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Registered No. DA-1

THE DACCA GAZETTE

Extraordinary Published by Authority

THURSDAY, JANUARY, -1959

PART III A ORDINANCES PROMULGATED BY THE GOVERNOR OF
EAST PAKISTAN

GOVERNMENT OF EAST PAKISTAN
LEGISLATIVE DEPARTMENT

East Pakistan Ordinance No. 1 of 1959

THE EAST PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY
ORDINANCE, 1958

WITH SUBSEQUENT AMENDMENTS AN ORDINANCE

to provide for the unified and co-ordinated development and
utilization of the Water and Power Resources of East Pakistan ;

Whereas it is necessary to make provision for setting up
of an Authority for the unified and co-ordinated development
and utilization of the Water and Power Resources of East
Pakistan.

Now, therefore, in pursuance of the Presidential Procla-
mation of the 7th day of October, 1958, and in exercise
of all powers enabling him in that behalf, the Governor
is pleased to make and promulgate the following Ordinance,
namely:

Short title, extent
and commen-
cement.

1. (1) This Ordinance may be called the East Pakistan Water and Power Development Authority Ordinance, 1958.

(2) It extends to the whole of East Pakistan.

(3) It shall come into force at once.

Definition.

2. In this Ordinance, unless there is anything repugnant in the subject or context,

(a) "Authority" means the East Pakistan Water and Power Development Authority established under section 3 of this Ordinance ;

(b) "Chairman" means the Chairman appointed under section 4 of this Ordinance ;

(c) "Controlled Station" means a power generating station declared as a controlled station under clause (d) of sub-section (1) of section II ;

(d) "Land" Includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

(e) "Member" means a member of the Water and Power Development Authority ;

(f) "Power" includes hydraulic as well as thermal power electrical energy, steam, gas or any other power notified as such by the Provincial Government in the Official Gazette ;

(g) "Prescribed" means prescribed by rules made under this Ordinance and ;

(h) "Provincial Government" means the Government of East Pakistan.

CHAPTER II

Constitution of the Authority

Constitution of
the Authority

3. (1) The Provincial Government may, by notification in the Official Gazette, establish an authority to be known as the East Pakistan Water and Power Development Authority for carrying out the purposes of this Ordinance.
- (2) The Authority shall be a body corporate, shall be entitled to acquire and hold property, shall have perpetual succession and common seal, and shall by the said name sue and be sued.

Appointment &
term of office of
Chairman and
Members.

4. (1) The Authority shall consist of a Chairman and two members appointed by the Provincial Government ;

Provided that till such time as the Authority is fully constituted, the Chairman shall exercise the powers, functions and duties of the Authority ;

- (2) The term of office of the Chairman shall be for such period not exceeding five years and that of a member for such period not exceeding three years as the Provincial Government may determine.
- (3) Any person ceasing to be the Chairman or member by reason of the expiry of the term of his office shall be eligible for re-appointment for another or for such shorter term as the Provincial Government may decide.
- (4) The Chairman or any member may, at any time, resign ; provided that his resignation shall not take effect until accepted by the Provincial Government.

Remuneration and
Conditions of
service.

5. The Chairman and each member shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by the Provincial Government, and shall perform such duties as are assigned to them under this Ordinance or by any rules framed under it.

Removal of
Chairman or
Members.

6. The Provincial Government may, by notification remove the Chairman or any member—

- (a) if he refuses or fails to discharge or becomes, in the opinion of the Provincial Government, incapable of discharging his responsibilities under this Ordinance ; or
- (b) if he has been declared insolvent ; or
- (c) if he has been declared to be disqualified for employment in, or has been dismissed from the service of Pakistan, or has been convicted of an offence involving moral turpitude ; or
- (d) if he has knowingly acquired or continued to hold, without the permission in writing of the Provincial Government, directly or indirectly or through a partner any share or interest in any contract or employment with or by or on behalf of the Authority, or in any land or property which, in his knowledge, is likely to benefit or has benefited as a result of the operation of the Authority.

7. (1) The Authority shall meet at such time and place and in such manner, as may be prescribed.

Provided that until rules are made in this behalf, such meetings shall be convened by the Chairman.

- (2) The Chairman, or in his absence a member authorised by him, and one other member, shall be present to form a quorum at a meeting of the Authority.
- (3) The Chairman shall have power to vote in a meeting of the Authority and in the case of equality of votes, he shall have a casting vote also.

CHAPTER III

Powers and duties of the Authority

General Powers and duties of the Authority and framing of schemes.

8. (1) The Authority shall prepare, for the approval of the Provincial Government, a comprehensive plan for the development and utilization of the Water And Power Resources of East Pakistan on a unified and multipurpose basis.

(2) The Authority shall have power to take up any work as contemplated in sub-section (3) and realise levy thereof subject to the approval of the Provincial Government.

(3) The Authority may frame as scheme or schemes for the Province of East Pakistan or any part thereof providing for all or any of the following matters, namely :

- (a) Construction of dams, barrages, reservoirs and other original works, Irrigation, Embankment and Drainage, bulk water supply to communities and recreational use of water resources ;
- (b) Flood control including water-shed management ;
- (c) The prevention of salinity, water congestion and reclamation of land ;
- (d) Except within the limits of sea-ports, the maintenance, improvement and extension of channels for Inland Water Transport, including dredging of channels, but excluding all such operations as may be carried out by the East Pakistan Inland Water Transport Authority ;
- (e) Regulation of channels to concentrate river flow for more efficient movement of water, silt and sand, excluding all such operations as may be carried out by the East Pakistan Inland Water Transport Authority ;
- (f) The Generation, Transmission, distribution of power ; and the construction, maintenance and operation of power houses and grids.

