

**THE NORTH-WEST FRONTIER PROVINCE FRUITS AND VEGETABLES
DEVELOPMENT BOARD ORDINANCE, 1984.**

N.-W. F. P. ORDINANCE NO. I OF 1984.

22nd January, 1984.

AN

ORDINANCE

*to establish Fruits and Vegetables Development Board in the North- West
Frontier Province.*

Preamble	WHEREAS it is expedient to establish a Fruits and Vegetables Development Board for the purposes of promotion and development of fruits and vegetables crops, fruits preservation and processing industries and streamlining of marketing system in the North-West Frontier Province;
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AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

**CHAPTER—I
PRELIMINARY.**

Short title and commencement	1. (1) This Ordinance may be called the North-West Frontier Province Fruits and Vegetables Development Board Ordinance, 1984.
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1. It extends to the whole of the North-West Frontier Province.
2. It shall come into force at once.

Definitions.	2. In this Ordinance, unless there is anything repugnant in the subject or context,—
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1. "Board" means the North-West Frontier Province Fruits and Vegetables Development Board established under section 3;
2. "Chairman" means the Chairman of the Board;
3. "fruits and vegetables industry" means the cold storages and such factories as are capable of preserving fruits and vegetables in juice, canned or dehydrated form;
4. "Government" means the Government of the North-West Frontier Province;
5. "Governor" means the Governor of the North-West Frontier Province;

1. "Managing Director" means the Managing Director appointed under section 6;
2. "nursery" means private as well as Government owned fruits and vegetables nurseries;

- (h) "prescribed" means prescribed by rules or regulations made under this Ordinance; and
(i) "section" means a section of this Ordinance.

CHAPTER—II

CONSTITUTION OF THE BOARD.

3. (1) There shall be established a Board to be known as the North- West Frontier Province Fruits and Vegetables Development Board.	Establishment of the Board.
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1. The Board shall be body corporate having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire and hold property, both movable and immovable and shall, by the said name, sue and be sued.
2. The Board shall consist of—

(i)	Minister for Agriculture	. .	Chairman.
(ii)	Secretary, Agriculture	. .	Member.
(iii)	Secretary, Finance	. .	Member.
(iv)	Managing Director	. .	Member-cum-Secretary.

1. In the absence of Minister for Agriculture, a nominee of the Governor shall be the Chairman of the Board.
2. The head office of the Board shall be at Peshawar.
3. The membership of the Board may be altered by Government at any time by a notification in the official Gazette.

4. (1) As soon as may be after the coming into force of this Ordinance, there shall be constituted an Advisory Committee consisting of—	Constitution of advisory committee.
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1. five representatives from amongst fruits and vegetables growers, one from each Division, to be nominated by Government on the recommendations of the Sarhad Chamber of Agriculture;
2. one representative of fruits and vegetables industry to be nominated on the recommendations of the Sarhad Chamber of Commerce and Industry;

1. one representative of the fruits and vegetables growers, cooperative societies to be nominated by the Co-operation Department;
2. one representative of the fruits and nursery owners to be nominated by the Agriculture Department; and
3. any other official or officials as the Agriculture Department may deem fit to nominate.
4. A member of the Advisory Committee shall, unless sooner removed by Government, with or without assigning any reason, hold the membership for a period not exceeding three years and shall be eligible for denomination.
5. The Advisory Committee shall perform such functions and duties as may be assigned to it by Government or as may be prescribed by rules.

Management	5. (1) For effectively discharging its functions the Board shall, subject to the provisions of this Ordinance and the rules made thereunder, have all the powers necessary for the purpose.
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1. The Board in discharging its functions shall follow such directions as Government may, from time to time, give.

2. All acts of the Board, whether executive or otherwise, shall be expressed to be taken in the name of the Board and shall be authenticated in such manner as may be prescribed.

Managing director	6. (1) Government shall appoint a Managing Director who shall exercise such powers and perform such duties and functions as the Board may, from time to time, specify or assign to him.
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(2) The Managing Director shall be a whole-time officer of the Board and shall receive such salary and allowances as Government may determine.

Resignation by members	7. Notwithstanding anything contained in this Ordinance, a member of the Advisory Committee may, at any time before the expiry of the term of his office, resign from his membership.
Removal of managing director.	8. (1) The Managing Director may, at any time before the expiry" of his term and upon three months notice, resign his office or upon similar notice be removed by Government without assigning any reason:

Provided that Government may upon payment of three months' salary and allowances in lieu of the notice remove him with immediate effect:

Provided further that no notice shall be served or payment in lieu of the notice shall be allowed, if he is removed on any of the grounds specified in sub-section (2).

