

EXTRAORDINARY REGISTERED N.S. — 2771.

THE BALUCHISTAN GAZETTE

PUBLISMED BY AUTHORITY

No. 164 QUETTA SATURDAY JUNE 95, 1983.

GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT.

NOTIFICATION.

Dated Quetta, the 23rd June, 1983.

No. LEGI8. 2.7/LAW/70. Tha following Ordinance made by the Governor of
Baluchistan on the 18th June, 1983, is hereby published for general information :—

BALUCHISTAN ORDINANCE NO. VIII OF 1983,
THE PASNI FISHERIES HARBOUR AUTHORITY ORDINANCES, 1983.

AN
ORDINANCE

to provide for the Establishmeat of the Pasni Fisheries Harbour

Authority.

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Preamblo.

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Short title,
extent and
commencement

Definitions.

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WHEREAS it is expedient to provide for the establishment of an Authority for making all arrangements for the planning, construction, operation, management and maintenance of Pangi Fisheries Harbour for exploiting fisheries resources and providing services related thereto 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) by the Governor of Baluchistan is pleased to make and promulgate the following Ordinance.

Boe :—

CHAPTER I
PRELIMINARY

L. (by This Ordinance may be called the Pasni Fisheries Harbour Authority Ordinance, 1983,

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(2) It extends to the whole of the Pasni Fisheries Harbour, (3) It shall come into force at once.

2. In this Ordinance, unless there is any thing repugnant in the subject or context:—

(2) "Agency" means any department or organization of the Provincial Government and includes a Corporation or other body set up or controlled by such Government;

(b) "Authority" means the Pasni Fisheries Harbour Authority established under section 4:

(c) "Board" means the Board of Directors constituted under sub-section (1) of section 63

(4) "Building" includes any factory, industrial or business

establ sh- ment, sb>p, godown, warhouse, hous, outhouse, hi:t, by:tment, shed, garrape, stable, wellor platf rm end any ther structure, whether meant for residen tialr busimasa urpose for not, made of masonry, bricks, wo-d, mud, th:.teh, metal er Ney toher material, but does not inchdea 'temprary s:rtucture made for purpose connetted with agriculture;

(0) "Chairman" moany the Chairman of the Board;

(f) "Fish" means any species of fish > raquatio animal ircluding whales, seals, porpoises, turtles, shell-fish, oyster, crustaceans, avaldians and 'spawn and egescf such 4nimals;

"Government" mean: the Go Yernment of Baluchistan ; "Harbour area" means the area falling withig ths limite

of Pasni Fisheries Harbour es may be defined for purposes of this Ordinance;

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of Harbour
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Establishment
of the Authority.

Management.

Constitution
of the Board.

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(iy "Land" inchst'es builcings end benefits arising rut, of land
and things attackedto the carth or permane; tly fartene: to
earns attached to the certh and inc fore:h re end the

edof sa;

(i) "Local Body" meras a local councilor co urcil constituted uncer
section 10 cfthe Baluchistan Local Governmert Orc inance, 1980;

(k) "Member" means » member of th: B ard,

_ Cy 'Regulations moans regtations made uncer this Crdi ances

(m) 'Rules' means ru'es mode urer this Ord inarce; and

(ny "Vessel includes any fishing boat and fishing craft « f whatever
size and in whatever wey propelled which is f rthe:ime boing
employed in fish ing.

3. () the Government may, by notification in che official
Gazette, cefine its limits for the purpoces of this Ordinance; and may,
from time to time, by a like notification, after such limits,

(2) The limits defined under sub-section (1) may include
any wharves, buildings an' other works made on behalf of the public
for convenicnce of traffic, for safety of vossels, or for the improvement,
maintenance and good goyernmertof the Harbour.

CHAPTER II ESTABLISHMENT OF THE AUTHORITY

4. (1) Thore shall be established an Authority to be known as

the Pasni Fisheries Harbour Authority for carrying out the purposes of
this Ordinance.

