



# **THE BALOCHISTAN GAZETTE**

## **PUBLISHED BY AUTHORITY**

NO. 43 QUETTA MONDAY APRIL 13, 2009.

### **BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

#### **NOTIFICATION.**

Dated Quetta, the 13<sup>th</sup> April, 2009.

No. PAB / Legis:V(2)/2009.600/. Gwadar Industrial Estates Development Authority (GIEDA) Bill, 2009 having been passed by the Provincial Assembly of Balochistan on 30<sup>th</sup> March, 2009 and assented to by the Governor, Balochistan on 7<sup>th</sup> April, 2009 is hereby published as an Act of the Provincial Assembly.

### **GWADAR INDUSTRIAL ESTATES DEVELOPMENT AUTHORITY (GIEDA) ACT 2009 BALOCHISTAN ACT No. II OF 2009.**

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-ordinary) dated 7<sup>th</sup> April, 2009.

#### **AN ACT.**

To establish the Gwadar Industrial Estates Development Authority (GIEDA)

**Preamble.**

WHEREAS it is expedient to establish an Industrial Estates Development Authority for the promotion and development of Industrial Estates in District Gwadar of the Province of Balochistan, in the manner hereinafter appearing,

**Short title, extent and commencement.**

1. (1) This Act may be called the Gwadar Industrial Estates Development Authority Act, 2009.
2. (2) It extends to Tehsils Gwadar, Pasni, Jiwani and Ormara of District Gwadar, and to such other areas as the Government may by notification in the Official Gazette notify.
3. It shall come into force at once.

**Definitions**

2. In this Act, unless there is any thing repugnant in the subject or context :-
  - (a) "Authority" means the Gwadar Industrial Estates Development Authority established under section 3;
  - (b) "Board" means the Board of Directors of the Authority;
  - (c) "Chairman" means the Chairman of the Board;
  - (d) "Director" means the Director of the Authority and includes the Chairman;
  - (e) "Government" means the Government of Balochistan;
  - (f) "Managing Director" means the Managing Director of the Authority and includes any person for the time being discharging the functions of the Managing Director;
  - (g) "Regulations" means regulation made under this Act and;
  - (h) "Rules" means rules under this Act.

**Establishment of Authority and its offices.**

3. (1) As soon as may be after the enactment of this Act, the government shall by notification in the official gazette establish an Authority to be called "Gwadar Industrial Estates Development Authority".
  - (2) The Authority shall be a body corporate, with perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, both moveable and immovable, and may, by the said name, sue and be sued.
  - (3) The Head office of the Authority shall be in Mouza karwat, Tehsil and District Gwadar but the Government may, by notification in the official Gazette, transfer it to such other place as may be specified in such notification.

(4) The Authority shall establish Regional and Branch offices as such places as the Board may decide.

## **Management**

4. (1) The general direction and administration of the affairs of the Authority and the determination of its general policy shall vest in the Board which may exercise all such powers and do all such acts and things as may be exercised or done by the Authority in accordance with the provisions of this Act.

(2) The Board in discharging its functions shall act on sound principles of development and economic planning and shall be guided on the following and other matters of policy by such directions as the Government may from time to time give :-

- (a) Preparation and approval of annual budget;
- (b) Organization of the Authority; and
- (c) Any other matter in which the Government may issue directions from time to time.

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

(4) The Government may suspend the execution of any such resolution or order of the board as in the opinion of the Government, contravenes the provisions of this Act the rules or regulations made there-under or the directions mentioned in sub-section (2), or prohibit the doing of any act which is to be done in pursuance of the said resolution or order, or if the act has been accomplished, order its rectification in such manner as the Government may direct.

## **Constitution of the Board of Directors and Appointment of Chairman**

5. (1) Subject to the provisions of the sub section (2), the Board shall consist of a Chairman and following Directors:-

- |      |   |                     |
|------|---|---------------------|
| i.   | Secretary Industries.   | Ex-officio Chairman |
| ii.  | Secretary Finance.  | Ex-officio Director |
| iii. | Director Industries.  | Ex-officio Director |
| iv.  | Managing Director,<br>Gwadar Industrial Estate,<br>Development Authority. | Member/Secretary    |

(2) The Government may, by notification, in the official Gazette, alter the membership of the Board or increase or decrease the number of the Director.

## **Managing Director**

6. (1) The Managing Director shall be the Principal Executive Officer of the Authority and shall be appointed by the Government for a period of two years on such terms and conditions as may be determined by the Government.

- (2) The Managing Director shall:
  - (a) be a whole time officer of the Authority;
  - (b) perform such duties as may be prescribed or as the Board may assign to him;
  - (c) On the expiry of his term of office continue to perform his functions for a period of three months or till such time as his successor is appointed, whichever is earlier;
  - (d) Receive such salary and allowances as Government may determine;
  - (e) On appointment, notify to Government the movable and immoveable assets held by him including shares, etc. and also obtain prior permission of the Government before acquiring any property and shares during the term of his office;
  - (f) Divest himself of any directorship of, or other interest held by him in any other corporation, company or concern, and
  - (g) Not become a Director of, or acquire any shares or other interest in any corporation, company or concern during his terms of office:

Provided that nothing in this clause shall prevent the Managing Director from holding shares in any public company acquired by him before his appointment as such, but he shall declare such shares to Government at the time of his appointment.

(3) Nothing in this section shall preclude the Government from extending the term of the office of any Managing Director for such period as Government may determine.

**Term of office of nominated Directors.**

7. (1) Subject to the provisions of sections 8,9 and 10, a Director nominated under clause (VI) of sub-section (1) of section 5 shall hold office for such term not exceeding two years, as may be determined by the Government, and may be nominated thereafter for a further term or terms of such duration as Government may in nominating, thereto, determine.

(2) Except the Managing Director, the Chairman and other Directors of the Board shall not be entitled to any remuneration.

**Disqualifications of Managing Director and nominated Directors.**

8. No person shall be appointed as Managing Director or nominated as Director or, as the case may be, shall continue as Managing Director or Director, who:-

- (a) Is, or at any time has been, convicted of an offence involving moral turpitude.
- (b) Is, or at any time has been, adjudged insolvent;
- (c) Is found a lunatic or becomes of unsound mind;
- (d) Is or at any time has been disqualified for appointment to or dismissed from Government Service;
- (e) Is under age of twenty-five years; or  
Is not a citizen of Pakistan.

**Removal of  
Managing  
Director and  
Directors.**

9. The Government may, by order in writing, remove the Managing Director or a Director nominated under clause (VI) of sub-section (I) of section 5, as the case may be, after giving him an opportunity of being heard if he;

- (a) Refuses or fails to discharge or becomes, in the opinion of the Government, incapable of discharging his responsibilities under this Act;
- (b) Has, in the opinion of the government, abused his position as Managing Director or Director; or
- (c) Has knowingly acquired or continued to hold, without the permission in writing of Government, directly or indirectly or through a partner any share or interest in any contract or employment with or on behalf of the Board, or in any property, which, in his knowledge, is likely to benefit or has benefited him as a result of the operation of the Board.

**Resignation by or  
removal of  
Managing  
Director or  
Directors.**

10. Notwithstanding anything contained in this Act, the Managing Director or a Director nominated under clause (VI) of sub-section (I) of section 5 may, at any time before the expiry of his term and upon one month's notice resign his office, or upon similar notice, be removed from office by Government without assigning any reason.

Provided that Government may, in case of the Managing Director, upon payment of one month's salary and allowance in lieu of the notice, remove him immediately without assigning any reason.

**Appointment of  
Officers,  
Advisors; etc.**

11. (1) The Board may appoint such officers, advisors, experts, consultants and servants as it deems necessary for the efficient performance of its function, on such terms and conditions as may be prescribed.

Provided that the Board shall not be precluded from making any appointment on contract basis on such terms and conditions as it may be deem fit.

(2) The Board shall appoint such officers, advisors and servants as may be transferred to it by the Government on such terms and conditions as may be determined by the Government.

- Financial, technical and advisory committees.** 12. The Board may, in such manner as may be prescribed, constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act;
- Delegation of powers.** 13. The Board may, by general or special order delegate to Chairman, Managing Director, Director, officer or servants of the Authority any of its powers, duties or functions (under this Act of the rules or the regulations made there-under, subject to such conditions) as it may deem fit to impose.
- Meeting of the Board.** 14. (1) The meetings of the Board, shall be held at such times and places as may be prescribed by regulations;  
 Provided that at least one meeting shall be held during each quarter of the year;  
 Provided further that, until regulations are made in this behalf, such meetings shall be held at such times and places as may be determined by the Chairman;
- (2) The Quorum for a meeting of the Board shall be one half of the total number of members, a fraction being counted as one.
- (3) Each Director including the Chairman shall have one vote, but in the event of an equality of votes, the Chairman shall have a second or casting vote;
- (4) The meetings of the Board shall be presided over by the Chairman, and in his absence, by a Director authorized by him in this behalf and where no such authorization has been made, by a person elected for the purpose by the Directors present from amongst themselves;
- (5) No act or proceedings of the Board shall be invalid merely on the ground of the existence of a vacancy in, or defect in the constitution of the Board.
- (6) The minutes of every meeting, stating among other things, the names of the Directors present, shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the person presiding over the meeting, and such book shall at all reasonable times and without any charge be open to inspection by any Director.
- Reports.** 15. (1) The Authority shall furnish to Government such reports, information or data as may be required by the Government from time to time.
- (2) The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date, as may be prescribed.
- Functions of the** 16. Subject to such condition as the Government may impose, the

**Authority.**

Authority shall be responsible for the promotion and development of the infrastructure required for the establishment of industries at the Industrial Estates of Gwadar, and to that extent it shall have the powers of management and financial control in respect of all matters pertaining to the Industrial Estate of Gwadar including receipt of sale or lease money of plot, deposits, deployment of funds and employment and control of personnel.

