

EXTRAORDINARY REGISTERED N.S. — 2771.

THE BALUCHISTAN GAZETTE

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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. The 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 Establishment of the Pasni Fisheries Harbour

Authority.

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Preamble.

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Short title,
extent and
commencement

Definitions.

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WHEREAS it is expedient to provide for the establish-
ment of an Authority for making all arrangements for the plann-
ing, construction, operation, management and maintenance of
Pagni Fisheries Harbour for exploiting fisheries resources and
providing services related thereto in the manner hereinafter
appearing;

AND WHEREAS th: Governor is satisfied that circumstances
sxist which render-it necessary to take immediate action;

NOW, THEREFORE, in cx2rcis> Of the powers conferred ya
Article 128 of the Constitution, ‘read with Article 2 of the Provisio“al
Constitution Order, 1981 (C.M.L.A. Order No. | Sigh the Governor
of Baluchistan ig pleased. to make and promulgate the fo! lowing Ordina.
Boe :—

CHAPTER I PRELIMINARY

L. (ty 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 Hav-bo ur,
(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 aay department o- organization of
the Provincial Government and inclujes a Corpo ra-
tio» or other body set up or controlled by such
Government;

(b) “Authority” moans the Pasni Fisheries Harbour
Authority established under section 4:

(ç) "Boarc” means th> Board of Directors constitute)
under sub-section (1) of section 63

(4) ** Building’ inclu’es any fact>ry, ind ustrialor business

establishment, godown, warehouse, house, outhouse, by:ment, shed, garrape, stable, wellor platform and any other structure, whether meant for residential business purpose for or not, made of masonry, bricks, wood, mud, stone, metal or any other material, but does not include a temporary structure made for purpose connected with agriculture;

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

(f) "Fish" means any species of fish > aquatic animal including whales, seals, porpoises, turtles, shell-fish, oyster, crustaceans, mollusks and 'spawn and eggs of such animals;

"Government" means: the Government of Baluchistan ;
"Harbour area" means the area falling within the limits

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

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Declaration
of Harbour
area

Establishment
of the Authority.

Management.

Constitution
of the Board.

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(i) "Land" includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to the earth and includes the earnings attached to the earth and income thereon

and so;

(i) "Local Body" means a local council or committee constituted under section 10 of the Baluchistan Local Government Ordinance, 1980;

(k) "Member" means a member of the Board,

— Cy 'Regulations' means regulations made under this Ordinance

(m) 'Rules' means rules made under this Ordinance; and

(ny) "Vessel" includes any fishing boat and fishing craft of whatever size and in whatever way propelled which is for the time being employed in fishing.

3. (1) the Government may, by notification in the official Gazette, define its limits for the purposes of this Ordinance; and may, from time to time, by a like notification, alter such limits,

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

CHAPTER II

ESTABLISHMENT OF THE AUTHORITY

4. (1) There 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 by its name sue 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 Fisheries Department, Government of Baluchistan ;

- (4) 4 nominee of the Fish Processor's Association;
- (e) a nominee of the 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 permits, hold office for a period of three years.

Any person ceasing to be Chairman or a member of the Board by 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 under his hand and seal, resign his office: in writing to the Government.

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

1) The Chairman and members shall discharge such duties and functions as may be assigned to them: OF UNDER this Ordinance + Sarg and = ance.

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@) Until the Board is duly constituted, the Chairman shall, subject to the approval of the Government, do all such things as may be necessary to carry out the functions of the Board.

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

(2) The meetings of the Board shall be held at such times and places and under such conditions 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 Authority, (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 and use the funds for specific Purposes;

(d) enter into any permit all such contracts as it may, consider necessary;

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

(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 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;

(m) regulate, determine and administer all matters concerning the rules and controls 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

(x) = save me work or spend in the future,

priate for '€ Out the purposes o: uw 3
(the Aeon 5 Bie EE ut He Pe

(a) a Scale of charge to be levied for the use of utility services, for registration of fishermen, producers, buyers, retailers, Processors, ship-chandlers, : . exporors. of fish end fish products, users of all types of vehicks and a 7 trRnsport and hotel management, kawkers; shipkeepers, who may use man ; the premises of the Harbour arca; and z!so' such other charges which the Board may.coem fit and necessary to generate funds for the operation, repairs, maintenance, up-keep and effective managoment ard contro! of

the Harbour area:

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Mans 10.

Devore

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Directors etc.