(2) The Authority shall be a body corporate, having perpetual
succession and a common seal, with power, subject to the provisions of
this Ordinance, to acquire and hold property, both movable and
immovable, and shall py its name auc and be sued.

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

(2) The Board in discharging its functions shall act on sound principles of fisheries harbour planning, construction, operation,

Management and maintenance and shall be guided on questions of policy by such directions as the Government may, from time to time, give.

(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.

6. (1) The Board shall consist of not less than six and not more than eleven members, including the Chairman, consisting of:—

(a) the Chairman, to be appointed by the Government;
(b) the Managing Director of the Authority;

(c) the Director of Fisheries Department, Government of Baluchistan ;

(4) 4 nominee of the Fish Processor's Association;
 (e) a nomine of toga} fishermen's association; and
 (f) such other members as the Government may appoint.

(2) The Chairman and members, other than ex-officio members, shall, unless the Government directs, hold office for 4 years.

Any person ceasing to be Chairman or a member of the Board by reason of the expiry of the term of his office shall be eligible for re-appointment for another term of three years or for such shorter term as the Government may decide.

(4) No act or proceeding of the Board shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of the Board.

(8) The Chairman and any member may, by writing on his hand before the Government, resign his office; in which case

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

Durks and 7. 1) The Chairman and members shall discharge such duties and functions of performing the functions assigned to them: of Under this Order including the State and Finance.

Ts.

(a) Until the Board is duly constituted, the Chairman shall, subject to such powers as may be given to him by the Board, exercise the powers which were, before the establishment of the Board, exercisable by the Board.

Headquarters of 8. (1) Until the Authority establishes its headquarters elsewhere within the Authority and within the Harbour area on the Baluchistan coast its headquarters shall be situated at Pasni.

md.

ng), The meetings of the Board shall be held at such times and places and in such manner as the regulations may provide:

Provided that, until regulations are made in this behalf, the meetings of the Board shall be held as and when convened by the Chairman,

CHAPTER III

POWERS AND DUTIES OF THE AUTHORITY

Powers of the 9, (1) Subject to the other provisions of this Ordinance, the Authority may take such measures and exercise such powers as may be necessary for the carrying out of the purposes of this Ordinance.

(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 purposes of this Ordinance;

(b) acquire any land in the Harbour Area;

(c) hold, control and administer the Property and funds of the Authority for the specific purposes;

(d) enter into any performance item all such contracts as it may consider necessary;

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(c) cause removal of works obstructing the execution of any of its schemes;

(f) seek and obtain advice and assistance for the Preparation of any planing 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 judgement, and additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority;

and (g) undertaking the planning, detailed Cetigning and supervision of

the construction work required for the Harbour area;

and (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 services necessary for construction of the Harbour area, and execute such construction work;

(j) undertake 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;

(k) ensure that essential utilities are provided and are maintained to a high standard;

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

(m) 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 previous approval of the Government;

(n) regulate, determine and administer all matters concerning the same and carry out such acts and things as are necessary for the purpose;

(o) submit the budget of the Authority to the Government for approval;

(p) arrange for the Audit of the account of the Authority;

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

(r) carry out any work required in pursuance of any of the above functions.

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(a) 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 and a 7 transport and hotel management, hawkers; shipkeepers, who may use man ; 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:

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Directors ete.

(b) rules REE eae nts for 2 wholosafle auctien of fish on the premises of the Hero bhcA and caust the auction foes to ho received tharefrom to be ciucited to the recount of the Authority, fer the pus pose of funding of the operation, mainte@arce, repair ard upkeep of the Haibour ated: And

(c) regulations for the Tegoverv of charges, feo¥ or levies which may be Cue fo the Authority for the vse of its fecities ard sorvices,

(1) The Government shell soMet and x "init 2 whole - time M.

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contro! «ver, and make all desisions récessary for the smooth

functioring of the day to Cay cilairs of the Authority, under the genonsa™ supervision of the Road,

(2) In particutar and without Prejudice to the generality of the foregoing

power, the Managing Director shall —

(a) be responsible for, ard have the autherit¥ necessary for ovorecing and implementing in an expeditious and cfficient manner, the corstrue - tion of the Herbour area ;

(b) have effective control of the Harbour area asa wholesale fish market an nae hoa Water front insta"ations and establishment to be built by the A .

