.

8. The Authority shall meet at such place and time and in such manner and observe such rules of procedure as may be prescribed; provided that until the manner or procedure is prescribed the meeting shall be held as directed by the Chairman.

Constitution Committees.

9. The Authority may, constitute committees such as Financial Committee, Technical Committee or Advisory Committee for carrying out the purposes of this Ordinance.

Delegation of powers.

10. The Authority may, by general or special order, delegate any of its powers, functions and duties, to the Chairman, Director General or any official member.

CHAPTER—III

MASTER PROGRAMMES AND SCHEMES.

Master Programme.

11. The Authority shall, as soon as may be, prepare a Master scan for development, improvement, expansion and beautification of such areas that need to be developed, improved, expanded and beautified and submit such programme for approval of Government.

Schemes.

12. (1) The Authority shall prepare specific scheme or schemes for the area within its jurisdiction or part thereof in such form and such manner as may be prescribed.

(2) All schemes prepared by the Authority shall be submitted to Government for its approval, except those schemes, the provisional estimated cost of which does not exceed such limit as may be prescribed or for which no loan or grant is required from the Government.

Prevention of haphazard growth.

13. (1) The Authority may, by notification, issue such directions and do such things as may be necessary for the prevention of haphazard growth, encroachments, unauthorized construction or operation in any area within its jurisdiction.

(2) The encroachment shall be removed in accordance with the law for the time being in force.

Erection or re-erections of building.

14. (1) No person shall 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, which may be granted in such manner and on such terms and conditions as may be prescribed.

(2) Where any person contravenes the provisions of sub-section (1), the Authority may take such measures as may be necessary to enforce such provisions.

Funds of Scheme.

15. (1) The Authority may, with prior consent of Government, raise funds from time to time for meeting the cost of execution of the schemes and words by levying rates, fees and other charges.

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

CHAPTER—IV

ACQUISITION OF PROPERTY

Purchase, lease or exchange of property.

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

Acquisition of Land.

17. Where the Authority is of the opinion that any land needed for any scheme or other public purpose cannot be acquired under section 16 such land may be acquired in accordance with the Hyderabad Development Authority Act, 1976.

CHAPTER—V
FINANCES

Funds of the Authority.

18. (1) There shall be a separate fund known as the Badin Development Authority Fund which shall west in the Authority.

(2) The fund shall consist of—

(a) grants made by Government or local councils;

(b) sale proceeds of movable or immovable properties;

(c) all fees, receipts and charges received under this Ordinance;

(d) all other sum receivable and loans obtained by the Authority.

Budget.

19. A statement of estimated receipts and expenditure for every financial year shall be prepared and submitted to Government for approval in the manner as may be prescribed.

Maintenance of Accounts.

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

(2) The accounts maintained under sub-section (1) shall be audited by the Accountant-General.

CHAPTER—VI
WATER SUPPLY

Supply of water to Government agency.

21. The Authority shall be responsible for production of potable water and its distribution at such rate and subject to such terms and conditions as may be prescribed.

Report activities.

22. 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.

Transfer of assets and Liabilities and Power of Local Council to the authority.

23. On the coming into force of this Ordinance, all powers and function of a local council, local authority or body, in respect of formulation, and execution of scheme or in respect of providing operating and maintaining services such as water supply, sewerage and drainage in the area within the jurisdiction of the Authority or part thereof, shall be exercised and performed by the Authority.

24. Any sum due to the Authority or wrongly paid by the Authority under this Ordinance shall be recoverable as arrears of land revenue.

Recovery of dues.

25. 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 Ordinance.

Jurisdiction barred.

26. No suit or legal proceedings shall lie against Government, Authority or any other person in respect of anything done or intended to be done under this Ordinance.

Indemnity.

27. Government may make rules for carrying out the purposes of this Ordinance.

Power to make rules.

28. (1) Subject to the provision of this Ordinance, and the rules, the Authority may make regulations for carrying out the purposes of this Ordinance.

Power to make regulations.

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

(i) the meetings and conduct of business in such meetings;

(ii) terms and conditions of service of officers and staff of the Authority.