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THE BALUCHISTAN GAZETTE

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GOVERNMENT OF BALUCHISTAN

LAW DEPARTMENT.

NOTIFICATION.

Dated QUETTA, the 26th September, 1684.

No. Legis. 1-74/LAW/83. The following Ordinance made by
the Governor of Baluchistan on the 13th September, 1984, is hereby
published for general information:-

BALUCHISTAN ORDINANCE NO. IX OF 1984.

THE LASBELA INDUSTRIAL ESTATES DEVELOPMENT

AUTHORITY ORDINANCE, 1984.

AN

ORDINANCE

to provide for the establishment of Industrial Estates

** Development Authority for District Lasbelas.

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” Preamble.

Short 'title,
extent and

commencement.

Definitions.

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WHEREAS it is expedient to establish an
Industrial Estates Development Authority for

promotion and development of Industrial
Estates in District Lasbela of the Province of
Baluchistan , in the manner hereinafter appear-
ing;

... 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 Baluchistan is pleased to make and promulgate the following Ordinance :-

1. (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 this Ordinance, Unless there is . any thing repugnant in the subject Of context: -

(a) “Authority” means the Lasbela Industrial Estates i Sa Authority established under section 3;

(b) “Board”? means the Board of Directors of the Authority ;

(c) “Chairman” means. the Chairman of the Board; ~

(d) "Director" means a Director of 'the Authority and includes the Chairman;

(c) "Government" means the Government: 9/_
"Baluchistan; ere:

te

(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

» KY (h) "rules" means rules made under this Ordinance.

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Establishment of 3. (1) As soon as may be after the commencement

Authority and of this Ordinance, the Government shall, by

its offices. notification in the official Gazette establish an Authority to be called as "the _Easbela 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.

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(4) The Authority shall establish_Regional and ce offices at such places as the Board may decide.

"+. Management. 4.:(1) The general direction' and administration

; of the offairs 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 exercised or done by the Authority in accordance with the provisions of this Ordinance.

> (2) The Board in discharging its functions

shall act on sound principles of- development and economic planning and shHalf be guided on the

following and other matters of policy by such

directions as the Government may from time
' to time give :— oY Se

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Constitution

of the Board of
Directors and
appointment of
its Chairman .

4

- (a) Preparation and approval of annual budget;
- (b) Organisation 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 there on 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, contravene the provisions of this Ordinance, the rules or Regulations made thereunder or the directions mentioned in sub sub-section (2), or prohibit the going 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. (1) 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.
- (iii) Secretary P&D. Ex- Officio Director.
- (iv) Director Industries. Ex- Officio Director.
- (v) One representative of Chamber of Commerce and Industry to be nominated by the

Government.

(vi) Managing Director, Industrial Trading Estate, 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 : ty she grey

6. (1) 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) be a Whole time officer of the Authority ;

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

(c) 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;

(d) receive such salary and allowances as Government may determine; and

(e) on appointment, notify to Government the movable and immovable assets 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; ;

(f) divest himself of any directorship of, or Other interest held by him in, any other corporation, company Or concern; and

(g) not become a Director of, or acquire any share Or other interest in, any corporation, company for concern during his term of Office;

~Provided that nothing in this clause shall

prevent the Managing Director from hold-

ing 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 nominated
Directors.

Disqualifications
of Managing
Director and
nominated
Directors.

Removal of
Managing
Director and
Directors.

6

7. (1) Subject to the provisions of sections 8, 9 and 10, a Director nominated under clause (5S) 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 ;

(ce) 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 of Director; or

Resignation by
or removal of
. Managing Director or Directors.

Appointment
of officers,
Advisers; etc.

Financial,
principal and
visory

committees.

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(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 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 (J) of section 5 may, at any time before the expiry of his term and upon one months, 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. (1) 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.

Delegation

Of powers.

Meetings of

the

Board.

8

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 condition as it may deem fit to impose.

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14. (1) 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 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 2 persons elected for the purpose by the Directors present from amongst themselves.

.) No act or proceeding of the Board shall be invalid merely on the ground of the existence

ov. 2 vacancy in, or defect in the constitution
of the Board,

(6) The minutes of every meeting, stating,
among other things, the names 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,

Reports.

Functions of the Authority.

Powers of the Board.

9

15. (1) 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 satire 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. (1) 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

Funds.

a te

Custody and
investment of

Authority Fund.

10

(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 schemes 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.

'18 (1) 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 sufns of like nature;

(c) sale proceeds, ground rent, water charges in respect of industrial, commercial and 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.. (1) 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

wl

. -Maintenance
of accounts.

Audit.

, Annual Report.

Public Accounts —

Committee.

11

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
om

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 Govern-
ment in consultation with the Comptroller, Balu-
chistan, hereinafter referred to as the Comptroller.

21. (1) The accounts of the Authority shall be
audited by a firm of' Chartered Accountants within
the meaning of the Chartered Accountants Ord-

'inance, 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 Baluchistan 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 Auth-

* ority 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 affairs for that year, and on its 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 and the report of the Comptroller thereon .

Public Servant..

Indemnity of
Directors etc.

Power to make
rules.

Power to make
regulations,

12

24. The Chairman, Managing Director, Directors, officers, 'advisors Or servants of the Authority shall while acting or purpotting to. act ih pur- suance of thé provisions of this Ordinance or the rules or regulations made thereunder, 'shall be deemed to be public servants within the mean.cg of section 21 of the Pakistan Penal 'Code (Act XVL of 1860). ;

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

26. (1) 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 the foregoing . power, such rules may provide for:-

(a) the manner of keeping and maintaining accounts of: the Authority;

(b) the recruitment of officers, adviscirs and employees of the Authority;

(c) the terms and conditions of service of the officets, experts, advisors, consult- ants and servants of the Authority ref- etred to above;

(d) the borrowing by the Authority.

27. The Board may, with the previous approval of the Government make tegulations for all . matters not provided in the rules for which prov-

ision is necessary or expedient for carrying out the purposes of this Ordinance and the rules.

Winding up of 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 of the Government and in such manner as it may direct.

Dated Quetta,

Lt. General K. K. Afzidi
the 13th September, 1984,

Governor Baluchistan.

QAISAR AHMAD HAMIDI
: SECRETARY,
GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT.