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PART IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

Karachi, the 20th February, 1994

No. PAS/Legis-B-13/93.—The Sehwan Development Authority Bill, 1993 having been passed by the Provincial Assembly of Sindh on 27th December, 1993 and assented to by the Governor of Sindh on 2nd February, 1994 is hereby published as an Act of the Legislature of Sindh.

THE SEHWAN DEVELOPMENT AUTHORITY ACT, 1993

SINDH ACT No. V OF 1994

(First Published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 20th February, 1994).

AN

ACT

to make provisions for the development, improvement and beautification of the areas comprising taluka Sehwan and other areas of Dadu District and establish an Authority for such purpose.

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

Preamble

It is hereby enacted as follows:—

CHAPTER—I

PRELIMINARY

1. (1) This Act may be called the **Sehwan Development Authority Act, 1993**

(2) It shall extend to the areas comprising taluka Sehwan and such other areas of Dadu District as Government may from time to time, specify by notification.

(3) It shall come into force at once.

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

- (a) "Authority" means the Sehwan 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 Act.

CHAPTER II

CONSTITUTION AND FUNCTIONS OF THE AUTHORITY.

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

(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 Sehwan or such other place as Government may fix by notification.

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 official members as may be appointed by Government.

Short title, and commencement.

Definitions

Authority and its incorporation.

Constitution of the Authority

(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;

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

Appointment and duties of the Director General.

(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.

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.

Officers and other staff of the Authority.

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

Functions of the Authority

- (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 works relating to water supply, drainage, sewerage and disposal of solid waste;
- (iv) take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act.
- (v) perform such other functions as may be assigned to it by Government.

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.

Meeting of the Authority.

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

Constitution of Committees.

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.

Delegation of powers.

CHAPTER III

MASTER PROGRAMMES AND SCHEMES.

Master
Programmes

11. The Authority shall, as soon as may be, prepare a Master ~~plan~~^{plan} 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
of land
~~Acquisition~~

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 operations 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-erection of
buliding.

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 re-construct 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 for
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 works 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

18. (1) There shall be a separate fund known as the Sehwan Development Authority Fund which shall vest in the Authority. Fund of 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 Act;
- (d) all other sums receivable and loans obtained by the Authority.

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. Budget.

20. (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 Accountant-General.

CHAPTER VI

WATER SUPPLY.

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. Supply of water to Government agency

CHAPTER VII

MISCELLANEOUS

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. Report of activities.

23. On the coming into force of this Act all powers and functions of a local council, local authority or body, in respect of formulation, and execution of a 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. Transfer of assets and liabilities and power of local council to the Authority

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

Jurisdiction
barred

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 Act.

Indemnity

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 Act.

Power to
make
rules.

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

Power to
make
regula-
tions.

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

(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.

Repeal of
Sindh
Ordinance
No. XIX of
1993.

29. The Sehwan Development Authority Ordinance, 1993 is hereby repealed.

BY ORDER OF THE SPEAKER
Provincial Assembly of Sindh.

ZAKIR HUSSAIN K MIRZA
Secretary,
Provincial Assembly of Sindh.

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