(c) subject to the concurrence of the Governnient and the Board, have the power to frame reles ord tegulations for the effective planting, cons truction, peration, Management and meintance of the Harbour area.

(subject to the retes, aot or locse suitable Plots of 'and to private ind- ivicual: or firms for the c'tablishment of boat bu'ding yards, fish pro- cessing ini ntries, ies Ptants, cold storago facititiles ard rated an- cifery cotlvitics; .

(e) have the power end responsibitity to

(i) exercise ex' ministrative sontrolover the personel of the / thority;
(il) oxerelse, in fespect. of the Authority , such other meregemont,

administrative and firanc': powers cs Coemed appropriate by the Authority

(iii) submit the annual budget proposels of the Authority t0 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 as 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,"

ESTABLISHMENT

1. (1) The Board shall appoint a Director of Administration, a Director of Operations, a Harbour master and an Engineer having good qualifications and on such terms and conditions as may be prescribed by regulations.
- (2) The Director of Administration shall be appointed for a period of 8 years, subject to general relations and general administration and other conditions as may be prescribed by regulations.
- (3) The Director of Operations shall be appointed for a period of 5 years, subject to general relations and general administration and other conditions as may be prescribed by regulations.

:

(4) The Harbour Master shall supervise the security services for onshore port and shall assist the Director of Operations in the supervision of harbour -

(5) The Engineer shall assist the Managing Director during the period of construction work in the Harbour area in overseeing and monitoring the planning, designing and construction of the Harbor facilities.

Recruitment , 12. The Authority shall, by regulations made with the prior approval of conditions of the Government, lay down the procedure for the appointment of its officers

servants and officials and the terms and conditions of their service, including the offices, officials constitution and management of a provident fund for them, and shall be authorized to take disciplinary action against them.

Members and 13, The Chairman, members, officials and officials of the authority shall,

Officers to be whom acting or according to act in pursuance of any of the provisions of this

public servants. Ordinance, be der mod to by public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

Indemnity. 14. No suit, prosecution or claim for damages shall be brought against the Authority, the Board, the Chairman or any member, officer or officials of the Authority in respect of anything in good faith done or intended to be done under this Ordinance.

Delegation of 15. The Authority may by general or special order, delegate to the Chairman

powers for or in respect of the Authority any of its powers, duties or

Chairman etc. functions under this Ordinance, subject to such conditions or limitations as may be specified in the order. ;

CHAPTER V

FINANCE

Baluchistan 16. (1) There shall be formed a fund to be known as the Pasni Fisheries Harbour Authority Fund which shall vest in the Authority and shall be utilized by the Authority to meet the charges in connection with its functions under this Ordinance.

For ,

any + (2) To the credit of the Pasni Fisheries Harbour Authority Fund shall

be placed; ;

D 3 (e) grants made by the Government; - '

and (f) loans obtained from the Government; '

and (g) grants made by local bodies;

(d) tale proceeds of ji oat aia ninth property anc receipts for
ti ; services ,tondéred;: : : *

2 ree @) 'oans obama by-the Authority with: the special or gem rel sanction of

7) eid and lones-cbtained from any source outside Pakistan with
the sanction of , and on such terms as may be approved by the Fedoral
Government and Govt. of Baln; :

@ provecds of alichargee and réeeverics minds under tht Ordinance ; and

A) aMother sims revelvable by the Authority .

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Budget.

Audit and
Accounts

Accounts

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17. (1) In the month of November each year, the Authority shall submit to the 'Greta for approval a statement of the estimated receipt and expenditure in rupees in respect of the next financial year.

(2) In the manner prescribed by the Covering Act, the Authority shall also submit to the Government for approval a Statement of the estimated receipts and expenditure in foreign exchange in respect of the next financial year.

