

THE GWADAR DEVELOPMENT AUTHORITY

ACT, 2003

(Baln Act V of 2003)

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'THE GWADAR DEVELOPMENT AUTHORITY
ACT, 2003

(Baln Act V of 2003)

[16" August, 2003]

An Act to provide for the establishment of an
Authority for the planning, development, improvement and

This Act was passed by the Balochistan Assembly on 28" July, 2003: assented to by the Governor of Balochistan on 12" August, 2003. The Act was published in the Balochistan Gazette (Extraordinary) No. 52, dated the 16" August, 2003.

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Preamble.

Short title, extent
and
commencement.

Definitions.

construction of Gwadar.

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

It is hereby enacted as follows: -

1. (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. (1) In this Act, unless there is anything repugnant in the subject or context—

(a) “Affected person” 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, whare-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

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or any material or does not to include a temporary structure made for purposes connected with agriculture;

“Chairman” means the Chairman of the Governing Body;

“Controlled area” means an area declared under section 11 of this Act;

“District Government means a District Government established under the Balochistan Local Government Ordinance, 2001.

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“Governing Body” means the Governing Body constituted under Section 5 of this Act.

“Government” means the Government of Balochistan.

“Industrial Trading Estate” means industrial estate established in Gwadar Tehsil or Gwadar District by the

permission of Government.

“Land” includes building and benefits arising out of the land and things attached to the earth or permanently fastened to any thing attached to earth;

“Director General” means the Director General of the authority;

“Member” means a member of the Governing Body;

“Master Plan” means Master Plan prepared under this Act;

“Market value” means in relation to land

acquired before the 1st day of January, 2003, the average market value thereof prevailing the period commencing the 1st day of January, 1999, and ending on the 31st day of December, 2002.

“Prescribed” means prescribed by rules or regulations made under this Act;

Establishment of
the Authority.

Management.

Constitution of the
Governing Body.

(r) "Regulations" means regulations made
under this Act;

(s) "Rules" means rules made under this Act;

(t) "Schemes" means a planning scheme or a
development scheme made under this
Act;

(u) "Unauthorized Building" means a building
declared by the Authority to be
unauthorized.

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

(2) The Authority shall be a body corporate having
perpetual succession and common seal, with power to acquire
and hold property, both moveable and immovable, and may be
the said name sue and be sued.

(3) The Head quarter of the Authority shall be at
Gwadar or such other place as the Government may determine
by notification.

4. (1) The general direction and administration of the
Authority and its affairs shall vest in the Governing Body which
shall exercise all powers and do all acts and things which may
be exercised or done by the Authority.

(2) The Governing Body in discharging its function
shall act on sound principles of development, town planning
and housing with special regard to the re-housing of affected
persons.

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

5. (1) The Governing Body shall consist of a
Chairman, a Director General and ten other members to be
appointed by the Government on such terms and conditions and

shall hold office for such period as Government may determine.

(2) The Director General shall be a whole-time member.

(3) The Chairman of the Governing Body shall be the Chief Minister Balochistan.

Disqualification of
the Member.

Branches of the
Authority.

(4) Any person, ceasing a member of the Governing Body, by reason of the expiry of the term of his office, shall be eligible for reappointment of another term as the Government may determine.

(5) No act of proceeding of the Governing Body shall be invalid Constitution of the Governing Body.

(6) The members may by writing under his hand address to the Government resign his office:

Provided that his resignation shall not effect until accepted by the Government.

6. (1) No person shall or shall continue as a member who—

(a) is or, at any time has been convicted of an offence involving moral turpitude; or

(b) is or, at any time, has been declared insolvent; or

(c) is found to be lunatic or of unsound mind; or

(d) is a minor; or

(e) has a financial interest in any scheme or a conflicting interest directly or indirectly between his interest as a member and his private interest in writing to the Government.

(f) is incapable of discharging his duties by reason of physical or mental incapacity and has been declared by a medical board.

(2) When the Director General is on leave or out side the office for official duties or in his absence he may order to look after his duties to anyone of the senior officer of the Authority.

7. The authority may establish the following branches for

discharging the functions of the authority or any other branch with the prior permission of the Government, which the authority may consider necessary from time to time:

(i) Administration

Meeting of the
Governing Body.

Powers and Duties
of the Authority.

(ii) Finance

(iii) Town planning

(iv) Engineering

(v) Estate

(vi) Law and Regulations

8. (1) The meeting of the Governing Body shall be held at such time and place, which is convenient to the Chairman.

(2) The Chairman shall preside every meeting at which he is present, and if the Chairman is absent from a meeting, a member of the Governing Body present and chosen for the purpose by the members shall preside at the meeting.

(3) Each member including the Chairman, shall have the right of one vote and in the event of an equality of votes, the Chairman shall have a second or casting vote.

9. (1) Subject to the other provisions of this Act the authority may take such measures and exercise such powers as may be necessary for the carrying out the purpose of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) the Authority, may

(a) incur any expenditure approved in the budget necessary for carrying out the purpose of this Act

(b) — hold, control and administer the properly and funds of the authority including funds for specific purpose.

(c) enter into and perform all such contracts as it may consider necessary.

(d) cause removal of any works obstructing the execution of any of its schemes.

(e) acquire, hold and dispose of property

both moveable and immovable

provided that the board shall not be competent to acquire or disposed of

any immovable property without the previous approval of the Government.

(f) arrange for the audit of the account of the

Preparation of the schemes by the Authority.

Declaration of controlled area and issue appropriate directions.

authority.

(g) with the previous approval in writing of the Government raise funds and borrow money on such terms as may be approved by the Government.

(h) carry out any other important work not specified in this section if necessary and appropriate for carrying out the purposes of the authority.

(i) cause studies surveys experiments and technical researches to be made or contribute towards the — cost of any such studies, surveys, experiments or technical researches made by any other agency at the request of the authority:

(j) issue interim development orders for areas for which a master plan is under preparation and restrict or prohibit by general or special order any change in the use of land and alteration in buildings, structures and installations.

(k) be responsible for identification execution and monitoring development schemes/activities providing drinking water facilities, communication and such other facilities identical hereto:

10. 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. 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

Recruitment,
Conditions of
service and
disciplinary
powers.

Funds of the
Authority.

Budget.

operation in such area.

12. 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. (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 function 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. (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

Audit.

Accounts.

Statement of
Accounts.

provided by the Provincial Government, Federal Government of
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. (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 auditor referred to in 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. The Accounts of the authority shall be maintained in
such manner as the authority may prescribe.

17. (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

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Power to Borrow
Money.

Deposit Account.

Investment of
funds.

Sinking Fund.

Pension Fund.

Powers to make
Rules.

Powers to make
Regulations.

Scheme for
Investors.

the committee may require at the time of examination of the
Accounts.

18. 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. 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. 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. 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. All regular posts of the authority will be pension able.

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

24. The Authority may be notification in official gazette make regulations not inconsistent with the provision of this Act or rules made there under.

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

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Indemnity.

Delegation of
Powers to the
Chairman etc.

Officers, servants,
etc, deemed to be
public servants.

Penalty:

Causing Damage to
Property.

Disobedience of
Orders.

Cognizance of
offences by Court.

(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.

26. No suit prosecution or other legal proceeding shall lie against the Authority, the Chairman, the Director General, any member, officer, servant, expert consultant or advisor of the Authority in respect of anything done or intended to be done, in good faith under this Act.

27. | The Governing Body may by general or special order delegate to the Chairman, Director General, or any officer of the Authority, any of its powers, duties or functions under this Act, subject to such conditions as it may think fit.

28. | Every member of the Governing Body or officer and servant of the Authority, and every member, officer, and servant of the Authority, shall be deemed to be a public servant within the meaning of section 21 of Pakistan Penal Code.

29. | Whoever contravenes any provision of this Act or any rules or regulations made or scheme sanctioned there under shall, if no other penalty is provided for such contraventions, be punishable with imprisonment which may extent to six months or fine or with both.

30. | Whoever wilfully causes damage or allows damage to be caused to any property which vests in the authority or unlawfully converts it to his own use or to that of any other person shall be punishable with imprisonment for a term, which may extend to one year or with fine, or with both.

31. Whoever without lawful excuse, fails or refuses to comply with any directions or orders issued by the authority under this Act shall be guilty of an offence punishable under section 29.

32. No Court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by the Authority or by an officer authorized for the purpose in this behalf, or rules and regulations made under this

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Power to Dispose
of Land.

Recovery of dues
etc.

Summary
Ejectment of
unauthorized
occupants.

Removal of

Building erected or

used in
contravention of
this Act.

Requisition of
police assistance.

Jurisdiction of
Courts Barred.

Act.

33. The Authority may retain, or may leave, sell, exchange, rent out or otherwise dispose of any land vested in it.

34. | Any sum due to the Authority from any person under this Act shall be recoverable as arrears of land revenue.

35. The officer of the authority or any person authorized by the authority in this behalf , may after giving 15 (fifteen) days notice summarily eject any person in un authorized occupation of any land or property vested in the authority and may, for such ejectment use such force including police force as may be necessary.

36. (1) If any building, structure work or land is erected, constructed or used in contravention of the provisions of the Act or any rules and regulations or orders made there under, the officer or any person empowered in this behalf by the authority may by order in writing, require the owner, occupier, user or person in control of such building, structure or work or to desist from using or to so use the land, as to be in accordance with the said provisions.

(2) If an order under sub section (1) in respect of any building, structure, work or land is not complied with,

within such time as may be specified therein, the officer or such person empowered in this behalf by the authority, may, after giving the person effected by the order an opportunity to being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force including Police force as may be necessary and may also recover the cost thereof from the person responsible for the erection, construction, or use of building structure work or land in contravention of the aforesaid provision.

37. If any officer or any person authorized to take action under this Act requires police assistance in exercise of his powers thereunder, he may send requisition to the police officer in charge of a police station who shall on such requisition render the assistance required.

38. No Civil Court shall pass an order in any suit or proceeding granting a temporary or interim injunctions restraining authority or officer authorized by it from taking possession of any land or building under this Act.

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Acquisition of
Land.

Removal of
Difficulty.

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39. | Where the authority is of the opinion that any land needed for the any scheme or other public purpose may be acquired in accordance with the Land Acquisition Act, 1894.

40. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may makes such orders, not inconsistent with the provisions of this Act as may appear to the Government to be necessary for the purpose of removing the difficulty.