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SINDH ORDINANCE NO.XVIII OF 1994

THE COSTAL DEVELOPMENT AUTHORITY ORDINANCE, 1994

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SINDH ORDINANCE NO.XVIII OF 1994

THE COSTAL DEVELOPMENT AUTHORITY ORDINANCE, 1994

[19th September, 1994]

An Ordinance to provide for the development, improvement and beautification of the coastal areas of the Districts Thatta and Badin and to establish an Authority for such purpose.

Preamble.

WHEREAS it is expedient to provide for the development, improvement and beautification of the coastal areas of the Districts Thatta and Badin and to 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 and commencement.

1. (1) This Ordinance may be called the Coastal Development Authority Ordinance, 1994.

(2) It shall come into force at once.

(3) It extends to the coastal areas.

Definitions.

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

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

(b) "Chairman" means the Chairman of the Governing Body;

(c) "coastal areas" means the coastal areas of the District Thatta and Badin as may be notified by

Government;

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

(e) "Government Body" means the Governing Body constituted under sections;

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

(g) "Master Plan" means a Plan prepared under this Ordinance;

(h) "Member" means a member of the Governing Body;

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

(j) "rules and regulations" respectively means rules and regulation made under this Ordinance;

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

CHAPTER____II
ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY

Establishment of the Authority.

3. (1) There shall be established an Authority to be called the Coastal 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 to acquire and hold property, both movable and immovable, and may, by the said name, sue and be sued.

(3) The Headquarters of the Authority shall be at Karachi.

Management.

4. (1) The general direction and administration of the Authority and its affairs shall vest in the Governing Body which may exercise all powers and do all acts and things which may

be exercised or done by the Authority.

(2) The governing body in discharging its functions shall act on sound principles of planning, development, operation, management and maintenance of coastal areas and shall be guided on questions of policy by such directions as Government may, from time to time, give.

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

Constitution of the Governing Body.

5. (1) The Governing Body shall consist of the Chairman to be appointed by Government and the following members: —

(a) Secretaries of the following departments of Government:—

(i) Planning and Development Department.

(ii) Finance Department.

(iii) Forest, Fisheries and Livestock Department.

(iv) Irrigation and Power Department.

(v) Agriculture and Wildlife Department.

(vi) Culture and Tourism Department.

(vii) Local Government, Public Health Engineering and Rural Development Department.

(viii) Communication and Works Department.

(b) Commissioner Hyderabad Division.

(c) Two public representatives one each from Thatta and Badin District, to be nominated by the Chief Minister.

(d) Two eminent persons of the Province to be

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nominated by the Chief Minister.

(2) The Governing Body may co-opt such other persons as its members as deemed appropriate.

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

(4) 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.

(5) The Authority may allow such remuneration to the non-official members as it may determine.

Chairman.

6. (1) The Chairman shall, unless Government otherwise direct, hold office for a period of five years on such terms and conditions as Government may determine.

(2) The Chairman on the expiry of his terms shall be eligible for re-appointment for another terms or for such shorter term as Government may determine.

(3) The Chairman shall be the Chief Executive of the Authority.

(4) The Chairman and members shall perform such duties and exercise such powers as are assigned to them by or under this Ordinance.

(5) When the Chairman is absent from duty for any reason or is unable to perform the functions of his office, Government may nominate any member of the Governing Body to perform the duties of the Chairman.

Directions.

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

(1) be responsible for overall development, improvement, beautification and coordination of the coastal areas.

(2) Be responsible for identification, coordination, execution of monitoring development schemes/ activities which shall comprise of the following provisions:—

(a) drinking water facilities, communication systems, electricity, drainage, tourism and other rural development works;

(b) establishment of educational, technical, and professional institutions;

(c) development of fisheries, livestock, horticulture, forest and agriculture;

(d) local/foreign credits for the development of agriculture, livestock, fisheries, industries and other allied economic activities;

(e) development of marketing facilities;

(f) construction of jetties and harbours;

(g) up-gradation and improvement of the socio-economic conditions of the inhabitants;

(h) promotion of NGOs and co-ordination in final assistance for development schemes to uplift the area;

(i) Organizing entrepreneur development;

(j) Development of human and other resources in the area.

(3) Act as coordinating agency of the Federal and Provincial Governments or any local authority autonomous body;

(4) Collaborate with the Federal or Provincial, public or private agencies engaged in development activities and environmental protection;

(5) Provide technical guidance including technical services and personnel for development or co-ordination of development activities;

(6) Undertake the execution of such schemes entrusted to it by the Federal or Provincial Government;

(7) Undertake research in developmental planning of various activities related to coastal areas;

(8) Compile relevant literature on planning and development and distribute among the persons and agencies engaged or interested in developmental works;

(9) Arrange and conduct training programs and seminars on planning and development in related fields;

(10) Assist and coordinate in the establishment of palm/coconut oil plantation and arrange their extraction and refining;

(11) assist and coordinate in the development of fish harbours/cum mini/deep port at Keti Bander and/or at any other feasible locations;

(12) assist and coordinate in the establishment of oil refinery with provision of pipe lines for transportation of oil;

(13) perform such other functions as may be considered necessary for achieving the objectives of the Authority.

Constitution of Committees.

8. The Governing Body may, constitute committees such as financial, technical, executive for carrying out the purposes of this Ordinance.

9. The Governing Body 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. **Meetings of the Governing Body.**

10. The Governing Body may by general or special order, delegate any of its powers, functions and duties, to the Chairman, member or any officer of the Authority. **Delegation of powers.**

11. For efficient performance of its functions, the Authority may appoint such officers, exports, consultants and employees on such terms and conditions as may be prescribed. **Appointment of officers staff etc.**

CHAPTER——III
MASTER PLAN AND SCHEMES

12. (1) The Authority shall, as soon as may be, prepare a Master Plan for development, improvement, expansion and beautification of such coastal areas that need to be developed, expanded and beautified and submit such plan to Government for approval. **Master plan.**

(2) Government may approve the plan with or without modification.

13. (1) The Authority shall prepare or cause to be prepared development scheme or schemes for the coastal areas or part thereof in such from and such manner as may be prescribed. **Schemes.**

(2) All schemes prepared by the Authority shall be submitted to Government for approval which may be approved with or without modification.

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CHAPTER—IV
ACQUISITION OF PROPERTY

Property.

14. 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.

Scheme.

15. Where the Authority is of the opinion that any land needed for any scheme or other public purpose can not be acquired under section 14, such land may be acquired in accordance with the Hyderabad Development Authority Act, 1976 and any reference to the Hyderabad Development Authority in that Act shall be deemed to be a reference to the Authority.

CHAPTER—V
FINANCES

Fund.

16. (1) There shall be a separate fund known as the Coastal Development Authority Fund which shall vest in the Authority.

(2) The fund shall consist of—

(a) grant made by Government or local councils or any other donor agency;

(b) sale proceeds of movable or immovable properties of the Authority;

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

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

Budget.

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

(2) Government may sanction the budget with or without modification.

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

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

CHAPTER—VI
MISCELLANEOUS

19. 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. **Annual Report.**

20. 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.**

21. 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.**

22. No act done or proceedings taken or order passed under this Ordinance shall be rendered invalid merely on the grant of any vacancy in Governing Body or any committee or any defect in the constitution thereof. **Validation of proceedings.**

23. 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.**

24. Government may make rules for carrying out the purposes of this Ordinance. **Rules.**

25. (1) Subject to the provisions of this Ordinance, and the rules, the Authority may make regulations for carrying out the purposes of this Ordinance. **Regulations.**

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

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

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

(iii) any other matter required by the provisions of this Ordinance to be provided by regulations.