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PART IV

PROVINCIAL ASSEMBLY OF SIND

NOTIFICATION

Karachi, the 5th August, 1985

No. PAS/Legis-B-1/85.—The Sindh Arid Zone Development Authority Bill having been passed by the Provincial Assembly of Sindh on 15th June, 1985 and assented to by the Governor of Sindh on 13th July, 1985 is hereby published as an Act, of the Legislature of Sindh:—

THE SIND ARID ZONE DEVELOPMENT AUTHORITY ACT, 1985

SIND ACT NO. II OF 1985

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-ordinary) dated 13th July, 1985).

AN

ACT

to provide for the establishment of the Sindh Arid Zone Development Authority.

WHEREAS it is expedient to provide for the establishment of the Sindh Arid Zone Development Authority; Preamble.]

It is hereby enacted as follows:—

CHAPTER—I

PRELIMINARY

Short title
and commence-
ment.

1. (1) This Act may be called the Sind Arid Zone Development Authority Act, 1985.

(2) It shall come into force at once.

Definitions.

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

(a) "Arid Zone" means the areas declared as such under section 3;

(b) "Authority" means the Sind Arid Zone Development Authority established under section 4;

(c) "budget" means the official statement of annual income and expenditure of the Authority;

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

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

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

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

(h) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(i) "member" means a member of the Authority and includes the Chairman;

(j) "prescribed" means prescribed by rules or regulations;

(k) "regulations" mean regulations made under this Act;

(l) "rules" mean rules made under this Act;

(m) "scheme" means a scheme prepared, undertaken or executed under this Act.

CHAPTER—II

SIND ARID ZONE AREAS.

3. Government may, by notification in the official Gazette, declare any area to be the Arid Zone, and may, from time to time, by a like notification, exclude any area from the Arid Zone or alter limits thereof.

Declaration
of Arid Zone
areas.

CHAPTER—III

ESTABLISHMENT AND CONSTITUTION
OF THE AUTHORITY.

4. (1) Government may, by notification, establish an Authority to be known as the "Sind Arid Zone Development Authority" for carrying out the purposes of this Act.

Authority.

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

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

5. (1) The Authority shall consist of the Chief Minister who shall be the Chairman and such official and non-official members as may, from time to time, be appointed by Government.

Constitution
of the Autho-
rity.

(2) The Director General shall be the Ex-officio-member and Secretary of the Authority.

(3) An official member appointed by virtue of his office shall cease to be member on vacating such office.

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

(5) The Chief Minister may nominate any person to act as Chairman in his absence.

6. No person shall be or continue to be a member who—

(a) has been removed or dismissed from Government service;

(b) is or has been mentally or physically incapacitated;

(c) is or has been convicted for an offence involving moral turpitude;

Disqualifica-
tion of mem-
bers.

- (d) has acted or is acting in contravention of the provisions of this Act;
- (e) has financial interest directly or indirectly in any project or scheme of the Authority; or
- (f) has any interest directly or indirectly in conflict with the interest of the Authority.

Remuneration, allowance and Privileges to members.

7. Government may allow such remuneration allowance or other privilege to the non-official members as it may determine.

Director General.

8. (1) Government shall appoint a person as Director General on such terms and conditions as it may determine.

(2) The Director General shall be a whole-time officer of the Authority and be responsible for the planning, implementation and execution of schemes and carrying out orders of the Authority and performing such other functions under this Act as may be assigned to him by the Authority or the Chairman.

(3) Government may remove the Director General if he—

- (a) refuses or fails to discharge or becomes incapable of discharging his responsibilities under this Act;
- (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 the Authority.

Removal of members.

9. No non-official member or Director General shall be removed from his office without affording him an opportunity of being heard.

Appointment of officers and advisers.

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

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

11. The Authority may, for carrying out the purposes of this Act—
- Financial technical advisory Committees etc.
- (a) constitute in the manner as may be prescribed by the regulations, financial, technical or advisory committees;
 - (b) associate a person or body of persons whose assistance or advice it desires to avail of on such terms and conditions and for such period as it may deem fit.

CHAPTER—IV

POWERS AND FUNCTIONS OF THE AUTHORITY AND ITS FUNCTIONARIES AND THEIR WORKING.