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

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

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

Ditector to srvé es 2 thember of the Beard, ard to exercise offective

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

functioning cf the day to Cay cilairs of the Authority, under the genonsa™ supervision cf 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 authorit¥ 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 pewater to frame reles ord tegulations for the effective planting, cons truetion, peration, Management and meinte nance of the Harbour area.

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

(e) have the power end responsibility to

(i) exercise ex' ministrative sontrolover the personel of the / thority;

(il) oserelse, 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 proper qualific-

ations and on such terms, and conditions as may be prescribed by regulations

(2) The Director of Administration shall also be responsible for the

economic, social and general administration of the Port and for the

(3) The Director of Operations shall be responsible for the

control and maintenance of the Port and the Harbour
and shall be responsible for the management of the Port and the Harbour
and shall be responsible for the management of the Port and the Harbour

:

(4) The Harbour Master shall supervise the security services for onshore 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 Harbour facilities.

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

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

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

Officers to be when acting or purporting to act in pursuance of any of the provision of this

public servants. Ordinances, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

Indemnity. 14. No suit, prosecution or other proceedings shall lie 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 written or special order, delegate to the Chairman

powers for or member or officer 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 4 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 Harbour utilized by the Authority to meet the charges in connection with its functions under this Ordinance.

First,

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

be placed; ;

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

and (e) loans obtained from the Government; '

and (e) grants made by local bodies;

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

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

7) eid and lones-obtained from any source outside Pakistan with
the sanction of , and on such terms as may be approved by the Federal
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 Government for approval a statement of the estimated receipts and expenditure in rupees in respect of the next financial year.

(2) In the manner prescribed by the Government, 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 salary and gratuity — five hundred thousand rupees non-recurring or individual, thousand rupees per, or more to be financed out of the Peshawar Fisheries Harbour Authority fund, 18 (1) The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts, including balance sheet in accordance with such general directions 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 of his own motion or on request received in that 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 of access to him of 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 employ 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 up so as to exhibit a true and correct view of the state

: Authority affairs and, in case they have called for any explanation

of information from the Board, whether it has been given and whether it is satisfactory.

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

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

'The Authority shall comply with directions issued by the Government for the rectification of matters objected to in audit

19. The Authority shall, with the prior approval of the Government, submit an account of its work in Parliament.

CHAPTER VI

« =~, PENALTY AND PROCEDURE.

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

paw rogutation made or scheme sanctioned thereuncer shall, if no other penalty
~ is provided for such contravention, be punishablh with imprisonment for
aterm which may extend to sx months, or with fine, or with 'both.

Penalty for 21. Any person who temoves or atompts t 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, dus, rates orcbarges whtilty 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 acquitted 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 marirers 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 prow d that the alleged damage was done thic :
such negligence us aforesaid , and that the peunlary amount of
same does notexeved two thousand rupees, the Magixtrat. may iSsuc
warrunt 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 damage & uforesaid,-ard such amount 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 ocmphiiar in wetingsrage 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 arvrs 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 ofand 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 :—

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

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

(iii) -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 Hikbk = by or on behalf 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 officials

suits etc, 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 tendered 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 -

Read not 28 The Board shall not be responsible for any discharge, malfeasance

responsible for or responsibility of any officer or official appointed under this Ordinance or

certain acts of any Assistant or Deputy of any officer or of any person acting

officers & » under the authority or direction of or in subordination to any such officer

officials. Assistant or Deputy, nor for any damage sustained by any vessel in conse-

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

Power of regulation 70. 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 proceedings. All acts and proceedings of the Board shall be subject to the control of the Government, and the Government may suspend or modify any such acts and proceedings.

Members of Board.

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

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(2) On and from the said date- ‘

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

(ii) all properties, funds and dues exchanged or otherwise obtained by the Authority, which immediately before the said date, were held by or were realisable by the Authority, shall vest in, and be realisable by the Government.

(c) all properties, funds, and dues, other than those referred to in clause (a) and (b), which before the said date, the Authority shall vest in and be realisable by the Government may determine, and its decision

thereon shall be final;

(d) all liabilities which immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against Government or such agency as the Government determines under

clause (b), as the case may be :

Removal of
Difficulties,

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 re Pro, Rade onl ates mibned to in leans (and (0.02 te eee

(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 pre

33. If any difficulty arises in effect to any of the provisions of this Ordinance, especially in respect of the adjustment of the Power, 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,
GOVERNOR BALUCHISTAN
QAISAR AHMAD HAMIDI,
ARY

SECRET.
GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT.