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THE BALOCHISTAN GAZETTE

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NO. 52 QUETTA SATURDAY AUGUST 16, 2003.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 16th August, 2003.

No. PAB/Legis: V (6)/2003. The Gwadar Development Authority Bill, 2003 having been passed by the Provincial Assembly of Balochistan on 28th July, 2003 and assented by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

THE GWADAR DEVELOPMENT AUTHORITY ACT, 2003. (BALOCHISTAN ACT NO. V OF 2003).

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated the 12th August, 2003).

AN ACT

to provide for the establishment of an Authority for the planning, development, improvement and construction of Gwadar.

WHEREAS it is expedient to establish an authority for the planning, development, improvement and construction of Gwadar;

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RC/26

D.No. 52-150-Copies-8-2003.

It is hereby enacted as follows:-

1. Short title, extent and commencement:- (1) This Act may be called the Gwadar Development Authority Act, 2003.

(2) It extends to the Gwadar Tehsil of Gwadar District and any other areas which the Government may notify from time to time.

(3) It shall come into force at once.

2. Definitions: (1) In this Act, unless there is anything repugnant in the subject or context-

- (a) "Affected persons" means persons affected by the development or improvement carried out in accordance with the provisions of this Act;
- (b) "Agency" means any Department or Organization of the Provincial Government and includes a District Government or other Autonomous or semi Autonomous body set-up by the Provincial Government
- (c) "Authority" means the Gwadar Development Authority established under Section 3;
- (d) "Betterment fee" means the fee prescribed in respect of an increase in the value of land resulting from the execution of any improvement scheme;
- (e) "Building" includes any factory, industry or business establishment, shop, godowns, ware-houses, houses, out-house, hut, hutment, shed, garage, stable, well or platform, and any other structure, whether meant for residential or commercial purposes or not made of masonry, bricks, wood, mud, tatch, metal or any material or does not to include a temporary structure made for purposes connected with agriculture;
- (f) "Chairman" means the Chairman of the Governing Body;
- (g) "Controlled area" means an area declared under section 11 of this Act;
- (h) "District Government" means a District Government established under the Balochistan Local Government Ordinance, 2001.
- (i) "Governing Body" means the Governing Body constituted under Section 5 of this Act.
- (j) "Government" means the Government of Balochistan;

10. Preparation of the schemes by the Authority: The authority may, pursuant to the master programme, itself prepared, when it considers desirable to do so in the public interest, schemes for the specified areas relating to the matter enumerated in sub section (2) of section 9:

Provided that no planning or development scheme shall be prepared by any person or by any body or agency except with the prior approval of the authority.

11. Declaration of controlled area and issue of appropriate directions: The authority with the prior approval of the Government may, by notification in the official Gazette, declare any area to be a controlled area for the purpose of this Act, and may issue in respect of any such area such directions as it considers fit and appropriate, and do all such things as may be necessary for the prevention of haphazard growth of colonies, building and operations in such area.

12. Recruitment, Conditions of service and disciplinary powers: The authority shall lay down the procedure for the appointment of its officers, servants, experts, consultants, advisors the terms and conditions of their service.

13. Funds of the Authority. (1) There shall be formed a fund to be known as the Gwadar Development Authority Fund which shall be vested in the Authority and shall be utilized by the authority to meet charges in connection with its functions under this Act including the payment of salaries and other remuneration to the members, officers, servants, experts and consultants of the Authority.

(2) To the credit of Gwadar Development Authority funds shall be placed from the:

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) grants made by the local bodies;
- (d) sale proceeds of movable and immovable property and receipts for services rendered;
- (e) loans obtained by the Authority with the special or general sanction of the Government;
- (f) foreign aid and loans obtained from the International Bank for reconstruction and development or from any other source outside Pakistan, with the sanction of, and on such terms as may be approved by the Government; and;
- (g) all other sums receivable by the Authority.

14. Budget: (1) In the month of June each year the budget estimates of the authority will be submitted to the Governing Body for its approval. The Governing Body will approve the budget before 30th June and will submit it to the Government for its confirmation.

(2) The authority shall obtain sanction of the Government of each scheme for which the finances are to be provided by the Provincial Government, Federal Government or from any donor agency or the scheme is being financed by a loan.

(3) The schemes or the projects which are being financed by the authority funds or being carried out on self-finance basis, the authority will approve such schemes.

15. Audit: (1) The Authority shall with the approval of the Provincial Government appoint auditors who shall be Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1961.

(2) A statement of accounts in the prescribed form audited by the auditors referred to in the preceding sub-section shall be furnished to the Provincial Government as soon as possible after the end of every financial year.

(3) It shall be open to the Government to authorize the Auditor General of Pakistan to conduct a test or other audit of the accounts submitted to it in the form prescribed by the authority on such term and conditions as the Provincial Government may determine.

(4) The Authority may establish an internal audit system.

16. Accounts: The Accounts of the authority shall be maintain in such manner as the authority may prescribe.

17. Statement of Accounts: (1) Statement of Accounts of the authority referred together with the report of the Auditor General of Pakistan, Finance Department if any, on the test or other audit made thereof and the annual report referred to shall be laid before the Provincial Assembly of Balochistan as soon as may be following the receipt thereof by the Provincial Government, and the Provincial Assembly shall refer the same to its committee on Public Accounts for scrutiny.

(2) The Committee on Public Accounts shall scrutinize and examine the reports in the same manner, and shall perform the same functions and exercise the same powers, as are required by it to be performed and exercised in respect of the Appropriation Accounts of the Government and the report of the Auditor General of Pakistan, thereon.

(3) The Authority shall produce such documents and furnish such explanations and information to the Committee, as the Committee may require at the time of examination of the Accounts.

18. Powers to Borrow Money: The authority may, from time to time, with the previous sanction of the Government, and on such term and conditions as may be approved by the Provincial Government borrow money necessary for the purpose of defraying any cost, charges, expenses, incurred or to be incurred;

- (a) For the execution of any work authorized by or under this Act, or
- (b) For the payment of compensation for any land acquired for the purpose of this Act or
- (c) For the payment of a loan raised under this Act or
- (d) For any other purpose within the intendment of this Act.

19. Deposit Account: The Authority may open and deposit its account in the State Bank of Pakistan or any bank approved by the Authority or Government Treasury.

20. Investment of funds: The Authority may invest its surplus funds in any security of the Federal Government or Provincial Government or any scheme of a Bank approved by the State Bank of Pakistan.

21. Sinking Fund: The Authority may if so decides shall establish a sinking fund for repayment of loans with interest, or equal to the amount of depreciation of infrastructure, assets of the authority.

22. Pension Fund: All regular posts of the authority will be pension able.

23. Powers to make Rules: The Authority may by notification in the official gazette with the approval of the Government make rules to carry out the purposes of this Act.

24. Powers to make Regulations: The Authority may by notification in official gazette make regulations not in consistent with the provision of this Act or rules make there under.

25. Schemes for Investors: (1) The Authority may prepare commercial schemes/residential schemes/amusement park schemes/recreation schemes or any other such schemes where the investors wants to invest its money.

(2) The investor may not directly purchase land from any private land owner, the investor will submit its schemes to authority the authority after examination may amend/approve or reject the scheme.

(3) The investor may pay such cost of the land which the authority may determine or pay any annual lease money as the authority may determine.