- (2) Government may, on the recommendation of the Board, remove the Managing Director if he—
 - (a) refuses or fails to discharge or becomes, in the opinion of this Board, incapable of discharging his responsibilities under this Ordinance;
 - (b) has in the opinion of the Board, abused his position as Managing Director;

1. has knowingly acquired or continued to hold without the permission in writing of Government, directly or indirectly, or through a partner, any share or interest in any contract or employment with, by or on behalf of the Board or in any property which, in his knowledges, is likely to benefit or has benefited as result of the operations of the Board;
2. has, in the opinion of the Board, violated the declaration of fidelity and secrecy provided in section 10; or
3. has absented himself from three consecutive meetings of the Board without the leave of the Chairman.

9. (1) The Board may, subject to such general or special orders as Government may give to it from time to time, appoint such advisers, consultants, officers and other employees as it deems necessary for the efficient performance of its functions and on such conditions as may be prescribed.	Appointment of officers, etc of the Board.
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1. The Board shall appoint such advisers, consultants, officers and other employees as may be transferred to it by Government on the terms and conditions determined by Government.
2. The Chairman may, in case of emergency, appoint such advisers, consultants, officers and other employees as may be necessary; provided that every such appointment shall be reported to the Board without unnecessary delay, and shall not continue beyond six months unless approved by the Board.

10. (1) Every member, adviser, consultant, officer and other employee of the Board shall, before entering upon his office, make such declaration of fidelity and	Declaration of fidelity and
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secrecy as may be prescribed.	secrecy.
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(2) Any member, adviser, consultant, officer and other employee of the Board, who in its opinion has violated the declaration of fidelity and secrecy made by him under sub-section (1). shall be liable to be removed fourthwith:

Provided that no such person shall be removed unless he is given an opportunity of showing cause against his removal from service.

11. The Board may constitute such financial, technical and other committees as may be necessary for carrying out the purposes of this Ordinance.	Financial technical and other committees.
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12. (1) The Board may, by general or special order, delegate to the Chairman, the Managing Director, a member or an officer of the Board, any of its powers, duties or functions under this Ordinance or the rules and regulations made thereunder subject to such conditions as it may deem fit to impose.

(2) The Managing Director may likewise delegate to any officer any of his powers under this Ordinance or the rules or regulations made thereunder not being a power delegated to him by the Board under subsection (1).

Meeting of the Board.	13. (1) The meetings of the Board shall be held at such times and at such places as may be prescribed by regulations:
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Provided that at least one meeting shall be held during each quarter of the year:

Provided further that until regulations are made in this behalf, such meetings shall be held at such times and at such places as may be determined by the Chairman.

1. The quorum necessary for transacting business at a meeting of the Board shall be three.
2. All decisions in the meeting shall be taken by majority of votes. In the event of equality of Votes the Chairman shall have a second or casting vote.
3. The meeting of the Board shall be presided over by the Chairman and, in his absence, by the senior-most member of the Board present at the meeting.
4. A proper agenda for each meeting shall be drawn up and circulated at least ten days before the scheduled date of the meeting, along-with all working papers to be laid before the Board for consideration.
5. The minutes of every meeting of the Board shall be drawn up and circulated amongst the members of the Board within ten days from the date it was held. A minutes book shall be kept for the purpose, and objections to the recorded minutes will be invited within a week from the date of its circulation. The minutes duly signed by the person presiding over it shall be formally presented for confirmation in the next meeting of the Board.
6. If Government so directs, the Managing Director shall forward to it copies of all papers laid before the Board for consideration at a meeting.
7. Government may require the Board to furnish it with—

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

- (b) a report or any such matter; or
- (c) a copy of any document in the charge of the Chairman.

The Managing Director shall comply with any such requisition without any undue delay.

14. (1) The Board may associate with itself in such manner, on such terms and for such period as it may deem fit, any person whose assistance or advice is required for carrying out any of the purposes of this Ordinance.	Power of the Board to associate other person.
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(2) A person associated under sub-section (1) for a purpose shall have a right to take part in the discussions of the Board relating to that purpose, but shall not have a right to vote and shall not be deemed to be a member for that or any other purpose.

**CHAPTER-III
POWERS AND FUNCTIONS OF THE BOARD.**

15. (1) Subject to the provisions of this Ordinance, the Board may take such measure and exercise such powers as it considers necessary or expedient, and undertake any works, incur any expenditure, purchase, take on lease or acquire land, procure any plants, machinery or material required for its use and enter into any contract and do all acts and things necessary for carrying out the purposes of this Ordinance.	Powers and function of the Board.
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(2) In particular and without prejudice to the generality of the foregoing powers, the Board may take such measures as it may consider necessary for—

1. organising research on a planned, scientific and integrated basis for improvement of fruits and vegetables with particular reference to horticultural practices suited to different ecological zones in the Province;
2. disseminating the outcome of the research under clause (a) above to the growers for their benefits;
3. establishing and promoting fruits and vegetables industry. fruits nurseries and vegetables seeds production;
4. controlling the quality of fruits and vegetables and to adopt such measures and such steps as would minimize wastage during harvesting handling and transport of fruits and vegetables.
5. promoting and regulating fruits and vegetables marketing with a view to optimizing trade and ensuring fair returns to the growers by making improvements in the existing marketing system or introducing, with the approval of Government, a new marketing system;

(f) drawing up comprehensive plans for the industrial uses of fruits and vegetables both for domestic consumption and export.

