

THE LASBELA INDUSTRIAL ESTATES DEVELOPMENT
AUTHORITY ORDINANCE, 1984

(Balm Ordinance IX OF 1984)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.
2. Definitions.
3. Establishment of Authority and its offices.
4. Management.
5. Constitution of the Board of Directors and appointment of its Chairman
6. Managing Director.
7. Term of office of nominated Directors.
8. Disqualifications of Managing Director and nominated Directors.
9. Removal of Managing Director and Directors.
10. Resignation by or removal of Managing Director or Directors.
11. Appointment of officers, Advisers, etc.
12. Financial, technical and advisory committees.
13. Delegation of powers.
14. Meetings of the Board.
15. Reports.
16. Functions of the Authority.
17. Powers of the Board.
18. Funds.
19. Custody and investment of Authority Fund.
20. Maintenance of accounts.

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- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.

Audit.

Annual Report.

Public Accounts Committee.

Public Servant.

Indemnity of Directors etc.

Power to make rules.

Power to make regulations.

Winding up of the Authority.

'THE LASBELA INDUSTRIAL ESTATES DEVELOPMENT

Preamble.

Short title, extent
and
commencemen
t.

Definitions.

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AUTHORITY ORDINANCE, 1984

(Baln Act IX of 1984)

[27"September, 1984]

An Ordinance to provide for the establishment of
Industrial Estates Development Authority for District Lasbela.

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

AND WHEREAS the Governor is satisfied that
circumstances exist which render it necessary to take immediate
action;

NOW, THEREFORE, in exercise of the powers
conferred by Article 128 of the *Constitution, read with Article
2 of the 'Provisional Constitution Order, 1981 (C.M.L.A. Order
No. 1 of 1981), the Governor of Balochistan is pleased to make
and promulgate the following Ordinance:—

1. () This Ordinance may be called the Lasbela
Industrial Estates Development Authority Ordinance, 1984.

(2) It extends to Tehsils Hub and Uthal of District
Lasbela, and to such other areas as the Government may by
notification in the Official Gazette notify.

(3) It shall come into force at once.

2. () In Ordinance, unless there is anything repugnant
in the subject or context:—

(a) "Authority" means the Lasbela Industrial
Estates Development Authority
established under section 3;

(b) "Board" means the Board of Directors of

This Ordinance, was promulgated by the Governor of Balochistan on 13" September, 1984; and, published in the Balochistan (Extraordinary) No. 316, dated 27" September, 1984. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

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Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u", and

Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

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i.e. the Constitution of Islamic Republic of Pakistan, 1973.

Chief Martial Law Administrator (C.M.L.A) Order No. 1 made on 24" March, 1981 and published in the Gazette of Pakistan

(Extraordinary) on 24" March, 1981 at p. 57-60, as amended by C.M.L.A Order No. 2 made and published on 8" April 1981 at effective from 24" of March, 1981.

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Establishment of
Authority and
its offices.

Management.

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the Authority;

(c) "Chairman" means the Chairman of the
Board;

(d) "Director" means a 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 regulations made
under this Ordinance; and

(h) "Rules" means rules made under this
Ordinance.

3. (i) As soon as may be after the commencement of
this Ordinance, the Government shall, by notification in the
official Gazette establish an Authority to be called as "the
Lasbela 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 Ordinance, to acquire and hold
property, both movable and immovable and may, by the said
name, sue and be sued.

(3) The Head Office of the Authority shall be at
Hub, 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 at such places as the Board may decide.

4. (i) 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 exercise or
done by the Authority in accordance with the provisions of this

Ordinance.

(2) The Board in discharging its functions shall act

The Authority under section 3 was established vide notification No. SO1(IND)2-40/83/5747, dated 28% October, 1989, by the Government of Balochistan, Industries and Commerce Department.

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Constitution of the
Board of
Directors and
appointment of
its Chairman

Managing Director.

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 Ordinance, 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 or is being 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.

5. () Subject to the provisions of 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.

(ii) Secretary P&D. Ex-Officio Director.

(iv) Director Industries. Ex-Officio Director.

(iv) One representative of Chamber of Commerce and Industry to be nominated by the Government.

(v) Managing Director, Industrial Trading Estates, Lasbela.

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

6. qd) 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)

(b)

(c)

(d)

(e)

(f)

(g)

be a whole time officer of the Authority;

perform such duties as may be prescribed
or as the Board may assign to him;

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;

receive such salary and allowances
as Government may determine; and

on appointment, notify to Government
the movable and immovable asset 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;

divest himself of any directorship of, or
other interest held by him in, any other
corporation, company or concern; and

not become a Director of, or acquire any
share or other interest in, any corporation,
company or concern during his term 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 7. () Subject to the provisions of sections 8, 9 and 10,

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nominated
Directors.