(4) Every such scheme prepared by the Authority under sub-section (3) shall be submitted, for approval, to the Provincial Government with the following information :

- (a) A description of the scheme and the manner of its execution ;
- (b) An estimate of costs and benefits ; the allocation of costs to the various purposes to be served by the scheme and the amounts to be paid by the beneficiaries ; and
- (c) A statement of the proposals by the Authority for the resettlement or rehousing, if necessary, of persons likely to be displaced by the execution of the scheme.

(5) The Provincial Government may sanction or may refuse to sanction, or may return for reconsideration any scheme submitted to it under this section, or may call for such further details or information about the scheme, or may direct such further examination of the scheme as it may consider necessary.

Scheme framed
by other agencies.

9. (1) Any scheme framed by an agency in East Pakistan other than the Authority, in respect of any of the matters enumerated in sub-section (3) of section 8, if its estimated cost exceeds the amount to be prescribed by the Provincial Government, shall be submitted to the Provincial Government through the Authority and the Provincial Government may pass any of the orders contemplated by sub-section (9) of Section 8.

(2) The Authority may, with the approval of the Provincial Government, undertake the execution of any scheme, or exercise technical supervision and administrative and financial control over the execution of any scheme framed or sponsored by any agency in respect of the matters enumerated in sub-section (3) of section 8.

Survey and Experiments.

10. The Authority, if it considers it necessary or expedient for carrying out purposes of this Ordinance, may;

- (a) train personnel, cause studies, surveys, experiments or technical research to be made ; or
- (b) contribute towards the costs of any such studies, surveys, experiments or technical research made by any other agency.

All assets & liabilities of the Irrigation and Electricity Directorates to vest in the Authority.

10. A On and from such date as the Provincial Government may, by notification, declare, subject to such terms and conditions, as it may determine all assets including lands and buildings, works, machinery, apparatus, materials and plants of such works projects or schemes of the Irrigation Directorate of the Works, Housing & Settlement Department and of Electricity Directorate of Commerce, Labour and Industries Department, as may be made over by the Provincial Government to the Authority, shall vest in the Authority and all liabilities in respect of the said assets shall be the liabilities of the Authority.

Control over Water, Power Houses and Grids.

11. (1) Subject to the provisions of any other law for the time being in force, the Authority,

- (a) shall have control over the flow of water in all rivers and channels of East Pakistan, subject to private rights, and the underground water resources of any region of the province, and the operation of all Power Houses and Grids as may be considered necessary for their operation.
- (b) may, with the approval of the Provincial Government, prescribe standards for the operation and maintenance of all Irrigation, Embankment and Drainage works, and for the maintenance of Power Houses and Grids ;
- (c) may, with the approval of the Provincial Government, prescribe simplification of methods of charges for supply of electricity and water and for standardization of the system of supply ;
- (d) may, with the prior approval of the Provincial Government and on payment of reasonable compensation, declare any power generating station belonging to a licensee to be a controlled station and thereupon the power to regulate production from such station shall vest in the Authority ;
- (e) may require the owner of any controlled power generating station in a grid area :

- (i) to supply to the grid all or part of the power generated at the station at such rates as may be determined by the Provincial Government by general or special order; in case of dispute this will be referred to arbitration;
- (ii) to take from the grid all or part of the power required for distribution to consumers, or
- (iii) to close the station on payment of reasonable compensation.

(2) Before the Authority exercises any control under clause (a) of sub-section (1), the area over which and the extent to which control is intended to be exercised shall be agreed to and notified by the Provincial Government in the official Gazette.

(3) Nothing in this section shall entitle the Authority to exercise any power in respect of works, power houses or grids owned by the Central Government and established for the exclusive use of any department of that Government or of a military Cantonment.

Authority to have powers and obligations of a licensee under Act IX of 1910.

12. The Authority shall, for the purposes of the Electricity Act, 1910, be deemed to be a licensee and shall have all the powers and discharge all the obligations of a licensee under the said Act IX of 1910 :-

"Provided that nothing in sections 3 to 11, sub-sections (2) and (3) of section 21 and sections 22, 23 and 27 or in clauses I to XII of the Schedule to the said Act relating to the duties and obligations of a licensee shall apply to the Authority."

13. (1) The Authority may take such measures and exercise such powers as it considers necessary or expedient for the carrying out of the purposes of this Ordinance.