**Powers of the Board.**

17. (1) Subject to provision of this Act and rules made thereunder, the Board may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Board shall:-

- (a) Cause studies and surveys to be made or contribute towards the cost of any such studies and surveys undertaken by any other organization or person at the instance of the Board;
- (b) Procure plant, machinery, instruments and materials required for its use and dispose of such of them as are no longer required by it;
- (c) Incur any expenditure in connection with the discharge of its functions; and
- (d) With the previous sanction of the Government impose development fee, or any other fee or charge to meet the expenses incurred by the Authority in the performance of its functions or on the provision of any benefits or services.

(3) The Authority may sanction individual schemes, which are part of the plan approved by Government and for the execution of which funds are available in the sanctioned budget of the authority.

**Funds.**

18. (1) There shall be a fund to be known as "Gwadar Industrial Estates Development Authority Fund" which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act, including the payment of salaries and other remunerations to the Managing Director, Directors, officers, experts, consultants and servants of the Authority.

(2) The fund shall consist of:-

- (a) Grants-in-aid by the Government or Federal Government;
- (b) Loans obtained from the Government or other sums of like nature;
- (c) Sale proceeds, ground rent, water charges in respect of industrial plots within the Industrial Trading Estates;
- (d) Loans obtained with the special or general sanction of

the Government;

(e) All other sums received by the Authority from any source.

**Custody and Investment of Authority Fund.**

19. (1) All moneys at the credit of the Authority shall be kept in such institutions or banks as may be approved by the Board.

(2) Nothing in sub-section (1) shall be deemed to preclude the authority from investing any such money which are not required for immediate expenditure in any of the securities described in section 20 of the Trusts Act, 1882 (II of 1882), or placing them in fixed deposit with a bank approved by the Government or disposing it of in such other manner as may be required by the Government.

**Maintenance of Accounts.**

20. The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts, including the profit and loss account and balance sheet, in accordance with such general directions as may be issued, and in such form as may be specified, by the Government in consultation with the Accountant General Balochistan, hereinafter referred to as the Director General.

**Audit.**

21. (1) The accounts of the Authority shall be audited by a firm of Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), appointed with the approval of the Board on such remuneration as it may think fit, and such remuneration shall be paid by the Authority.

(2) Notwithstanding the audit provided for in sub-section (1), the Accountant General Balochistan, shall once in a year audit or cause to be audited the accounts of the Authority.

(3) A statement of accounts of the Authority and the report of the Audit on the said accounts shall be furnished to Government by the Authority after the close of every financial year.

**Annual Report.**

22. The Authority shall, as soon as possible after the close of every financial year, submit an annual report to the Government on the conduct of its affairs for that year, and on its proposals for the next financial year.

**Public Accounts Committee.**

23. The Committee on Public Accounts shall scrutinize and examine the Reports of the D.G. CAE, Karachi, in respect of the accounts of the Authority and shall in respect thereof perform the same functions and exercise the same powers as are required by it to be performed and exercised in respect of appropriation accounts of the Provincial Government and the report of the D.G.CAE, Karachi thereon.

**Public Servant**

24. The Chairman, Managing Director, Directors, officers, advisors or servants of the Authority shall while acting or purporting to act in



pursuance of the provisions of this Act or the rules or regulations made there-under shall be deemed to be public servant within the meaning of Section 21 of the Pakistan Penal Code (Act XVI of 1860).

**Indemnity of Directors, etc.**

25. Every Director, Advisor, Officer or servant of the Authority shall be indemnified by the authority against all losses and expenses incurred by them in the discharge of their duties except such as are caused by their willful act or omission.

**Power to make Rules**

26. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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

- (a) The manner of keeping and maintaining accounts of the Authority;
- (b) The recruitment of officers, advisors and employees of the Authority;
- (c) The terms and conditions of service of the officers, experts, advisors, consultants and servants of the Authority referred to above;
- (d) The borrowing by the Authority.

**Power to make regulations.**

27. The Board may, with the previous approval of the Government, make Regulations for all matters not provided for in the rules, for which provision is necessary or expedient for carrying out the purposes of this Act and the rules made there-under.

**Winding up of the Authority.**

28. No provision of law relating to the winding up of companies and corporations shall apply to the Authority and the Authority shall not be wound up except by order of the Government and in such manner as it may direct.

**Secretary,  
Balochistan Provincial Assembly**