

SINDH ACT NO. V OF 2008
THE GORAKH HILLS DEVELOPMENT AUTHORITY ACT, 2008.

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[24TH September, 2008]

AN Act to provide for establishment of the Gorakh Hills Development Authority.

WHEREAS it is expedient in the public interest to provide for establishment of Preamble. the Gorakh Hills Development Authority for planning, development and management of hilly Areas of Gorakh and such other areas and to make provisions for matters connected therewith and ancillary thereto;

It is hereby enacted as following:-

(i) This Act may be called the Gorakh Hills Development Authority Act, 2008. Short title and commencement.

(ii) It shall extend to the areas of the Gorakh Hills, kurchat Hills, darharyo Hislls and Kheethar Range Hills and such other areas as mentioned in the schedule and Government may, from time to time, by notification, extend the areas amending the Schedule.

(iii) It shall come into force at once.

In the Act, unless there is anything repugnant is the sunecht or context- definitions.

a) "Agency" means an agency established under section 11;

b) "area" means the area of jurisdiction of the Authority as mentioned in the Schedule and incudes the area notifi9ed by Government from time

to time to be the area of the Authority;

c) "Authority" means the Gorkh Hills development Authority established under section 3;

d) "betterment fee" means the fee levied under section 17;

e) "budget" means an official statement of annual income and expenditure of the Authority;

f) "Chairman" means the Chairman of the Authority;

g) "Controlled Area" means an area declared as controlled area under section 14;

h) "Director General" means the Director General applonted under section 6;

i) "Fund" means the fund of the Authority;

j) "Government" means the Government of Sindh;

k) "land" includes earth air above below or on the surface of land and anything attached to the earth or permanent fastened to the earth;

1) "Master Programme" means a programme prepared under section 15;

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m) "Member" means a member of the Authority;

n) "prescribed" means prescribed by rules or regulations made under this

Act;

O) "rules and regulations" means rules and regulation made under this

Act;

p) "scheme" means a scheme prepared undertaken or executed under this

Act;

q) "Service Area" means area declared as service area by the Authority

under this Act.

CHAPTER -II

CONSTITUTION AND FUNCTIONS OF THE AUTHORITY

There shall be an Authority to be called the Gorakh Hills Development

Authority (GHDA) for carrying out the purposes of this Act.

The Authority shall be body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Act; to acquire, hold and to dispose of property both movable and immovable property, and

may by the said name sue and be sued.

The headquarters of the Authority shall be at District Dadu or such other places

as Government may fix by notification.

The Authority shall consist of-

Chief Minister

Minister for Culture and Tourism

Senior Member for Education

Minister for home

Minister for Law and Parliamentary Affairs

Minister for Local Government

Minister for Revenue

Additional Chief Secretary (Dev.), Planning and
Development Department.

Secretary Culture and Tourism Department

Secretary Finance Department

Secretary Law

Chairman

Vice Chairman

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Authority and
its
incorporation.

Composition of
Authority.

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(1) The Director General Gorakh Hills Development Member/Secretary Authority

(m) The managing Director, Sindh Tourism Department Member Corporation

(n) The District Coordination Officer, Dadu Member

(o) The District Coordination Officer Jamshoro Member

(p) The District Coordination Officer, Qamber Member

(q) The Director Surveys Settlement and land Records Member

Sindh Hyderabad.

(r) The Member of Provincial Assembly of the area Member concerned.

(s) | The District Police Officer, Dadu Member

(t) The Project Director Gorakh Hills Development Member Authority

(u) Any such other official and non-Official Members may Member be appointed by Government from time to time.

(2) A non official member shall hold office for a period of three years unless he resigns or is removed earlier.

(3) A non official member may, at any time, by writing under his and addressed to Government, resign from his membership and the resignation shall take effect from the date on which it is accepted.

(4) A casual vacancy in the office of non official member shall be filled in accordance with sub-section (1) and the member so appointed shall hold office for the un-expired portion of the tem of such vacancy.

The members shall receive such remuneration, fees and allowances and enjoy privileges, as may be determined by Government.

(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 subject to general or spatial directions of Government, 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 one of the persons mentioned in sub-section (1) of section 4 to perform the duties and exercise the powers of the Director General.

Remuneration
and privileges
of the members.

Appointment
and duties of
the Director
General.

The Authority may, subject to general or special orders of Government, appoint such offices, advisors, experts, consultants and employees on such terms and conditions

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as it may deem fit, for efficient performance of its functions.

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Without prejudice to the generality of the foregoing powers and subject to the

general or special directions of Government, the Authority shall-

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(iii) prepare, implement and enforce schemes for development of agriculture and industry, forest conservation and development department of means of commutations, development of mineral resources, construction and development of housing water supply, sewerage, drainage, transportation and traffic promotion of tourism, environmental improvement urban renewal including slums, clearance and re-development, solid waste disposal, health and education facilities and preservation of objects or places of historical, archaeological, scientific, cultural and recreational importance within

the area of Gorakh;

(iv) cause study, surveys, experiments or technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches in the area;

(v) take any steps or adopt any measures for the beautification of the area;

formulate implement and execute schemes of Gorakh Hills Resorts in the field of housing, land development, hill development commercial, residential, official, industrial and any other development which leads

uplift of the socio economic conditions of the people of the areas;

develop operate and maintain water works and other projects;

(vi) | acquire movable and immovable property;

(vii) undertake any works and incur any expenditure;

(viii)

the purpose;

(ix) enter into contracts;

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sell lease, exchange or otherwise dispose of any property wasted in it;

installations;

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

(xiii)

such other facilities within the area;

procure machinery, instruments or any other material required by it for

issue interim development orders for areas for which a scheme is under preparation and restrict or regulate by general or special order any change in the use of land and alteration in building structures and

construct, maintain, upgrade and exclusively charge toll on road, or

Officers and
other staff of
the Authority.

Function of the
Authority.

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(xiv) seek and obtain advice and assistance for the preparation of any scheme

or for the execution of any scheme from any Government agency or person;

(xv) constitute such financial, technical and advisory committees, as may be

deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority;

(xvi) by general or special orders, delegate to the Director general or any

committee or member of officer of the Authority, any of its powers, duties or functions under this Act subject to such conditions as it may deem fit to impose; and

(xvii) perform any or all civic functions including policing and ward for the

enforcement of the provisions of this Act.

(2) The Authority may-

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undertake any works in pursuance of any scheme or otherwise entrusted to it or brought under its control;

cause any building, structure or installation to be dismantled or removed in the area;

(iii) require any person or body or body or persons or agency engaged in

development work to furnish any information, record report or plan relating to matter under this Act;

(iv) make inspection of any development project under execution or about to

(v)

be undertaken together with record thereof;

require any person or body of persons or agency concerned with any development project, programme or scheme to obtain its prior permission for undertaking any specified section in respect of such project, programme or scheme;

(vi) direct or, as the case may be, advise any person or body of persons or

agency concerned with any development project, programme or scheme to do or omit to do anything in relation to such project, programme or scheme and shall consult with and seek advice or assistance from any person or body of persons or agency engaged in development works in relation to preparation or execution of any scheme and such persons or body of persons or agency shall give the advice and assistance sought by the authority to the best of his or its ability, knowledge and judgment and the expenditure if any involved in giving such advice or assistance shall be borne by the Authority.

If in exercise of powers by the Authority under sub-section (2) any dispute arises between the Authority and any person or body of persons or agency, if shall be referred to and decided by such person or authority as may be appointed

by
authority

Government in this behalf and the decision given by such person or authority shall be final:

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Provide that Government may on its own initiative or on motion by any person or body of persons or agency involved in the dispute, alter or modify such decision.

(1) Any matter required to be decided by the Authority shall be decided in a meeting

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of the Authority presided over by the Chairman by vote of majority of the members present in such meeting.

Each member shall have one vote provided that in case of a tie, the chairman shall exercise a casting vote.

One-third of the total members shall form a quorum for a meeting of the Authority.

The authority shall meet at such place and time and in such manner as it may prescribe.

The authority may, by general or special order, and subject to such conditions as it may impose, delegate any of its powers, functions and duties, to the Chairman or member or any committee or the Director General or any other officer or employee or adviser, expert or consultant.

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Government may, by notification, declare any area under the jurisdiction or the Authority as service area.

The Authority may, and if so ordered by Government shall, establish an agency consisting of one or more persons for a service area.