(2) Without prejudice to the generality of the power conferred by the preceding sections and to the provisions of sub-section (1) of this section, the Authority for carrying out the purposes of this Ordinance, may :-

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(a) control and operate the dredger fleet, its ancillary craft, appurtenances and equipment including launches, house boats, fuel and water barges floating and shore workshops, fitted workshop launches, pipe lines, pontoons, pumps, and other construction equipment belonging to the Provincial Government on such terms and conditions as may be prescribed by the Provincial Government;

(b) undertake any works, incur any expenditure within the budget or any special allotment, procure plant, machinery and materials required for its use and enter into and perform all such contracts as it may consider necessary or expedient;

(c) acquire by purchase, lease, exchange or otherwise any land or interest on land and dispose of by sale, lease, exchange or otherwise such land or any interest in such land;

(d) place wires, poles, wall brackets, stay, apparatus and appliances for the transmission of electricity, or for the transmission of telegraphic or telephonic communications necessary for the proper execution of a scheme;

(e) direct the owners of private lands:-

(i) to carry out measures for training of water courses passing through that land;

(ii) to undertake anti-erosion operation including conservation of forests and re-afforestation;

(f) restrict or prohibit by general or special order the clearing and breaking up of land in the catchment area of any river; provided that compensation shall be paid to persons affected by such direction in the manner as may be prescribed;

(g) direct that any work which has been required to be done by any person under the two preceding clauses and which remains undone shall, after due notice to such persons and after consideration of any objection raised by him, be executed by the Authority, and may specify the proportion in which the risk and expenses of such work shall be borne by any person or any other

person who, after being given a reasonable notice and after such enquiry as the Authority considers necessary, is held by the Authority to be responsible for the execution of such work in whole or in part; provided that compensation shall be paid to persons affected by such direction in the manner as may be prescribed;

(b) seek and obtain advice and assistance in the preparation or execution of a scheme from any local Authority or Agency of the Provincial Government, and such local Authority or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgement; provided that the Authority shall pay the cost of such advice and assistance if the giving of such advice and assistance entails additional expenditure to the local Authority or the agency.

(3) The acquisition of any land or any interest in land for the Authority under this section, or for any scheme under this Ordinance, shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894, or any other Act for the time being in force and the provisions of the said Acts shall apply to all such proceedings 1 of 1894.

14. (1) The Chairman or any person authorised by him in writing may, after serving due notice to the owner, enter upon and survey any land, erect pillars for the determination intended lines of works make boring and excavations, and do all other acts which may be necessary for the preparation of any scheme;

Provided that when the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercised in such manner as to cause the least interference with, and the least damage to, the rights of the owner thereof.

(2) When any person enters into or upon any land in pursuance of sub-section (1), he shall, at the time of entering or as soon thereafter as may be practicable, pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to

the sufficiency of the amount so paid or tendered, the dispute shall be referred to the District Officer whose decision shall be final.

Sanction of the
Provincial
Government.

15. A scheme framed and sanctioned under this Ordinance may be amended or modified by the Authority at any time but if a material change is made in the scheme, previous sanction of the Provincial Government shall be obtained.

Explanation—An increase in the cost of the scheme by more than fifteen per cent of the sanctioned costs, or a change in the benefit and cost ratio which either makes the cost component in the ratio exceed the benefits or reduces the benefits component by more than fifteen per cent shall be deemed to be a material change for the purpose of this section.

Arrangement
with local author-
ity or other
agency.

16. (1) As soon as any scheme has been carried out by the Authority or at a later date, the Authority may arrange by a written agreement with a local authority or other agency within whose jurisdiction any particular area covered by the scheme lies, to take over and maintain any of the works and maintain any of the works and services in that area. If the Authority fails to obtain the assent of such local Authority or other agency, it may refer the matter to the Provincial Government, and the Provincial Government may give such directions to the local authority or the other agency as it may deem fit.

(2) The Provincial Government shall have the power to direct the Authority to hand over any scheme other than a power scheme or the power part of a multipurpose scheme carried out by it to any agency of the Provincial Government or a local authority. In such a case Authority shall be entitled to receive credit to the extent of the audited expenditure incurred by it on that scheme.

CHAPTER IV

ESTABLISHMENT

Employment of
officers and
servants.

17. (1) The Authority may from time to time employ such officers and servants, or appoint such experts or consultants as it may consider necessary for the performance of its functions on such terms and conditions as it may deem fit.

(2) All persons serving in connection with the affairs of the Province in the Departments of works, Housing and Settlement (Irrigation) and Commerce, Labour and Industries (Electricity) will serve under the Authority, if required to do so by the Provincial Government, on such terms and conditions, not otherwise inconsistent with the Service Rules, as the Provincial Government may, in consultation with the Authority, determine.

Provided that the Provincial Government may, in relation to any such persons as aforesaid, delegate such administrative, disciplinary and financial powers to the Authority as the Provincial Government may deem fit;

Provided further that the terms and conditions of service of any such person as aforesaid shall not be varied by the Authority to his disadvantage.

(3) In case of persons serving in connection with the affairs of the Province in the Departments of works, Housing and Settlement (Irrigation) and Commerce, Labour and Industries (Electricity) under contract with the Provincial Government it shall be lawful for the Provincial Government to make them liable to serve under the Authority and in such cases the rights and obligations of the Provincial Government under the respective contracts shall devolve on the Authority.

(4) It shall be lawful for the Provincial Government to direct Government servant or outsiders who may have received training at Government expense or under a Government sponsored training programme to serve the Authority, after completion of their training, for the specific periods for which they have executed bonds with

the Provincial Government and such directions by the Provincial Government shall be binding on the aforesaid persons as if they have executed bond with the Authority.

(5) The Chairman, in case of urgency, may appoint officers and servants on such terms and conditions as may be necessary.

Provided that every appointment made under this subsection shall be reported to the Authority without unreasonable delay.

Recruitment and conditions of service and disciplinary powers.

XLIV of 1860

✓ 18. The Authority shall prescribe the procedure for appointment and terms and conditions of service of its officers and servants, and shall be competent to take disciplinary action against its officers and servants.