Transfer of certain Government functionaries to the Board.	16. For the purposes of section 15, Government, by notification, if deemed necessary, may transfer to the Board— 1. on research side, all research institutes/stations of the Agriculture Department, or any portion thereof as determined by Government, as are connected with research on fruits and vegetables farms, including potato seed production projects and fruits and vegetables processing technology;
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1. on extension side, all fruit nursery farms of Agriculture Extension Wing along with horticultural staff attached thereto.

Contracts.	17. All contracts made by or on behalf of the Board shall be—
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1. in writing and expressed to be in the name of the Board; and
2. executed in such manner as may be prescribed.

**CHAPTER—IV.
FINANCE.**

Board Fund.	18. (1) There shall be a fund to be known as the Board Fund, which shall vest in, and be utilized by, the Board to meet the expenditures connected with its functions under this Ordinance including the payment of salaries allowances, etc., to the Managing Director, advisers, consultants, officers and other employees of the Board.
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(2) The Board Fund shall consist of-

1. grants-in-aid from Government;
2. financial assistance and grants from local or foreign agencies, subject to the approval of Government;
3. borrowing from Government, Banks and other financial institutions;
4. income from research and extension services and nurseries and farms and such other cesses or levies as the Board, with the prior approval of Government, may impose.

Power of the Board to borrow money.	19. The Board shall be deemed to be a local authority under the Local Authorities Loans Act, 1914 (I of 1914), for the purposes of borrowing money;
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Provided that no foreign loan shall be obtained by the Board without the previous sanction of Government.

20.	(1) All moneys at the credit of the Board shall be kept in such institutions or Banks as may be approved by Government.	Custody and investment of Board Fund.
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(2) Nothing in sub-section (1) shall be deemed to preclude the Board from investing any such moneys which are not required for immediate expenditure, in any of the securities described in section 20 of the Trust Act, 1882 (II of 1882) or placing them in fixed deposit with a Bank approved by Government or in such other manner as may be approved by Government.

21.	The annual budget estimates of the Board shall be prepared and approved in such manner as may be prescribed.	Budget
22.	(1) The Board shall maintain proper accounts and other relevant records and follow the commercial cost accounting procedure.	Accounts and audit.

1. The Board shall prepare annually a balance sheet including the profit and loss account in accordance with such general directions as Government may give.

2. The accounts of the Board shall be audited at least once in every financial year by the Auditor General of Pakistan.
3. Before the audit referred to in sub-section (3) the accounts of the Board shall be audited at least once in every financial year by an approved firm of Chartered Accountants.

(5) A statement of the audited accounts referred to in sub-section (3) shall be furnished to Government within four months after the end of every financial year.

23. (1) The Board shall, as soon as possible after the end of every financial year, submit an annual report to Government on the conduct of its affairs for the year, and its proposals for the next ensuing financial year.	Annual report.
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(2) The annual report referred to in sub-section (1) shall, as soon as possible, be approved by Government with or without any change or modifications, in so far it relates to the proposals of the next ensuing year, and returned to the Board for implementation.

24. All sums due to the Board from any person shall be recoverable arrears of land revenue.	Recovery of dues.
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CHAPTER—V. MISCELLANEOUS.

25. The Chairman, every member, adviser, officer and employee of the Board shall, while acting or purporting to act in pursuance of the provisions of this Ordinance or the rules made thereunder, be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860)	Public servant.
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Indemnity	26. The Chairman, every member, adviser, officer and employee of the Board shall be indemnified by the Board against all losses and expenses incurred by him in the discharge of the duties, except such as are caused by his own willful act or default.
Power to make rules.	27. (1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generally of the foregoing powers, such rules may provide for—

- (i) the manner of keeping accounts of the Board;
- (ii) the recruitment of advisers, officers and employees of the Board and their terms and conditions of service, including the functions of the advisers;
- (iii) the borrowing by the Board.
- (iv) the purchase and sale of seeds and other productions;
- (v) the date by which and the form in which, the annual budget statement shall be submitted in each year;
- (vi) the procedure for appropriation or re-appropriation of moneys at the credit of the Board;
- (vii) the form and manner in which and the authorities to whom returns, reports or statements shall be submitted;
- (viii) the functions of the Advisory Committee;
- (ix) such other matters relating to the administration of the affairs of the Board as Government may think fit to regulate by rules.

Power to make regulations.	28. The Board may, with the approval of Government, make regulations to provide for all matters not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Ordinance and the rules made thereunder.
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