Disqualifications of
Managing Director
and nominated
Directors.

Removal of
Managing
Director and
Directors.

a Director nominated under clause (5) of sub-section (1) of section 5 shall hold office for such term, not exceeding two years, as may be determined by 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

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 in or dismissed from Government service;

(e) is under the age of twenty-five years; or

(f) is not a citizen of Pakistan.

9. The Government may, by order in writing, remove the

Managing Director or a Director nominated under clause (5) of sub section (1) 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

Ordinance;

(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

Resignation by or
removal of
Managing
Director or
Directors.

Appointment of
officers,
Advisers, etc.

Financial, technical
and advisory
committees.

Delegation of
powers.

Meetings of the
Board.

likely to benefit or has benefitted him as a result
of the operations of the Board.

10. Notwithstanding anything contained in this Ordinance, the Managing Director or a Director nominated under clause (5) of sub-section (1) 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 allowances in lieu of the notice, remove him immediately without assigning any reason.

11. qd) The Board may appoint such officers, advisers, experts, consultants and servants as it deems necessary for the efficient performance of its functions, 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 deemed fit.

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

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 Ordinance.

13. The Board may, by general or special order delegate to the Chairman, Managing Director, Director, Officer or servants of the Authority any of its powers, duties or functions under this Ordinance or the rules or regulations made thereunder, subject to such conditions as it may deem fit to impose.

14. qd) 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

Reports.

Functions of the
Authority.

Powers of the
Board.

may be determined by the Chairman.

(2) The quorum necessary for transacting business at a meeting of the board shall be three, if the Board consists of five Directors and two if the number is less.

(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 authorised by him in this behalf, and where no such authorisation has been, made, by a person elected for the purpose by the Directors present from amongst themselves.

(5) No act or proceeding 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 name 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.

15. qd) The Authority shall furnish to Government such reports, information or data as may be required by 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.

16. Subject to such conditions as the Government may impose, the Authority shall be responsible for the promotion and development of the infrastructure required for the establishment of industries at the Industrial Estates of Hub and Uthal, and to that extent it shall have the powers of management and financial control in respect of all matters pertaining to the Industrial Estates of Hub and Uthal, including

receipt of sale or lease money of plot, deposits deployment of funds and employment and control of personnel.

17. () Subject to provisions of this Ordinance 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 Ordinance.

(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 organisation 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 scheme 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. qd) There shall be a fund to be known as “Lasbela Industrial Estates Development Authority Fund” which shall vest in the Authority and shall be utilised by the Authority in connection with its functions under this Ordinance 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, commercial and

Custody and
investment of
Authority
Fund.

Maintenance of
accounts.

Audit.

Annual Report.

1

Now "Accountant General Balochistan"

residential 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.

19. qd) 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.

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 Government in
consultation with the 'Comptroller Balochistan, hereinafter
referred to as the 'Comptroller.

21. qd) 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 'Comptroller 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.

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 affair for that year, and on its

Public Accounts
Committee.

Public Servant.

Indemnity of

Directors etc.

Power to make
rules.

1

proposals for the next financial year.

23. The Committee on Public Accounts shall scrutinize and examine the reports of the 'Comptroller 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 Comptroller thereon.

24. The Chairman, Managing Director, Directors, officers, advisers or servants of the Authority shall while acting or purporting to act in pursuance of the provisions of this Ordinance or the rules or regulations made thereunder, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

25. Every Director, adviser, officer or servant of the Authority shall be indemnified by the Authority against all losses and expenses incurred by him in the discharge of his duties, except such as are caused by his wilful act or omission.

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

(2) In particular and without prejudice to the generality of 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.

The Government of Balochistan has made and notified the following rules for the Authority: —

(1) The Lasbela Industrial Estates Development Authority (Employee's Service) Rules, 2012, published in Balochistan Gazette (Extraordinary) No. 61, dated 24" July, 2012. Wherein all the service rules so far made or made applicable to the employee's of Lasbela Industrial Estates Development Authority are repealed by rule 32, with saving as provided in sub-rule (2) of the same

tule.

(2) The Lasbela Industrial Estates Development Authorities Employees Contributory Provident Fund Rules, 2012, published in Balochistan Gazette (Extraordinary) No. 21, dated 4" February, 2013.

(3) The Lasbela Industrial Estates Development Authorities (Employee's Pension) Rules, 2012, published in Balochistan Gazette (Extraordinary) No. 22, dated 4" February, 2013.

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Power to make
regulations.

Winding up of the
Authority.

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27. The Board may, with the previous approval of the Government make regulations for all matters not provided in the rules for which provision is necessary or expedient for carrying out the purposes of this Ordinance and the rules.

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 the Government and in such manner as it may direct.