The Agency shall perform such functions, provide such services and exercise such powers of the Authority as may assign it by the Authority.

Where an Agency is established under section 11, the Authority shall, with prior approval of Government, and on such terms and conditions as may be determined by Government, appoint a Managing Director.

The managing Director shall be the Chief Executive of the Agency and shall perform such functions and exercise such powers as may, from time to time, be entrusted to him by the Agency.

An improvement scheme may provide for all or any of the Following matters, namely-

- a) the development of land for Gorakh Hills Resort;
- b) the construction of houses, flats and other kinds of residential premises, commercial and other buildings for community facilities, such as slaughterhouse, vocational training centers and amenity building like school, dispensaries and maternity or community development centers, park, tracks, zoo chair lifts helipad, bus stand, water falls and golf clubs etc;
- c) the acquisition by purchase, exchange or otherwise or any property or interest therein necessary for or affected by the execution of the scheme;
- d) the laying out of any land comprised in the scheme afresh;

Meetings of the Authority.

Delegation of powers.

Establishment of Agency.

Appointment and powers of Managing Director.

Matters to be provided for Improvement scheme.

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the re-distribution of sites belonging to owners of property comprised in the scheme;

the closing, alteration or demolition of any dwelling or promotion thereof unfit for human habitation in the scheme;

the demolition of any building or portion thereof unfit for the purpose for which it is being used or which obstructs light or air or project beyond the building line in the scheme;

the demolition of any building inconsistent with the scheme;

the construction of any building by the Authority or by the owner or by the Authority on default by the owner;

the sale, lease, exchange or disposal in any other manner of any property vested in or acquired by the Authority;

the construction and alteration of roads including bridges, causeways and culverts and back lances, and the provision of footpaths and sidewalks;

the levelling, paying, flagging channelling, swearing and draining of the streets so constructed or altered and the provision therein for lighting and sanitary facilities;

parcs, paying grounds and other open space for the benefit of persons residing in any areas comprised in the scheme or any adjoining area and the extension of existing park, playing grounds and other open spaces;
accommodation for any class of inhabitant;

means of access and communication;

the reclamation or reservation of land for markets and gardens for a forestation;

the raising, lowering, levelling or reclamation of any land comprised in the scheme;

the recovery of betterment fee from owners of properties improved by the scheme;

any other matter for which in the opinion of the Authority, it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area for other general efficiency of the scheme:

(2) wherever it appears to the Authority that-

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(b)

an area is in need of development;

in any area, any building used or intended or likely to be used as dwelling places are unfit for human habitation, or danger to the health of the inhabitants or any area or of any building in the neighbours hood of such area result or is likely to result from-

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the narrowness, closeness or bad arrangement or conditioner of streets of buildings or groups of building in such area or;

the wants of light, air, ventilation or proper conveniences in such area; or

any other sanitary defects in such area;

(3) A rebuilding scheme may provide for -

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the reservation streets, lanes and open space to such extent as the Authority considers necessary for the purpose of the scheme in the area;

the laying out of the sites of the area afresh upon street, lanes or open spaces so reserved or enlarged;

the payment of compensation in respect of any such reservation or enlargement, and the construction of streets, lands and open spaces so reserved or enlarged;

the construction, alteration or demolition of any existing building and its appurtenances by the erection of any building in accordance with the scheme by the said owner or by the Authority in default of the owner, upon any site defined under the scheme; and

the acquisition by the Authority of any site or building comprised in the area included in the scheme.

(4) The Authority may frame housing scheme for the construction, maintenance and management and so may dwellings and shops as it may consider necessary for persons who are affected by the execution of any improvement scheme sanctioned under this Act.

CHAPTER III

DECLARATION OF CONTROLLED AREA, PREPARATION OF MASTER

PLAN AND SCHEMES AND FEES

14. The Authority may, by notification, declare any area under jurisdiction of Authority to be a controlled area and issue such directions and do such things as may be necessary for the prevention of haphazard growth, encroachments, unauthorized constructions or operations in such area and growth of the area.

15. (1) The Authority may conduct survey and prepare a Master Plan for Gorakh Hills Resort commenting constructions of parks, tracks, zoo chairlifts, helipads, bus stand, water falls, golf clubs, houses, flats, motels, commercial and other buildings for community facilities, such as slaughter house, vocational training centres and amenity buildings like school, dispensaries and maternity homes etc. and submit such plan to Government for approval.

Declaration of
controlled area.

Master
programmes.

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Government may approve the plan with or without modification.
The Authority shall prepare or cause to be prepared development scheme or schemes for the Gorakh Hills or part thereof in such form and in such manner as may be prescribed.

All schemes prepared by the Authority shall be sent to Government for approval which may be approved with or without modification.

Schemes.

Where the Authority is of the opinion that in consequence of the execution of Betterment fee.

any scheme, the value of any property has increased or will increase, it may levy upon such property a betterment fee and collect the same from the owner thereof or any person in possession thereof or having interest therein.

The betterment fee shall be levied and collected at such rate, not being more than half of the amount by which the value of the property on the completion of the execution of the scheme exceeds the value of the property prior to such execution, as the Authority may determine.

When it appears to the Authority that any scheme is sufficiently advanced to enable the determination of the betterment fee, the Authority may, by an order made in this behalf declare, for the purpose of levying the betterment fee, the execution of the scheme to be deemed to have been completed and thereupon give notice in writing to the owner of the property or any person in possession thereof or having interest therein that the Authority proposes to determine the

betterment fee in respect of such property.

The Authority shall, at the expiry of fifteen days after the service of the notice under sub-section (3), or if any representation is made against the determination of betterment fee, after rejection of such representation, proceed to levy and collect the betterment fee in such manner and in accordance with such procedure as may be prescribed.

CHAPTER-IV ACQUISITION OF PROPERTY

The Authority may, by purchases, lease or exchange, acquire any movable or immovable property or any interest therein by entering into an or exchange of agreement with the party concerned.

Where the Authority is the opinion that any land needed for any scheme or other public purpose cannot be acquired under section 18, it may require the concerned authorities within whose jurisdiction the land is situated to acquire such land in accordance with the provisions of the existing laws.

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CHAPTER-V FINANCE

There shall be a separate fund known as the fund of the Authority which shall vest in the Authority.

The fund shall consist of-

Purchase, lease
of exchange of
property.

Acquisition of
land.

Fund of the
Authority.

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i. grants made by government;

ii. grants made by Zila council ;

iii. _ loans raised or obtained by the Authority;

iv. _ sale proceeds of movable or immovable properties;

v. all moneys received from the Federal Government, Provincial Government or any international agency;

vi. all fees, receipts and charges received under the Act;

vii. moneys received from utilization or service rendered by any agency;

viii. proceeds of self-financing schemes; and

ix. all other sums receivable by the Authority.

There shall be separate account of each agency in respect of the moneys received under clause (vii) of sub-section (2).

The amounts credited in the fund shall be deposited with the State Bank or its agency or with the approval of Government, with any scheduled Bank.

The Authority may, invest its funds in any security of the Federal Government or any Provincial Government or any other security approved by Government

The Authority may, with the approval of government, raise funds by issuing bonds or debentures for financing any scheme, work or project or for such other purpose.

The Authority may, obtain loan from Government or any Bank on such terms and conditions as may be specified by Government.

(1) The Authority may utilize the funds for-

(a) meeting charges in connection with its functions under the Act including payment of salaries and other remuneration to the Chairman, members, officers including Director General, Managing Director, servants, expert, consultants and other employees of the Authority and the agencies;

(b) incurring expenditure on execution of any scheme of work authorized

by or under this Act;

(c) payment of compensation or any land acquired under this Act;

(d) repayment of land and interest thereon; and

(e) other expenses required for carrying out the purpose of this Act.

(2) The moneys received under clause (vii) of sub-section (2) of section 20 shall

exclusively be utilized for the purpose of the agency for which such moneys are received.

Utilization
funds.

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The Authority may, and if directed by Government shall, establish sinking funds for the payment of any loan obtained by the Authority and shall pay into that fund such sums as well with accumulations of interest, be sufficient to repay the loan.

The sinking fund may be utilized for carrying out any purpose under this Act after the repayment of the loan for which such fund is establishment.

Every year the sinking funds shall be examined by the Accountant General and if he certifies that assets of the funds fall short of the limit at which the assets would have been normally kept, the Authority shall pay into the fund the amount equivalent to the certified shortage.

