

LAHORE, WEDNESDAY, SEPTEMBER 26, 1962

## LAW DEPARTMENT

## NOTIFICATION

The 26th September, 1962

No. Leg. 3 (48) 62—The following Ordinance by the Governor of West Pakistan is hereby published for general information :—

THE WEST PAKISTAN KARACHI DEVELOPMENT  
AUTHORITY (AMENDMENT) ORDINANCE, 1962,  
West Pakistan Ordinance No. XLVIII of 1962.

and  
ORDINANCE

Further to amend the Karachi Development Authority Order,

1957.

WHEREAS it is expedient further to amend the Karachi Development Authority Order, 1957, in the manner hereinafter appearing :

AND WHEREAS the Provincial Assembly is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate action necessary :

NOW, THEREFORE, in pursuance of the powers vesting in him under Article 79 (1) of the Constitution of the Republic of Pakistan, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the Karachi Development Authority (Amendment) Ordinance, 1962.

2. *Substitution of Articles 3 and 6 of President's Order No. 5 of 1957.*—For Articles 3 and 6 of the Karachi Development Authority Order, 1957, hereinafter in this Ordinance referred to as the said Order, the following Articles shall be substituted, namely :—

*Constitution of the Governing Body.*—“5 (1) The Governing Body shall consist of a Chairman, a Director-General, and five other Members to be appointed by the Provincial Government.”

(2) Not less than two of the Members, other than the Director-General, shall be whole-time Members.

(3) The Commissioner, Karachi, shall be the *ex-officio* Chairman of the Governing Body.

*Director-General.*—6. (1) The Director-General shall be appointed on such terms and conditions and shall hold office for such period as the Provincial Government may determine.

(2) The Director-General shall exercise such powers and perform such functions as may be prescribed.

(3) When the Director-General is on leave or is absent outside Pakistan on the business of the Authority, the senior-most whole-time Member shall exercise the functions of the Director-General.

*Explanation.*—For the purposes of this Article, the seniority of a Member shall be computed with reference to the date of his appointment as Member.”

*Insertion of Article 6-A in President's Order No. 5 of 1957.*—(3) After Article 6 of the said Order, the following new Article shall be inserted, namely :—

*Director.*—“6A.” (1) Every Member, other than the Director-General, shall—

- (a) hold office for a period of three years unless sooner removed, and may be re-appointed thereafter for such period or periods, not exceeding three years at a time, as the Provincial Government may in each case determine ;
- (b) receive such remuneration, fees or allowances as may be prescribed by rules or as the Provincial Government may determine ;
- (c) perform such functions and duties as may be prescribed by the Regulation or as the Authority may assign to him.

(2) A casual vacancy in the office of a Member shall be filled by the Provincial Government, and the person appointed in such vacancy shall hold office for the unexpired period of the term of his predecessor.”

*Amendment of Article 8 of President's Order No. 5 of 1957.*—(4) For Article 8 of the said Order, the following Article shall be substituted, namely :—

*Appointment, punishment and appeal.*—“8. (1) The Authority may appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions, on such terms and conditions as it may deem fit.

(2) Subject to any rules for the time being in force, the power of making appointments and promotions to posts in the service of the Authority, of granting leave to officers and servants holding such post, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, and of discharging such officers and servants from the service of the Authority for any other reason, shall be exercised by the undermentioned authorities :—

- (a) in the case of posts the monthly salary or the maximum monthly salary of which does not exceed Rs. 750 and officers and servants holding such posts—the Director-General ;
- (b) in the case of posts the monthly salary or the maximum monthly salary of which does not exceed one thousand rupees and officers and servants holding such posts—the Chairman ;
- (c) in the case of posts the monthly salary or the maximum monthly salary of which does not exceed Rs. 1,500 and officers and servants holding such posts—the Governing Body ; and
- (d) in the case of posts the monthly salary or the maximum monthly salary of which exceed Rs. 1,500 and officers and servants holding such posts—the Governing Body with the previous sanction of the Provincial Government ;

Provided that a servant of the Central Government or the Provincial Government or a Local Authority whose services have been lent to the Authority shall not be so punished except by an authority which would have been competent to inflict such punishment if his services had not been so lent, and the Director-General, the Chairman, or the Governing Body, as the case may be, shall be entitled only to make recommendations in that behalf to such authority.

(3) An officer or servant of the Authority against whom an order under clause (2) imposing any punishment has been passed, may appeal—

- (a) to the Governing Body, if the order was passed by the Director-General ; and
- (b) to the Provincial Government, if the order was passed by the Governing Body or the Chairman.

(4) The Governing Body may, upon appeal made to it under sub-clause (a) of clause (3), enhance the punishment awarded by the Director-General, but an appeal shall lie to the Provincial Government against such enhancement.”

*Substitution of Article 9 of President's Order No. 5 of 1957.—(5)* For Article 9 of the said Order, the following Article shall be substituted, namely :—

*Meetings of the Governing Body, etc.—(9)* (1) The meetings of the Governing Body shall be held at such times and at such places as may be prescribed by Regulations :

Provided that until such regulations are made, such meetings shall be convened by the Chairman.

(2) To constitute a quorum at a meeting of the Governing Body, not less than four members, including the Chairman, shall be present.

(3) The Chairman shall preside at every meeting at which he is present, and if the Chairman is absent from a meeting, a member of the Governing Body present and chosen for the purpose by the Members present, shall preside at the meeting.

(4) Each Member, including the Chairman, shall have one vote, and in the event of an equality of votes, the Chairman shall have a second or casting vote.

*Amendment of Article 11 of President's Order No. 5 of 1957.—(6)* In Article 11 of the said Order, in clause (3), in the proviso, for the words "Rupees three hundred thousands" the words "Rupees ten lacs, and for which no loan or grant is required from Government" shall be substituted.

*Amendment of Article 71 of President's Order No. 5 of 1957.—(7)* In Article 71 of the said Order, after clause (2), the following new clause shall be added, namely :—

(2A) When the owner of any building, wall, structure or anything affixed thereto fails to execute the repairs required of him by the Authority under clause (1), the occupier of such building, wall, structure or anything affixed thereto may, with the previous approval of the Authority, carry out such repairs, and without prejudice to any other right of recovery deduct the cost thereof from the rent which may become due and payable by him to the owner from time to time.

*Amendment of Article 128 of President's Order No. 5 of 1957.—(8)* In Article 128 of the said Order, for clause (1), the following clause shall be substituted, namely :—

"(1) No Magistrate shall take cognizance of any offence punishable under this Order, unless complaint of such offence is made—

(a) within six months next after the date of such offence ; or

(b) if such date is not known or the offence is a continuing one, within six months next after the date on which the commission or existence of such offence was first brought to the notice of any officer or servant of the Authority whose duty it is to report such offence to the competent officer of the Authority."

*Addition of Article 147-A in President's Order No. 5 of 1957.—(9)* After Article 147 of the said Order, the following new Article shall be inserted, namely :—

*Sums due to Authority to be recoverable as arrears of land revenue.—147-A.* All sums due to the Authority shall be recoverable as arrears of land revenue :

Provided that no sum shall be so recovered unless three months' notice has first been given by the Authority to the person liable to pay the same, that he may pay by such instalments as may be fixed in the notice, and that upon his so paying every instalment on or before the due date the recovery may be suspended, but that it shall otherwise proceed as to the entire sum outstanding in case of any default in any instalment including the first.

Lahore : } MALIK AMIR MOHAMMAD KHAN  
 Dated the 20th } Governor of West Pakistan.  
 September 1962 }

MALIK ABDUL HAMID  
 Secretary to Government West Pakistan,  
 Law Department.