G) The Authority shall obtain specific sanction of the Government in respect of each individual sum amounting to five hundred thousand rupees non-recurring or one thousand rupees per, or more to be financed out of the Pesci Fisheries Harbour Authority fund,
18 (1) The Authority shall retain proper accounts and other relevant records and prepare annual statement of accounts, including balance sheet in accordance with such general provisions as may be issued, and in such form as may be specified, by Government.

2) The accounts of the Authority shall be audited by two auditors who shall

chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), appointed by the Authority with the approval of Government, on such remuneration, to be paid by the Authority as the Government may fix.

G) Notwithstanding the provision of sub-section (2), the Comptroller Baluchistan, may, either on his own motion or upon a request received in behalf from the Government, undertake such audit of the account books and connected documents at such place or places as the Comptroller Bal-

— fix, and furnish such explanations and information as the

Comptroller Baluchistan or an officer authorized by him in this behalf may ask for.

(4) Every auditor appointed under sub-section (2) shall be given a copy

of the annual balance sheet of the Authority, and shall examine it together with the accounts and vouchers relating thereto and shall have a right to inspect all books kept by the Authority; and shall at all reasonable times have access to the books accounts and other documents of the Authority, and may in relation to such accounts or any officer of the Authority,

(5) The auditors shall report to the Government upon the annual balance sheet and accounts and in their report state whether in their opinion the

and properly drawn wp so as to exhibit & true and correct view of the state

: Authority affairs and, incase they have called for any explanation

gf information from th Boerd, whether it has been given and whether ft
satisfactory.

(6) The Government may at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Auth.

. and any time extend the
of the audit or direct a different procedure to be adopted or that
another examination be made by the auditors if in its opinion the public
interest so requires,» -

'The Authority shall comply with direction issued by the Govern-
ment for the rectification of matters objected to in audit report

19. The Authority shall, with the prior approval of the Government
an account of in Particular

' CHAPTER VI

« =~, PENALTY AND PROCEDURE.

Ponalty . 20, Whoever j conthivences any provision of this Ordinance or any rule or

paw rogutation made or scheme sanctioned thereunder shall, if no other penalty

~ is provided for such contravention, be punishable with imprisonment for

aterm which may extend to six months, or with fine, or with 'both.

Penalty for 21. Any person who removes or attempts to ie8m0vV©e, or abets

evading rates, etc. within the of the Pakistan Penal Code (Act XLV of 1860),

the rome of S, VeSae7s, For AE ar with oes Sipoge.

payment of tolls, dues, rates or barges whiltilty payal respect

~ shall be punishable with fine which may extend fo two thousand rupees.

Compensation 22. (1) Incase damage or mischicf'isdone to any wharf dock, quay, jetty,

for damage pk ror work constroeted or acquited by the Authority uncer this Ordinance

toproperty of by any weasel fishing craft through the ree of master thereof or

Board. of any of th mariners or person semployed thereir, not being. in the service

of the Authority, any Magistrate of the first class having jurisdiction in the

Harbour area may , on the application of the Board and on deolaragion by it

that payment forsugh damage or mischief has been refused or has vor'boen

made on demand, issue a summon to the mastur_ or owners of such vessel,

requiring him to attend on aday and at en'hour named in the summons to

answer questions touching such Camage or michlef .

2) 1f, at the time appointed, in che summons, and whether the Personssurim-oned appear or not, it is proud that the alleged damage was done thic :

such negligence us aforesaid , and that the peunlary amount of

same does notexeved two thousand rupees, the Magixrat. may iSSuc

warrant of distress, uncer whith a sufficient portion of the boats, masts, ropes,

cables, anchors or stons of th vesh may be sized and sold to cour the

expenss ofand attending 'the execution of the distress, and the pecurilary

amount of damege & uforesaid,-ard such amout shall be paid to the

Authority out of the proceeds ef the distress,

Copnizane of }=23. No court shell! take -izance of uny offence punishable under this
offences. Orcinz noe & toma ocphiar in wetingsage by the Authority or an offer
authorized Tor the purpose by the Authority. ied sags

Recoveryof 24, All fees and sums duc on xccount of property for the time being vested nail
des asarnais in the Authority ard all arvars cf tolls, charges, rtes and ducs imposed
of Land revenue. under this Ording nce or any rules or Tegntations tay be recov red as am-
oe oftand rmvenue, inaedtion to the other modes provide @ by this Or

CHAPTER VII

MISCELLANEOUS,

Submission of 25, (1) The Authority shall submit to the Government, as soon as possible yearly report after the end of every financial year but before the last day of December 'and returns. next following, 2 report on the conduct of its affairs for that year .