If any dispute arises between the Authority and the Accountant General as the accuracy of any certificate under sub-section (3), the Authority may after making the payment referred to in that sub-section, refer the matter to Government for decision.

The Authority shall prepare a statement of estimate receipts and expenditure for every financial year and submit such statement to Government for approval

six months before the commencement of such financial year.

The estimated receipts and expenditure in respect of each agency shall be shown under a separate head in the statement under sub-section (1).

Government may sanction the budget submitted under sub-section (1), or make such modifications as it deems fit.

If the budget duly sanctioned by Government is not received before the commencement of the financial year, it shall be deemed to have been sanctioned by Government.

The Authority shall not, except with the prior approval of Government, incur expenditure in excess of the sanctioned budget.

The Accounts of the authority and an Agency shall be maintained in such form and in such manner as may be prescribed.

The accounts maintained under sub-section (1) shall be audited by not less than two chartered Accountants.

A statement of accounts duly audited by the auditors under sub-section (2) shall be furnished to Government, as soon as may be, after the end of every financial year.

Government may authorize the Accountant General to conduct the test or other audit of the accounts submitted under sub-section (3), on such terms and conditions as Government may determine.

Sinking funds.

Budget.

Maintenance of
Accounts.

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CHAPTER-VI MISCELLANEOUS

If any building, structure, works or land is created, constructed or used in contravention of the provisions of this act, or of any Rules, regulation or order made there under, the District Officer (Revenue) or any person authorized by him or the Authority in this behalf, may be order in writing require the owner, occupier, user or persons in control of such building structure, work or land to remove, demolish or alter the building, or work or to use it in such manner so as to bring such creation, construction use in accordance with the said provision of this Act.

If an order under sub-section (1) in respect of any building, structure, work or land it is not complied with, within such time as may be specified therein, the District Officer (Revenue) or any person authorized by him or the Authority in this behalf may, after giving the persons affected by the order, an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force as may be necessary and may also recover the cost thereof, from the person responsible for the erection, construction of use of the building, structure, work or land in contravention of the provisions as aforesaid.

Any conversion of property to a use or purpose other than other than the one provided under a scheme by a scheme by as person or agency, without the previous approval of the Authority in writing, shall be punishable with a fine which may extend to one hundred rupees per day from the date of its conversion till the default continues or with imprisonment for the term which may extend to one year or with both.

The chairman, Member, Officers including Director General and Managing Director and all other employees of the Authority and an agency shall be deemed to public servants within the meaning of section (21) of the Pakistan,

penal code.

The authority shall at the close of every calendar year, prepare a report of its activities during that year and submit such report to Government in such form and on or before such date as may be prescribed.

Any sum due to the Authority or an agency or wrongly paid by the Authority or an Agency 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 act done or proceedings taken or order passed under this Act, shall be rendered invalid merely on the ground of-

(a) Any vacancy in the Authority or any committee, or any defect in the constitution thereof;

(b) Non service of notice on any person where substantial justice has been done; and

Erection,
construction of
use or use of
building etc. in
contravention
of Act.

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(c) Any omission, defect or irregularity note affecting, the merits of any case.

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

The provisions contained in this Act, or the rules and regulations thereunder shall have effect notwithstanding any thing contained in any other law, rules or regulations.

Government may, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

Subject to the provisions of this Act and the rules, the Authority may by Notification in the official Gazette and with previous approval of Government, make regulations for carrying out the purposes of this Act.

In particular and without prejudice to the generality of the foregoing powers such regulations may provided for:-

(i) the meetings of the Authority;

(ii) conduct of business in such meetings;

(iii) terms and condition of service of officers and staff of the Authority and Agency; and

(iv) any other matter required by the provisions of this Act to be provided by regulations.

Government may, by Notification in the official Gazette, declare the Authority shall be dissolved on and from date as may be specified in such notification and on such dissolution of the Authority all properties, funds and other assets shall vest in and be realizable by Government or by such other Authority body or agency as Government may specify.

Area under the jurisdiction of Gorakh Hills Development Authority territorial

areas are as under :-

(i) Taluka Johi (Part)

(ii) Taluka Sehwan (Part)

(iii) Taluka Thana Bola Khan (Part)

(iv) Taluka Shahdadkot (Part)

Indemnity.

Over-riding
provisions.

Powers to make

rules.

Dissolution
Authority.

of