19. (1) The Chairman, members, officers and servants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of the Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

(2) No suit, prosecution or other legal proceedings shall lie against the Authority, the Chairman, members or officers and servants of the Authority in respect of anything done or intended to be done, in good faith, under this Ordinance.

Delegation of powers to Chairman etc.

20. The Authority may, by general or special order, delegate to the Chairman, member, or officer of the Authority, any of its powers, duties or functions under this Ordinance subject to such conditions as it may think fit to impose.

CHAPTER V

REPORTS AND STATEMENTS

Submission of
yearly reports
and

21. (1) The Authority shall submit to the Provincial Government, as soon as possible but within three months after the end of every financial year, a report on the conduct of its affairs for that year.

(2) The Government may require the Authority to furnish :-

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Authority, or

(b) a report on any such matter, or

(c) a copy of any document in the charge of the Authority; and the Authority shall comply with every such requisition.

CHAPTER VI

Finance

Authority Fund.

22. (1) There shall be a fund to be known as the "Water and Power Development Authority Fund" vested in the Authority which shall be utilised by the Authority to meet charges in connection with its functions under this Ordinance including the payment of salaries and other remunerations to the Chairman and members of the Authority and to its officers and servants.

(2) The Water and Power Development Authority Fund shall consist of :-

(a) grants made by the Government;

(b) loans obtained from the Government;

(c) grants made by local authorities;

(d) sale-proceeds of bonds issued under the Authority of the Provincial Government;

(e) loans obtained by the Authority with special or general sanction of the Government;

(f) foreign aid and loans obtained, with the sanction of, and on such terms and conditions as may be approved by the Provincial Government; and

(g) improvement or betterment levy, water rates, sale proceeds of electricity and toll as may prescribed by Government; and

(h) all other sums received by the Authority.

Authority to be deemed a local Authority.

23. (i) The Authority shall be deemed to be a local Authority under the Local Authorities Loans Act. IX of 1964 for the purpose of borrowing money under the said Act and the making and an execution of any scheme under this Ordinance shall be deemed to be a work which such Authority is legally authorised to carry out.

E. P. Ordinance No. XLI of 1958.

(ii) The Authority shall be deemed to be a local Authority for the purposes of the East Pakistan Essential Services (Second) Ordinance, 1958 and the East Pakistan Services (Temporary Powers) Ordinance, 1963.

E. P. Ordinance No. II of 1963

24. The liability of the Provincial Government to the creditors of the Authority shall be limited to the extent of grants made by the Provincial Government and the loans raised by the Authority with the sanction of the Provincial Government.

25. (1) The Authority will ordinarily sell power and water in bulk.

(2) The rates at which the Authority shall sell power and water shall be so fixed as to provide for meeting the operating costs, interest charges and depreciation of assets, the redemption at due time of loans other than these covered by depreciation, the payment of any taxes and a reasonable return on investment.

Maintenance of Accounts.

26. The Authority shall maintain complete and accurate books of accounts in such form as may be prescribed by it :-

Provided that separate accounts shall be maintained for all schemes and transactions relating to Water and to Power.

Annual Statement of accounts.

27. (i) The Authority shall, before three months of the expiry of financial year, submit to the Provincial Government for approval, a statement of estimated

receipts and expenditure in respect of the next financial year.

(2) On its receipt the budget estimate will be examined by the Provincial Government who may

(a) accept it, or

(b) disallow it or a portion thereof and return it to the Authority for amendment

(3) If any budget estimate or a portion thereof is so returned, the Authority shall forthwith proceed to amend it and shall resubmit it after amendment to the Provincial Government in time so that Provincial Government approval may be communicated before the commencement of the next financial year.

Audit.

23. The Accounts of the Authority shall be audited every year by the Comptroller and Auditor-General in such manner as may be prescribed. Copies of the Audit report shall be sent to the Authority, and, with the comments of the Authority, to the Provincial Govt. and shall also be available for public inspection. The Authority shall carry out any directive issued by the Provincial Govt. for rectification of an audit objection.

Ben. Act. III of 1913.

29. The Authority shall have power to realise its dues from any person under the Public Demands Recovery Act, 1913 as a public demand.

Rule-making Power.

30. The provincial Government may make rules after previous publication in the Official Gazette, for carrying out the purposes of this Ordinance.

31. The Authority may, with the previous approval of the Provincial Government, make regulations not inconsistent with this Ordinance or the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

Sd/- Z. Hussain.

Governor of East Pakistan.

By order of the Governor.

Sd/- A. Islam,

Dy. Secy. to the Govt. of East Pakistan.

DACCA

The 31st. Dec. 1958.

Registered No. DA-1

THE DACCA GAZETTE

Extraordinary Published by Authority

TUESDAY, DECEMBER 20, 1966

PART IIIA—ORDINANCE PROMULGATED BY THE GOVERNOR OF
EAST PAKISTAN

GOVERNMENT OF EAST PAKISTAN
LAW (LEGISLATIVE) DEPARTMENT

East Pakistan Ordinance No. X of 1966.

THE BENGAL GENERAL CLAUSES (AMENDMENT)
ORDINANCE, 1966

AN ORDINANCE

further to amend the Bengal General Clauses Act, 1899.