(2) The Government may, after giving sufficient notice to the Authority, require it to furnish the Government with :—

@) "any return, 'statement, estimates, statistics, of other information regarding any matter under the control of the Authority; or

ii) a report on any subject with which the Authority is concerned; or

(iii) a copy of any document in the office of the Authority; and the Authority shall comply with every requisition.

Members not 26. No member shall be liable for any contract made or expense incurred personally by any member of the Board; but the funds from time to time in the hands of the Board shall be liable for and chargeable with all contracts made in the manner provided in this Ordinance.

Limitation of 27. (3) No suit shall be commenced against any member, officer or official of the Authority for anything done or purporting to have been done in pursuance of this Ordinance without giving to such person one month's notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit.

» (2) In the case of a suit for damages, if tenders of sufficient amount shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Reard not 28 The Board shall not be responsible for any damage sustained by any officer or official for or in consequence of any act of any Assistant or Deputy of any officer or of any person acting under the authority or direction of or in subordination to any such officer or officials. Assistant or Deputy, nor for any damage sustained by any vessel in consequence of any effect of any of the moorings, hawsers or other things belonging to the Authority which may be used by such vessel.

Provided that nothing in this section shall protect the Board from a suit in respect of damages to or loss of goods landed or shipped by them or retained

in their custody.

Power with respect to 29. The Authority may retain, or may lease, sell, exchange, rent or otherwise dispose of any land vested in it.

Power of execution 30. The Authority may, with the prior sanction of the Government, make to — rules and regulations for carrying out the purposes of this Ordinance.

regulation.

Control of 31. All acts and proceedings of the Board shall be subject to the control of the Government over the Government, and the Government may suspend or modify any such acts and proceedings.

ings of Board.

Dissolution of 32. (1) The Government may, by notification in the official Gazette, authorise and — declare that the Authority shall be dissolved on such date as may be specified in such notification, and the Authority shall stand dissolved assets and : accordingly.

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(2) On and from the said date- ‘

(a) (i) all properties, funds and dues places at the disposal of the Authority by Government ; and

(ui) al pion wise, fuswe ard dues exchengec cerived fx m . or otherwise a bl. te the properties , funds and dues refernd to in sub - claus (), which immodiatly before the saki date, were held by or were realisable by the Authority, shall vest in, and be realisable by the Government.

Gece) all rroperies, funds, and dues, other than those mferred to in clause + Sy ie h 'xfore tho said date, the Authority shall vest oa in and be by the Govereme nt may determine, ang ite decision

thereon shall by final;

(«) a liaDilites whigh immedianly befor the said date, were enforcenble inst the Authority shall be assumed by and be enformable against Government or Sich agency as the Government determices under

clause (b), ar the case may b& :

Removal of
Cificulties,

Dated Quetta the 18th June 1983.

(4) for the purpose of completing the execution of any scheme which has not been fully executed the authority and of removing the same.

(e) the agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys respectively received and by it under the Ordinance as the Government may prescribe.

33. If any difficulty arises in effect to any of the provisions of this Ordinance, especially in respect of the adjustment of the Powers, functions and jurisdiction of the Authority under this Ordinance, the Government may make such orders as may appear to it to be necessary or expedient for the

Purpose of removing the difficulty.

LT. GEN. RAHIMUDDIN KHAN,
and GOVERNOR BALUCHISTAN
QAISAR AHMAD HAMIDI,
ARY

SECRET.
GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT.