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THE PASNI FISHERIES HARBOUR AUTHORITY'S
FUNCTIONS REGULATIONS, 2003

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'THE PASNI FISHERIES HARBOUR AUTHORITY'S
FUNCTIONS REGULATIONS, 2003

These rules have been issued by the Coastal Development and Fisheries Department, Government of Balochistan, vide its Notification No. SO-II (CD&F)12-12/2003/533, dated 8" July, 2003; and published in the Balochistan Gazette (Extraordinary) No. 36, dated 8" July, 2003.

NOTIFICATION

[8 July, 2003]

No. SO-II (CD&F)12-12/2003/533. In exercise of the powers conferred by Section-30 of the Pasni Fisheries Harbour Authority Ordinance, 1983! (VIII of 1983) the Authority with the prior approval of the Government of Balochistan is pleased to make regulations to regulate the Functions of Pasni Fish Harbour Authority, namely:—

1. Short title, extent and commencement. — (1) These Regulations may be called the Pasni Fisheries Harbour Authority's Functions Regulations, 2003.

(2) They shall apply to all the functionary body of Pasni Fisheries Harbour Authority.

(3) They shall come into force at once.

2. Definition. — In these regulations unless the context otherwise requires, following expressions shall have the meanings hereby respectively assigned to them that is to say:—

(a) "Authority" means the Pasni Fisheries Harbour Authority established under section 4 of the Ordinance;

(b) "Board" means the Board of Directors of Pasni Fisheries Harbour Authority constituted under section 5 of the Ordinance.

(c) "Chairman" means the Chairman of the Board of Directors of the Pasni Fisheries Harbour Authority.

(d) "Chief Executive Officer" means the Managing Director of the Board of Director of Pasni Fisheries Harbour Authority designated to perform functions of the authority on behalf of the Board of Directors;

(e) "Ordinance" means the Pasni Fisheries Harbour Authority Ordinance, 1983 (VII of 1983).

PART I— FUNCTIONS OF THE BOARD

3. The Board reserves to itself the right of changing these Regulations from time to time at its discretion and of interpreting their meanings in case of dispute.

4. The general direction and administration of the Authority and its affairs shall best in the Board which may exercise all powers and to do all acts and things which may be exercised or done by the Authority.

Balochistan Ordinance VIII of 1983; promulgated by the Government of Balochistan on 25" June, 1983; published in the Balochistan Gazette (Extraordinary) No. 164, dated 25" June, 1983; protected and declared continue in force by article 270A of the Constitution of Islamic Republic of Pakistan (1973).

5. The Board in-discharging its functions shall act on sound principles of Fisheries Harbour Planning, Construction, Operation, Managing and Maintenance and shall be guided on questions of policy by such directions as the Government may from time to time give.

6. If any question arises as to whether any matter is matter of policy or not, the decision of the Government shall be final.

PART II— FUNCTIONS OF THE CHAIRMAN AND THE MEMBERS

7. The Chairman and members shall discharge such duties and perform such functions as are assigned to them by or under the Pasni Fisheries Harbour Authority Ordinance, 1983'.

8. Until the Board is duly constituted orients a buoyancy the Chairman shall, subject to such directions as the Government may, from time to time, exercise the powers, discharge the duties and perform the functions of the Board.

PART II — FUNCTIONS OF THE AUTHORITY

9. Subject to the other provisions of the Ordinance, the Authority may take such measures and exercise such powers as may be necessary for carrying out its functions.

10. Without prejudice to the generality of the conferred by section 9, the Authority may.

(a) incur any expenditure approved in the budget necessary for its working.