WHEREAS it is expedient further to amend the Bengal Gen. Act General Clauses Act, 1899, in the manner hereinafter I of 1899 provided;

AND WHEREAS The Provincial Assembly of East Pakistan is not in session and the Governor is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the power conferred by clause (1) of Article 79 of the Constitution of the Islamic Republic of Pakistan, the Governor is pleased to make and promulgate the following Ordinance:

Short title and
commencement.

1. (1) This Ordinance may be called the Bengal General Clauses (Amendment) Ordinance, 1966

(2) It shall come into force at once.

Amendment of
section 3 of Ben.
Act. 1 of 1899
"Local Authority"

2. In the Bengal General Clauses Act, 1899, in section 3, for clause (23), the following shall be substituted, namely:

(23) "Local authority" shall mean and include a Municipal Committee, District Council, Board of Trustees of port or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund, or any corporation or other body or authority constituted or established by the Provincial Government under any law."

DACCA,
The 20th December, 1966.

ABDUL MONEM KHAN,
Governor of East Pakistan.

By order of the Governor

A. G. MUHAMMAD
Secretary to the Governor of
East Pakistan.

1 10 1

(Published in the "Dacca Gazette, Extraordinary" Part I, dated the 15th July, 1965).

**GOVERNMENT OF EAST PAKISTAN
WORKS, POWER, AND IRRIGATION DEPARTMENT
POWER AND IRRIGATION BRANCH**

NOTIFICATION

No. 4-I(E)-12th July, 1965—In exercise of the powers conferred by section 30 of the East Pakistan Water and Power Development Authority Ordinance, 1958 (East Pakistan Ordinance No. 1 of 1959), as amended, the Governor is pleased to make the following rules, namely :—

**THE EAST PAKISTAN WATER AND POWER DEVELOPMENT
AUTHORITY RULES, 1965**

CHAPTER I

1. Short title and commencement—(a) These rules may be called the East Pakistan Water and Power Development Authority Rules, 1965.

(b) They shall come into force with immediate effect.

2. Definition—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Ordinance" means the East Pakistan Water and Power Development Authority Ordinance, 1958 (East Pakistan Ordinance No. 1 of 1959) as subsequently amended ;

(b) Words and expressions used and not defined in these rules shall have the same meaning as respectively assigned to them in section 2 of the ordinance.

CHAPTER II

Conditions of services of the Chairman and the Members

3. The Chairman shall hold charge of the Authority as its Chief Executive.

4. The Chairman and the Members shall be entitled to such pay and/or such allowances as may be fixed by the Provincial Government.

5. The Chairman and the Members shall be entitled to unfurnished quarters to be provided by the authority on payment of 7½ per cent of their respective pay and the scales of accommodation admissible shall be equal to the scales admissible to the Government servants of corresponding seniority and status.

6. The Chairman and the Members shall be entitled to use of Authority's transport for official duties, free of cost, provided that they are not in receipt of Motor Car Allowance.

7. Chairman and the Members shall be entitled to such leave as is admissible to the officers employed on contract basis, and the leave earned in one term office shall lapse after the expiry of the term :

Provided that if leave earned cannot be granted during the term, due to exigencies of public service such leave, except medical leave, may be availed of at the end of the term.

8. If the Chairman or a Member is re-employed for another term or for such shorter term as the Provincial Government may direct, the leave other than the medical leave earned but not availed of may be added to the leave earned during such extended terms.

9. The Chairman or the Members may be granted leave on Medical ground at the rate admissible to officers employed on contract basis.

10. It will be admissible to combine earned leave and medical leave admissible under these rules.

11. (a) During the period of earned leave, the Chairman or a Member shall be entitled to leave salaries equal to his average pay.

(b) During the leave on medical ground, leave salaries equal to half of average pay will be admissible.

Note—The term "Average pay" as mentioned in this rule means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs, which necessitates the calculation of average pay.

12. The Provincial Government may allow the Chairman or a Member to avail himself of leave sanctioned ex-Pakistan.

13. If the Chairman or a Member is on deputation either from the Central or the Provincial Government, the relevant rules of the Government under which he holds the substantive appointment shall apply.

CHAPTER III

Time, place and manner of holding of meetings of the Authority.

14. Meetings of the Authority shall ordinarily be held in the Head Office of the Authority.

15. Meetings of the Authority may be commenced at any time and as frequently as thought necessary under the orders of the Chairman or, in his absence of a Member authorised by him.

Provided that a period of 30 days shall not lapse between the two successive meetings of the Authority.

16. (a) The Chairman may authorise the senior Member to convene meetings in his absence.

(b) Seniority of a Member shall be determined with reference to the date of joining :

Provided, that in case of Members whose inter seniority is regulated by existing rules of the Government, those rules shall apply.

17. The member authorised to convene and preside over a meeting shall, in case of tie, have a casting vote

CHAPTER IV

Terms and conditions of services of officers and staff of Irrigation and Electricity Directorates transferred to the Authority.

18. (a) A Government servant transferred to the Authority shall be deemed to be a Government servant, in foreign service and his services under the Authority shall be regulated by the Foreign Service Rules as laid down in the East Bengal Service Rules, Part I.

(b) The Authority shall not replace the service of a Government servant under the Government without their previous approval.

19. (a) A Government servant transferred to the Authority shall be entitled to receive the pay and allowances not less than what he was drawing under the Provincial Government on the date of his transfer :

Provided that no adjustment of pay and allowances shall be made with retrospective effect.

