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THE BADIN DEVELOPMENT AUTHORITY ACT, 1995**

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THE BADIN DEVELOPMENT AUTHORITY ACT, 1995

[25" October, 1995]

An Act to make provisions for the development improvement

and beautification of the areas comprising Badin District and to establish an Authority for such purpose.

WHEREAS it is expedient to make _ provision for the

development, improvement and beautification of the areas comprising Badin District and to establish an Authority for such purpose;

1.

It is hereby enacted as follows:--

CHAPTER—I

PRELIMINARY

(1) This Act, may be called the Badin Development Authority Act, 1995.

(2) It shall extend to the areas comprising Badin District.

(3) It shall come into force at once.

In this Act, unless there is anything repugnant in the subject or context---

(a) "Authority" means the Badin Development Authority established under section 3;

(b) "Chairman" means the Chairman of the Authority;

(c) "Government" means the Government of Sindh;

(d) "Director General" means of the Director General of the Authority;

(e) "Member" means a member of the Authority;

(f) "Prescribed" means prescribed by the rules or regulations made under this Act;

(g) "regulations" means regulations made under this Act;

(h) "rules" means rules made under this Act;

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THE BADIN DEVELOPMENT AUTHORITY ACT, 1995
CHAPTER—II

CONSTITUTION AND FUNCTIONS OF THE AUTHORITY

(1) There shall be an Authority to be called the Badin Development Authority for carrying out the purpose of this Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power, to acquire and hold property, both movable and immovable and may by the said name, sue and be sued.

(1) The Authority shall consist of---

(a) Minister for Planning and Development or Chairman any other Minister nominated by the Chief Minister.

(b) Commissioner of the Hyderabad Division Member
(c) Director General. Member

(d) Such other non-official members not exceeding three and official members as may be appointed by Government.

(2) A non-official member shall hold office for a period of three years, unless he resigns or is removed earlier; provided that a non-official member shall not be removed unless he is given an opportunity of being heard.

(3) Any person appointed in a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the terms of such vacancy.

(1) The Director General shall be appointed by Government on such terms and conditions as Government may determine.

(2) The Director General shall be the Chief Executive of the Authority, and shall perform such duties and exercise such powers as may be delegated to him by the Authority.

(3) Where the Director General is absent from duty for any reason, or is unable to perform the functions of his office, Government may nominate any official member to perform the duties of the Director General.

Constitution of
the Authority.

Appointment
and duties of the
Director General.

Officers and
others staff of the
Authority.

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For efficient performance of its functions, the Authority may appoint such officers, experts, consultants and employees on such terms and conditions as may be prescribed.

Subject to the general or special directions of Government

the Authority shall---

- (i) be responsible for overall development, improvement and beautification of the areas within its jurisdiction;
- (ii) formulate, implement and enforce schemes;
- (iii) provide, develop, operate, and maintain public works relating to water supply, drainage, sewerage and disposal of solid waste;
- (iv) take such measures and exercise such powers as may be necessary for carrying out the purposes of the Act;
- (v) perform such other functions as may be assigned to it by Government.

The authority shall meet at such place and time and in such manner and observe such rules of procedure as may be prescribed; provided that until the manner or procedure is prescribed the meeting shall be held as directed by the Chairman.

The Authority may, constitute committees such as Finance Committee, Technical Committee or Advisory Committee for carrying out the purposes of this Act.

. The Authority may, by general or special order, delegate any of its powers, functions and duties, to the Chairman, Director General or any official members.

CHAPTER-III
MASTER PROGRAMMES AND SCHEMES

. The Authority shall, as soon as may be, prepare a Master scan for development, improvement, expansion and beautification of such areas such programme for approval of Government.

. (1) The Authority shall prepare specific scheme or schemes for the area within its jurisdiction or part thereof in such form

Functions of the Authority.

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and such manner as may be prescribed.

(2) All schemes prepared by the Authority shall be submitted to Government for its approval, except those schemes, the provisional estimated cost of which does not exceed such limit as may be prescribed or for which no loan or grant is required from the Government.

. (1) The Authority may, by notification, issue such directions

and do such things as may be necessary for the prevention of haphazard growth, encroachments, unauthorized construction or operation in any area within its jurisdiction.

(2) The encroachment shall be removed in accordance with the law for the time being in force.

. (1) No person shall, erect or re-erect any building, make any

material external alteration, in, or addition to, any existing building or construct or reconstruct any projecting portion thereof save with the permission of the Authority, which may be granted in such manner and or such terms and conditions as may be prescribed.

(2) where any person contravenes the provisions of sub-section (1), the Authority may take such measures as may be necessary to enforce such provisions.

. (1) The Authority may, with prior consent of Government,

raise funds from time to time for meeting the cost of execution of the schemes and works by levying rates, fees and other charges.

(2) The rates, fees and other charges shall be levied and collected in such manner as may be prescribed.

CHAPTER-IV

ACQUISITION OF PROPERTY

. The Authority may, by purchase, lease or exchange,

acquire any other movable or immovable property or any interest therein by entering into an agreement with the party concerned.

. Where the Authority is of the opinion that any land needed

for any scheme or other public purpose cannot be acquired under section 16, such land may be acquired in

accordance with the Hyderabad Development Authority

Prevention of
haphazard
growth.

Erection or
re-erection of
building.

Funds of
Scheme.

Purchase, lease
or exchange of
property'

Acquisition of
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CHAPTER-V

FINANCES

18. (1) There shall be a separate fund known as the Badin Fund of the

Development Authority Fund which shall vest in the Authority.

(2) The fund shall consist of —

- (a) grants made by Government or local councils;
- (b) sale proceeds of movable or immovable properties;
- (c) all fees, receipts and charges received under this Act.

- (d) all other sums receivable and loans obtained by the Authority.

19. A statement of estimated receipts and expenditure for Budget every financial years shall be prepared and submitted to Government for approval in the manner as may be

prescribed.

20. (1) The accounts of the Authority shall be maintained in Maintenance of such from and in such manner as may be prescribed. Account

(2) The accounts maintained under sub-section (1) shall be audited by the Accountant General.

CHAPTER-VI

WATER SUPPLY

21. The Authority shall be responsible for production of potable supply of water water and its distribution at such rate and subject to such to Government terms and conditions as may be prescribed. agency

22. The Authority shall, at the close of every calendar year, Report prepare a report of its activities during that year and submit such report to Government.

23. On the coming into force of this Act, all powers and function of a local council, local authority or body, in respect of formulation, and execution of scheme or in

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respect of providing operating and maintaining services such as water supply, sewerage and drainage in the area within the jurisdiction of the Authority or part thereof, shall be exercised and performed by the Authority.

Any sum due to the Authority or wrongly paid by the Authority under this Act, shall be recoverable as arrears of land revenue.

No Court shall have jurisdiction to grant any injunction or make any order or entertain any proceedings in relation to anything done or intended to be done under this Act.

No suit or legal proceedings shall lie against Government, Authority or any other person in respect of anything done or intended to be done under this Act.

Government may make rules for carrying out the purposes of this Act.

(1) Subject to the provisions of this Act, and the rules, the Authority may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for-

(i) the meetings and conduct of business in such meetings;
(ii) terms and conditions of service of officers and staff of the Authority.

The Badin Development Authority Ordinance, 1995 is hereby repealed.

Recovery of dues.

Jurisdiction barred.

Indemnity,

Power to make
rules.

Power to make
regulations.

Repeal