12. (1) Subject to other provisions of this Act, the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act.
- Powers and functions of the Authority.
- (2) Without prejudice to the generality of the foregoing powers, the Authority may—
- (i) acquire, hold, control and administer movable or immovable property;
 - (ii) dispose of any property;
 - (iii) undertake the development of the Arid Zone including the development of lands, water resources, construction of buildings and roads, establishment of institutions and provision for improvement and maintenance of services and amenities for the convenience of the public and improvement of economic conditions of the Arid Zone;
 - (iv) formulate and enforce any scheme for the purposes of this Act;
 - (v) incur expenditures for carrying out the purposes of this Act;
 - (vi) enter into and perform contracts;
 - (vii) undertake planning, designing and supervision of the construction work and installations required for the development of the Arid Zone;
 - (viii) procure necessary equipments and supplies for its proper functioning;
 - (ix) take such steps as may be necessary or conducive to the attainment of its objectives.

(3) The Authority in discharging its functions shall act on sound principles of planning, construction, operation, management and maintenance of structures, installations, institutions and services necessary for the development of the Arid Zone and shall be guided on questions of policy by such directions as Government may from time to time give.

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

Powers and functions of the Chairman.

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

Powers and functions of the Director General.

14. (1) The Director General shall be the Chief Executive of the Authority.

(2) Subject to the provisions of this Act 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) 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 Act;

(c) be responsible for and have the authority necessary for overseeing and implementing in an expeditious and efficient manner the orders or schemes of the Authority;

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

Meetings of the Authority

15. (1) The meetings of the Authority shall be held in such manner at such time and place as may be prescribed by the regulations:

Provided that until regulations are made in this behalf, the meetings shall be held as and when convened and in the manner as directed by the Chairman.

(2) Any matter required to be decided by the Authority shall be decided in a meeting of the Authority by vote of majority of members present in such meeting.

(3) Each member shall have one vote and in the case of tie the Chairman shall exercise a casting vote.

(4) One third of the total membership of the Authority shall form quorum for a meeting.

CHAPTER—V

FINANCE AUDIT AND ACCOUNTS.

16. (1) There shall be a separate fund of the Authority known as the Fund. "Sind Arid Zone Development Authority Fund".

(2) The Fund shall consist of—

(a) grants and subsidy received from Government;

(b) loans raised or obtained by the Authority;

(c) fees, commissions and other charges for services rendered by the Authority;

(d) grants made by any local Authority;

(e) all moneys received from the Federal Government or any other donor agency of Pakistan or foreign origin; and

(f) all other sums receivable by the Authority.

17. The Authority may with the previous sanction of and on such terms and conditions as may be approved by Government obtain— Loans, grants aid and gifts.

(a) loans from banks or other sources for carrying out the purposes of this Act;

(b) grants, aid, loans or gifts from donor agencies of Pakistan or foreign origin.

18. The amounts credited in the Fund shall be deposited in the State Bank of Pakistan or its agency or in any Scheduled Bank approved by Government. Crediting of the funds.

19. (1) The Authority may invest its funds in any security of the Federal Government or Provincial Government or any other security approved by Government. Investment and utilization of the funds.

(2) The Authority may utilize the fund for carrying out the purposes of this Act including payment of—

(a) charges in connection with the development of Arid Zone or execution of a scheme;

(b) compensation for any property acquired under this Act;

(c) loans and interest thereon;

(d) salaries and other remuneration to the members, Officers including Director General, experts, consultants, agencies employed for any work under this Act and other employees of the Authority.

Budget.

20. (1) The Authority shall prepare a statement of estimated receipts and expenditure for every financial year and submit such statement to the Government for approval at least three months before the commencement of such financial year.

(2) Government may sanction the budget submitted under sub-section (1) with or without modification.

(3) If the budget duly sanctioned by Government is not received before the commencement of the financial year, it shall be deemed to have been sanctioned.

(4) The Authority shall not, except without prior approval of Government, incur expenditure in excess of the sanctioned budget.

Accounts and Audit.

21. (1) The Authority shall maintain or cause to be maintained its accounts and records in such form and in such manner as may be prescribed by rules.

(2) The Authority shall prepare or cause to be prepared annual balance sheet as may be prescribed by rules.

(3) The accounts of the Authority shall be audited at least once in every financial year by External auditors approved by Government on such payment as may be determined by Government.

(4) A statement of the finally audited accounts under sub-section (3) alongwith the reports of the auditors shall be furnished to Government within four months after the end of every financial year.

Recovery of dues.

22. All sums due to the Authority from any person or body of persons or agency shall be recoverable as arrears of land revenue.

CHAPTER—VI

OFFENCES AND THEIR COGNIZANCE

Penalty.

23. (1) Whoever obstructs or causes to obstruct any person in the discharge of his duties or execution of any scheme or work under this Act or contravenes or attempts to contravene or abets the contravention of any order or direction given under this Act, rules or regulations in connection with the execution of such scheme or work, shall be punished with imprisonment for a term which may extend to twelve months or with fine which may extend to ten thousand rupees or with both.