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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 30th October, 2003.

No. PAB/Legis: V(7)/2003. The Balochistan Coastal Development Authority Bill, 2003 having been passed by the Provincial Assembly of Balochistan on 11th October, 2003 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

The Balochistan Coastal Development Authority (Amendment) Act, 2003 **(Balochistan Act No. VII of 2003)**

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated 27th October, 2003).

AN
ACT

further to amend the Balochistan Coastal Development Authority Act, 1998(1 of 1998).

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WHEREAS, it is expedient further to amend the Balochistan Coastal Development Authority Act, 1998, in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement.

1. (1) This Act may be called the Balochistan Coastal Development Authority (Amendment) Act, 2003.

(2) It shall come into force at once.

Amendment of Section 3 of Act I of 1998.

2. In the Balochistan Coastal Development Act, 1998, in sub-section (3) of section 3; the full stop appearing at the end shall be substituted by a comma and thereafter the words "and its sub offices at such places as considered suitable by the Authority" shall be inserted.

Amendment of Section 5 of Act I of 1998.

3. In the said Act, for sub-section (1) of Section 5, the following shall be substituted:-

"(1) The Governing Body shall consist of the Chairman. The Chief Minister Balochistan shall act as the ex-officio Chairman of the Governing Body of the Authority with the following members:-

(a) Administrative Secretaries of the following Departments of Government of Balochistan:-

- (i) Additional Chief Secretary (Development), Planning and Development Department.
- (ii) Finance Department.
- (iii) Environment, Wildlife, Livestock, Forest and Tourism Department.
- (iv) Fisheries Department.
- (v) Irrigation and Power Department.
- (vi) Education, Literacy and Non-Formal Education, Culture, Sports and Youth Affairs Department.

(vii) Local Government, Rural Development and Agrovilles Department.

(viii) Public Health Engineering Department.

(ix) Communication and Works Department.

(b) Nazim Gawadar District.

(c) Nazim Lasbela District.

(d) Two Members of the Provincial Assembly from the coastal areas to be nominated by the Chief Minister of Balochistan.

(e) Two qualified persons of the repute on Coastal Affairs to be nominated by the Chief Minister of Balochistan.

(f) Director General, Balochistan Coastal Development Authority.

Amendment of
Section 7 of
Act 1 of 1998.

4. In the said Act, after clause (15) of Section 7, the following new clause shall be inserted.

“(16) Formulate and implement policies and plans for the purpose of developing, establishing and maintaining its coastal area and waters along Balochistan Coast and includes facilitation, identification, planning or any other purpose permitted by the law.”

Amendment of
Section 9 of
Act 1 of 1998.

5. In the said Act, section 9 shall be numbered as sub-section (1) of that section and after sub-section (1), as so numbered, the following new sub-section shall be added:-

“(2) The meeting of the Governing Body shall be presided over by the Chairman, in his absence by senior most member attending the meeting.

(3) One third of the total number of members shall constitute a quorum decision by the Governing Body.

(4) The member shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Governing Body shall be taken in such meeting.

(5) The majority of its members present shall take the decision of the Governing Body, and in case of tie, the member presiding the meeting shall have casting vote.

(6) All the decisions of the Governing Body shall be taken in writing."

Amendment of Section 11 of Act I of 1998.

6. In the said Act, in section 11, for the word "Authority" the words "Director General of the Authority" shall be substituted.

Insertion of new Section 16-A and 16-B in Act-1 of 1998.

7. In the said Act, after section 16, the following new sections shall be inserted, namely:-

"16-A Levy of fee, cess, charges, taxes

(1) There shall be levied, charged and collected call fee from all out station vessels/boats/launches per trip to ports/beaches/harbors/ anchorages along the Balochistan Coast at such rates as the Government may by notification in the Official Gazette fix from time to time.

(2) Non landing fee or extra non landing fee shall be levied and charged form all those fishing trawlers who are desirous of fishing in the Specified Areas of Balochistan coast at such rates as the Government may by notification in the Official Gazette fix from time to time.

(3) The fees or charges shall be collected and deposited in the funds in terms of section 16 of the Act, and accounted for as provided in section 18 of the said Act.

16-B Bar of suit in Civil Court.—No suit shall be lie in any court to set aside or modify any assessment, levy or collection of fee, charges, cess, duty or tax made under this Act and the Rules.

Insertion of new Section in Act-1 of 1998.

8. In the said Act, after section 20, the following new sections shall be inserted, anemely:-

“21. Indemnity; No suit or legal proceedings shall lie against the Government and officials or any person in respect of any thing which is done or intended to be done in good faith under this Act or any rule made there-under.

22. Power to make Rules. The Authority with the prior approval of Government may by notification in the Official Gazette make rules for carrying into effect the purposes of this Act.

23. Public Servants. The Chairman, the Director General, members, officers and officials of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act be deemed to be public servants within the meaning of the Pakistan Penal Code, 1860 (Act XLV of 1860).

Muhammad Khan Mengal,
Secretary,
Provincial Assembly of Balochistan.