(b) The Authority shall be competent to make such organisational changes as it may deem fit and to employ him any where in East Pakistan in any capacity it deems proper, subject to the condition that in doing so he shall not be made to suffer in emoluments, or status.

(c) If he is appointed to an analogous post under the Authority he shall continue to be on the same scale of pay as under the Provincial Government :

Provided that if service in the post under the Authority involves decided increase in duties and responsibilities, he may be granted a suitable increase in pay with the previous approval of the Provincial Government.

(b) The Authority shall have power to promote him to a higher post and his pay in such higher post shall be in the scale of pay of the corresponding post, if there be any under the Provincial Government, and if not, then, in the scale of pay of the post sanctioned by the Authority :

Provided that the initial pay in the higher post shall not be less than what he would have drawn under the Authority had he continued in his former post.

Note—Criteria for promotion may be separately laid down by the Authority making seniority-cum-fitness as the basis for promotion to promotion posts and merit-cum-seniority as the basis for promotion to selection posts.

(e) Every promotion shall without delay be reported by the Authority to the Provincial Government which shall have the power to disapprove it :

Provided, that non-existence of the post to which promotion is being made under the Provincial Government shall not be made a ground for such disapproval.

20. Services of a Government servant rendered under the Authority shall be counted for the purpose of his pension and the Authority shall contribute to the Provincial Government for his pension at the rate prescribed in rule 104 of East Bengal Services Rules, Part I, on the basis of the pay of the post held by him :

Provided that when it involves increase in pay due to promotion or due to any cause other than the usual increase in time scale of pay, such promotion or increase of pay has been approved by Government.

21. (a) Leave salary of the Government servant, transferred to the Authority shall be paid by the Authority in accordance with the rules applicable to them, whether such leave is earned while serving under the Provincial Government or while serving under the Authority.

Provided that the leave earned under the Authority shall be exhausted first.

(b) The Authority may obtain reimbursement from the Provincial

Government of the amount paid by it as leave salary limited to the period of leave due to the employees concerned on the date of transfer:

Provided that the rate of leave salary reimbursed shall be limited to the rate of leave salary that a Government servant concerned would have received on the date of transfer had he proceeded on leave on that date.

22. In the case of a Government servant serving under the Authority, the Authority shall furnish to the Accountant-General, East Pakistan, an annual Establishment Return for Non-Gazetted staff, and in case of Gazetted Officers, history of their services in prescribed forms showing therein the emoluments drawn by them on the first day of each financial year.

Note—Emoluments shown in Annual Establishment Returns and the History of Services should be the emoluments counting for pension.

23. The Authority shall have power to post or transfer a Government Officer employed under them anywhere within its jurisdiction and to grant him leave, increment in pay and allowances, and also allow him to Cross efficiency bar. Copies of all such orders in respect of Gazetted Officers will be communicated to the Department administratively concerned of the Provincial Government and to the Accountant-General, East Pakistan, for information. Orders sanctioning leave, increment or crossing of efficiency bar in respect of Non-Gazetted Government servants may not be sent to the Audit. It would suffice if such orders are noted in service books of the Government servants concerned after proper attestation.

24. (a) A Government servant transferred to the Authority shall continue to be eligible for admission into General Provident Fund like other Government servants and the General Provident Fund (East Pakistan Services) Rules shall apply mutatis mutandis to him.

(b) The Accountant-General, East Pakistan, shall maintain the Accounts and the Authority shall have power to sanction advances from the General Provident Fund and also to draw and disburse the advance. The Authority shall also make recovery of the advance subject to the normal General Provident Fund Rules.

(c) With regard to the final payments of General Provident Fund deposits of the Government servants transferred to the Authority, the Accountant-General, East Pakistan, will authorise the Authority to draw and disburse the amount in accordance with the provision of General Fund Rules.

GOVERNMENT OF EAST PAKISTAN

W. P. & I. (P & I) Department

Estbt. Branch

No. 381-I(E)
XIV/6R-3/67

dated the 26th April, 1968.

From : Mr. J. Ahmed,
Deputy Secretary to the Govt. of East Pakistan.

To : The Secretary, EPWAPDA,
WAPDA Building, Dacca—2.

Subject : Draft EPWAPDA Regulations to be framed under section 31 of
the EPWAPDA Ordinance, 1958.

Sir,

I am directed to refer to your letter No. 285-WP (C)I/3A-22/64 dated the 11th June, 1965 on the above subject and to return herewith a typed copy of the draft of East Pakistan Water & Power Development Authority Regulations, 1968, as approved by the Government, for your information and necessary action.

Your obedient servant,

Sd/-J. Ahmed
Deputy Secretary.

Proceedings of the meeting of the Authority held on 1.6.1968 in
Chairman's Conference Room.

Item No. I—EPWAPDA Regulation 1968.

It was decided that these regulations which have been approved by the Government of East Pakistan should be consolidated with the East Pakistan Water & Power Development Authority Ordinance, 1958, and the Rules framed thereunder, and published in the form of a booklet for distribution to all officers under EPWAPDA.

Sd/—G. A. MADANI,

12/6

Chairman.

The East Pakistan Water and Power Development Authority, Dacca.

Notification

No. 971-WP-CS (GA.) II dated 25th June, 1968—In exercise of the power conferred by section 31 of the East Pakistan Water and Power Development Authority Ordinance, 1958 (E. P. Ord. No. I of 1959), the Authority, with the previous approval of the Provincial Government, make the following regulations, namely :-

The East Pakistan Water and Power Development Authority Regulations, 1968.

CHAPTER—I

1. Short Title and commencement—(1) These regulations may be called the East Pakistan Water and Power Development Authority Regulations, 1968.

(2) They shall come into force at once.

2. Definition—In these regulations, unless there is anything repugnant in the subject or context,—

(a) "Ordinance" means the East Pakistan Water and Power Development Authority Ordinance, 1958 (East Pakistan Ordinance No. I of 1959)

(b) 'Rule' means the Rules made by the Provincial Government under section 30 of the Ordinance ;

(c) 'Secretary' means the Secretary to the Authority and Head of the Secretariat of the Authority.

CHAPTER—II

Procedures for holding meetings of the Authority, fixing agenda and preparing working papers.

3. (1) Meetings of the Authority shall ordinarily be held in the head office of the Authority in Dacca.

(2) Meetings of the Authority shall be convened by the secretary under orders of the Chairman or of a Member authorised by the Chairman to convene meetings in his absence,

4. (1) The Secretary shall, with the approval of the Chairman or an authorised Member fix the agenda for the meetings of the Authority.

(2) Each item on the agenda shall be fully explained in a working paper prepared for it bringing out all the implications of the proposal-administrative, financial and others, if any.

(3) Any proposal involving new expenditure shall not be placed on the agenda of a meeting of the Authority unless it has been examined by the Finance Directorate of the Authority :

Provided however that the Authority in case of urgency may waive the operation of this sub-regulation.

5. The Notice for holding a meeting of the Authority shall state the date, time, venue and agenda of the meeting with working papers explaining each item and shall be circulated to the Chairman and Members of the Authority at least twentyfour (24) hours ahead of the scheduled time of the meeting :

Provided that the Chairman or the authorised Member, in case of urgency, if so directs, a meeting may be held at a shorter notice.

6. Casting of votes in a meeting of the Authority shall ordinarily be by voice and will not be recorded in writing unless there is a tie and the Chairman exercises his casting vote or the Chairman or any of the Members casting a dissentient vote wishes the same to be so recorded.

7. (1) The proceedings of a meeting of the Authority shall be recorded in brief by the Secretary over his signature and authenticated by the Chairman. It will not be necessary to confirm them in a subsequent meeting of the Authority. A copy of the authenticated proceedings shall be circulated to the Members within seven (7) working day after the meeting.

(2) The proceedings of a meeting of the Authority shall not ordinarily be sent to any of its officers. Decisions arrived at in the meetings of the Authority shall be communicated to the officers concerned in the form of orders from the Secretariat of the Authority.

(3) The proceedings of the meeting together with the Agenda and the working papers shall be treated as permanent documents and shall be printed and made into volumes for each quarter of a calendar year and shall be treated as confidential documents.

CHAPTER—III

Cases which shall be referred to the Authority

8. The following cases shall be placed before the Authority for approval/decision, namely :-

- (a) all cases involving policy issues ;
- (b) schemes framed under section 8 of the Ordinance ;
- (c) any scheme received by the Authority under sub-section (1) of section 9 of the Ordinance ;
- (d) Proposals for—
 - (i) realisation of levy under sub-section (2) of section 8 of the Ordinance.
 - (ii) prescribing the procedure for appointment, and terms and conditions of service of its officers and servants and for appointment of experts and consultants under sections 17 and 18 of the Ordinance,
 - (iii) delegation of powers under section 20 of the Ordinance,
 - (iv) procedure for sale of power and water and fixation of rates therefore under section 25 of the Ordinance,
 - (v) prescribing the form for maintaining the books of accounts and other ancillary matters under section 26 of the Ordinance,
 - (vi) making or amending regulations under section 31 of the Ordinance,
 - (e) annual budget of the Authority,
 - (f) raising a loan on the credit of the Authority,
 - (g) any other matter required elsewhere in these regulations to be so placed, and
 - (h) any other case which the Chairman or a Member orders to be so brought.

9. (1) The Authority may, from time to time, prescribe by standing orders what matters are to be considered as policy issues for the purpose of Authority meetings.

(2) Subject to sub-regulation (1), the Secretary with the prior approval of the Member concerned, shall decide for the purpose of the said sub-regulation the cases which involve policy matters.

10. Any matter to be placed before the Authority shall be accompanied with such other notes and documents as the Authority may decide from time to time and lay down in the standing orders.

CHAPTER—IV

Cases on which the Chairman or a Member may, in his individual discretion take decision.

11. The Authority may place the Chairman and each of the Members in charge of a subject or a group of subjects and there upon the Chairman or a Member may take decisions on such a subject or group of subjects, if the case does not lay down a new policy or involve any departure from an accepted policy of the Authority :

Provided that if the case involves new expenditure, the Member in charge of Finance should be consulted prior to taking a decision on it and if the case involves any new issue of administrative policy the Member-in-charge of administration should be consulted before hand.

12. The Chairman may take a decision on any case either on his own motion or otherwise if it is, in his opinion, an emergent one. If it is a case requiring approval of the Authority or previous consultation with a Member, he shall bring it to the notice of the Authority or the Member concerned within three working days.

13. The Chairman or a Member may, by an order passed in writing by him, desire any case to be placed before the Authority even though he is competent under regulation 12 to dispose of it himself.