(b) acquire any land in the harbour area;

(c) hold, control, and administer the property and funds of the Authority including the funds for specific purpose;

(d) enter into and perform all such contracts with the prior approval of the Government as it may consider necessary;

(e) cause removal of any obstruction that may hamper the execution of any of its scheme. Within the specified jurisdictions of the authority;

(f) seek and obtain advice and assistance for the preparation of any planning, scheme or for the execution of any schemes from any local body or agency and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgment and additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority;

(g) undertaking the planning, detailed designing and supervision of the construction work required for the Harbour area;

(h) select and engage consultants to assist in the planning, detailed designing and supervision of the construction work required for the Harbour area;

(i) procure all goods and service necessary for construction of the Harbour area, and
execute such construction work;

1 That is Balochistan Ordinance VIII of 1983; published in the Balochistan Gazette (Extraordinary) No. 164, dated 25" June, 1983

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undertaking the efficient operation of Harbour facilities and carry out maintenance and repairs of Harbour structures buildings installations, internal roads and equipment and undertake periodic inspection of all facilities to ensure that they meet statutory standards of safety and hygiene;

ensure that essential utilities are provided and are maintained to high standard;

regulate traffic within the Harbour area and make necessary security arrangements;

acquire, hold and dispose of property, both movable and immovable, provided that the Board shall not be competent to acquire or dispose of any immovable property without the prior sanction of the Government;

regulate, determine and administer all matters concerning the Authority and do all such acts and things as are necessary for the purpose;

submit the budget of the Authority to the Government for approval;
arrange Audit for the accounts of the Authority;

with the prior approval in writing of the Government, raise funds and borrow money on such terms as may be approved by the Government; and

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

11. The Authority shall frame:

(a)

(b)

(c)

a scale of charge to be levied for the use of utility services, for registration of fishermen, producers, buyers, retailers, processors, ship chandlers, exporters of fish and fish products, users of all types of vehicles/ transport and hotel management, hawkers, shopkeeper, who may use the premises of the Harbour area, and also such other charges which the Board may deem fit and necessary to generate funds for the operation, repairs, maintenance, up-keep and effective management and control of the Harbour area;

frame rules for appropriate arrangements for a wholesale auction of fish in the premises of the Harbour area, and cause the auction fees to be received there from to be credited to the account of the Authority, for the purpose of funding of the operation, maintenance, repair and upkeep of the Harbour area; and

regulation for the recovery of charges, fees or levies which may be due to the Authority for the use of its facilities and services.

PART IV — FUNCTION OF THE MANAGING DIRECTOR

12. The Government shall select and appoint a whole time Managing Director to serve as a member of the Board, and to exercise effective control over, and make all decisions

necessary for the smooth functioning of the day to day affairs of the Authority under the general supervision of the Board.

13. In particular and without prejudice to the generality of the foregoing power, the Managing Director shall:—

(a) be responsible for, and have an authority necessary for overseeing and implementing in an expeditious and efficient manner, the construction of the Harbour area;

(b) have effective control of the Harbour area as a wholesale fish market and all other water front installations and establishment to be built by the Authority;

(c) subject to the concurrence of the Government, the Board have the power to

frame rules and regulations for the effective planning, construction, operation, management and maintenance of the Harbour area;

(d) subject to the rules allot or lease out suitable plots of land to private individuals or firms for the establishment of boat building yards, fish processing industries, ice, plants, cold storage facilities and related ancillary activities;

(e) have the powers and responsibility to:-

(i) exercise administrative control over the Employees of the Authority;

(ii) exercise, in respect of the Authority, such other management, administrative and

financial powers as deemed appropriate by the Authority;

(iii) submit the annual budget proposals of the Authority to the Board;

(iv) maintain the accounts of the Authority;

(v) prepare the annual report of the Authority for the Board and the Government;

(vi) exercise such powers which the Board may delegate to him; and

(vii) act on behalf of the Authority in any emergency, subject to the obligation to report such action to the Board at its next meeting and to seek the Board's ratification of any action so taken by him.

PART-V

14. Members and officers to be public servants while performing the functions of the Authority. — The chairman, members, officers and officials of the Authority

shall, when acting or purporting to act in pursuance of any of the provision of Ordinance, be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XLV of 1860).

15. Delegation of powers to the Chairman. — The Authority may by general or special order, delegate to the Chairman or a member or on officer of the Authority any of its power, duties or functions under this Ordinance, subject to such conditions or limitations as

may be specified in the order.