CHAPTER—V

The Organisational set up of the Authority.

14. The Chairman and the Members shall be jointly and severally responsible to the Government of East Pakistan for carrying out the functions of the Authority.

15. (1) The main function of the Secretariat shall be the preparation of cases for the Authority's formal meetings and communication of its decisions, orders and sanctions as necessary to all concerned.

(2) It shall be responsible to the Authority for such other functions as it may, from time to time direct. In particular, it may be given such miscellaneous functions of common service character as are specifically allotted to any other office.

16. The execution of the schemes undertaken by the Authority will be carried out by one of its Wings namely the Water Development Wing or the Power Development Wing, as the case may be. Each of the Wings together with its attached Directorates, comprising such posts of such categories as may be found necessary from time to time will be in-charge of such officer as the Authority may decide from time to time.

17. (1) The Authority may establish ancillary Directorates comprising such posts in such categories as may be found necessary from time to time for the effective performance of its functions.

(2) The Authority may, as it thinks fit, abolish or amalgamate such ancillary Directorates and such posts as are contained therein.

(3) The Authority may, from time to time, as it thinks fit define, add to, take away from or otherwise alter or amend the duties allotted to each of the Wings and/or Directorates.

CHAPTER—VI

Duties and functions of Accounts and Audit.

18. The officers to be appointed as Director of Accounts (Water) and Director of Accounts (Power) shall maintain and cause to be maintained complete and accurate books of accounts in accordance with section 26 of the Ordinance.

19. There shall be separate capital and Revenue accounts for each scheme which shall show clearly the initial capital outlay and additions thereto from time to time as well as expenditure incurred for operation and maintenance of each scheme and the revenues realised on account of each of such scheme.

20. The Directors of Accounts shall be responsible for preparing the annual balance sheets and the profit and loss accounts of the Authority. There shall be a separate balance sheet and a separate profit and loss account on account of each completed scheme and they shall be prepared in the manner laid down by the Authority from time to time.

21. The Directors of Accounts shall keep separate accounts in respect of the Contributory Provident Fund and separate accounts for other deposits including security deposits and payments and other disbursements there from.

22. The Directors of Accounts shall keep separate accounts for advances made by the Authority to its employees or to others and shall be responsible for timely and correct recovery of such advances and interest thereon.

23. The officer to be appointed by the Authority to be in-charge of its audit shall be responsible for auditing the accounts of the offices in accordance with such standing orders as may be laid by the Authority and in accordance with the standards of financial propriety.

CHAPTER—VII

Procedure for framing of the budget of the Authority.

24. The budget estimate of the Authority prepared under section 27 of the Ordinance shall be in two parts :

- (a) Revenue Receipts and Expenditure, and
- (b) Capital Receipts and expenditure ; receipts and expenditure for the Water and Power Wings being exhibited separately.

25. The Revenue Budget shall exhibit the following, namely :-

(1) The Receipts on revenue account shall consist of :-

- (a) income earned by the Authority/from the sale of Power and Water, and the hire of dredgers and other mechanical equipment ;
- (b) cash grants from the Provincial Government or other sources ;
- (c) recovery of loans and advances from employees of the Authority.

(2) The expenditure on revenue account shall consist of :—

- (a) expenditure on the operation and maintenance of completed schemes ;
- (b) expenditure on the execution of duly approved non-development schemes ;
- (c) expenditure on the revenue earning ancillary Directorates of the Authority ;
- (d) payment of interest charges of completed schemes and amortization of debt ;

- (e) loans and advances made to the employees of the Authority ; and
- (f) miscellaneous revenue expenditure.

26. The Capital Budget shall exhibit the following, namely :-

- (1) The Receipts on capital account shall consist or :-
 - (a) loans from the Provincial Government or other domestic sources, and
 - (b) foreign loans.

(2) The expenditure on Capital account shall consist of the expenditure on the execution of duly approved development schemes.

27. The Budget Estimate shall distinctly indicate the scheme wise allocation of receipts under sub-regulation (1) and expenditure under sub-regulation (2) of regulation 26,

28. The Budget shall separately exhibit the working of the contributory provident fund of the Authority.

29. The expenses on account of establishment of the Central Offices of the Authority, including its ancillary non-revenue earning Directorates, shall be met from the revenue receipts of the Authority until such time as the revenue receipts of the Authority shall be sufficient to cover the said expenses and such portion of the said expenses as cannot be so covered, may be charged, in such proportion, as the Authority may consider equitable, to projects financed from capital receipts.

30. If at any time, after all obligations in respect of amortization of debt and payment of interest and the expenses referred to in regulation 29 are fully met, there is any surplus of revenue receipts over expenditure, such surplus may be appropriated to the Capital Budget for expenditure on development schemes.

33. (1) No reappropriation of funds from any duly approved scheme to any other scheme shall be permissible, except with the prior approval of the Provincial Government.

(2) Subject to sub-regulation (1), the Authority may sanction any reappropriation between major/minor/sub and detailed heads of the budget.

(3) The Authority may delegate to any of its officers such powers of reappropriation in relation to minor and lesser heads of the budget as it may think fit.

32. The provisions embodied in this Chapter shall *mutatis mutandis* be observed in framing the Revised or Supplementary budget estimate.

33. Subject to the provisions made in this Chapter the Annual Budget Estimate or a Supplementary or Revised Budget estimate of the Authority shall be framed in such forms and according to such