

THE DEFENCE HOUSING AUTHORITY QUETTA
ACT 2015

(Baln. Act XI of 2015)

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Conversion of property to a different use.

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Indemnity.

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'THE DEFENCE HOUSING AUTHORITY QUETTA

Preamble.

Short Title and
Commencement.

Definitions.

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ACT 2015

(Baln. Act XI of 2015)

[27 October, 2015]

An Act to establish the Defence Housing Authority

Quetta.

lia.

3.

Defence Housing Authority Quetta, belonging to everyone, will provide quality, well organized and secure living/working to everyone from Balochistan irrespective of colour, caste and creed.

Defence Housing Authority Quetta will also serve for carrying out schemes and projects of land development inter alia for the welfare of the bereaved families of martyrs, war injured, disabled and other persons of the defence forces to boost their morale, to provide financial security in recognition of their selfless services for the defence of the nation and to provide for ancillary matters.

. Affording ample opportunities for the people of

Balochistan to generate significant economic activity and contribute in the overall peace endeavors of the government at national level in general and provincial level in particular.

This Act may be called the Defence Housing Authority Quetta Act 2015.

It extends to specified area of Quetta and other Districts of Balochistan.

It shall come into force at once and shall be deemed to

have taken effect from 28" Feb, 2015.

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

a.

"Administrator" The Administrator shall be serving or retired officer not below the rank of Brigadier, duly appointed by the Chief of Army Staff, who shall perform such functions as may be assigned to him by the Governing Body.

This Act was passed by the Provincial Assembly of Balochistan on 1' October 2015; assented to by the Governor of Balochista

October, 2015, and published in the Balochistan Gazette (Extraordinary) No. 175, dated 2" October, 2015.

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Establishment of
the Authority.

Management.

4.

. "Authority" means the Defence Housing Authority

Quetta established under this Act.

. "Chairman" means the Chairman of the Governing Body.

. "Club" means any Club owned / or operated by Defence

Housing Authority Quetta.

. "Executive Board" means the executive Board constituted

under this Act.

"Governing Body" means the Governing Body constituted
under this Act.

. "Government" means the Government of the Balochistan

Province

. "Prescribed" means prescribed by rules or regulations

made under this Act.

i. "President" means President of the Executive Board.

j. "Project" means any project of housing or development

of land undertaken or planned by the Authority.

. "Controlled area" means area notified as such by the

Authority, within the Province.

. "Member" means a member of the Authority and includes

its Chairman.

. "Regulations" means regulations made under this Act.

. "Rules" means rules made under this Act.

. "Scheme" means any financial scheme or development

scheme undertaken, planned or made by the Authority,
under this Act.

. "Secretary" means the Secretary of the Authority.

q. "Specified areas" means all land that may be purchased or

procured or acquired by, or leased to the Authority in
any area of Quetta and other districts of Balochistan, as
may be notified by the Authority, after the
commencement of this Act.

As soon as may be after the commencement of this Act,
there shall be established an Authority to be known as
the Defence Housing Authority Quetta.

The Authority shall be a body corporate, having
perpetual succession and a common seal with power to
acquire and hold property and to enter into contracts and
may by the said name sue and be sued.

The Head office of the Authority will be at Quetta.

The general direction and administration of the affairs of
the Authority shall vest in the Governing Body which

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b.

shall consist of:—

The Commander Southern
Command Quetta

Adjutant General / Representative,
ex-Adjutant General's Branch,
General Headquarters

Chief Secretary Balochistan
Province

The Administrator

The Secretaries to the Government
of Balochistan Province Law and
Housing Departments

The Secretary of the Authority
Two co-opted members, to be
nominated by the Chairman.

The Governing Body shall:—

Chairman

Member

Member

Member

Member/

Secretary

Member

(1) Review the progress and activities of the Authority.

(2) Lay down policy for the guidance of the Executive

Board.

(3) Consider and approve the budget and audit reports of the

Authority.

(4) Transact such other business of the Authority as the

(1)

(2)

(3)

(4)

Executive Board may place before it.

There shall be an Executive Board consisting of:—

Commander Southern Command
Quetta

The Administrator of the Authority

Two members to be nominated by the

president i.e. Commander Southern
Command Quetta.

The Secretary of the Authority.

President

Member

Member

Member/Se
cretary

The Executive Board shall, subject to the control of the Governing Body exercise all powers and do all acts and things which may be exercised or done by the Authority.

Powers, Duties and 6. a.

Functions of
Executive
Board.

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No act proceedings of the Governing Body or the Executive Board shall be invalid merely by reason of any vacancy in or defect in the constitution thereof.

Subject to other provisions of this Act, the Executive Board may take such measures and exercise such powers as may be necessary for carrying out the purposes of the Act.

Without prejudice to the generality of the foregoing powers, the Executive Board may:—

Acquire any land in accordance with the Land Acquisition Act, 1894' (Act I of 1894) in the Balochistan Province.

Undertaken any works in pursuance of any scheme or project.

Incur any expenditure.

Procure plant, machinery, equipment, instrument and necessary material.

Impose, recover, alter, vary or enhance development charges, installments, cost of apartments housing units of the Scheme, commercial projects and transfer fees and other charges in respect of an property, plot or project within the area of the Authority.

Enter into contracts or any type of arrangements with any local or foreign entity for carrying out the purpose of this act and Government rules on the subject will be observed.

Plan, develop and execute new developments and projects through joint ventures with local and international agencies, institutions and individuals.

Pass / approve the design, drawing / map of apartments, housing units and buildings etc within the area of the Authority.

Plan, approve and execute mergers and amalgamations with other adjoining housing schemes or cooperative housing societies that may be considered expedient for the overall growth of the Authority but subject to the approval of the Governing Body.

Lease, purchase / procure, sell, exchange, mortgage, rent out or otherwise dispose of any land / property vested in the Authority.

Act I 1894, adopted by Balochistan Laws (Adaptation) Order, 1975, published in the Balochistan Gazette (Extraordinary) No. 1

9" May 1975.

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Annual Report and
Accounts.

Power of the
Executive
Board to
Borrow.

Meeting of the
Governing
Body and the
Executive
Board

Delegation of
Powers.
Act to Over-ride

Other Laws.

Committees.

Functions of the
Authority.

(11) Cancel or re-plan any housing, commercial or amenity unit, its planned housing project or Scheme either in default of payment of installments called for, or in violation of any terms and conditions, for such project or scheme by all allottees, transferees or lessees.

Do all such acts, deeds and things that may be necessary or expedient for the purpose of proper planning and development of the Specified Area.

(12)

Make with the prior approval of Governing Body, rules and regulations relating to the terms and conditions of service of employees, staff and Consultants of the Authority.

(13)

(14) No master plan, planning or development scheme shall be prepared by any local body or agency for the specified area without prior consultation with, and approval of the Executive Board.

7. The Executive Board shall submit to the Governing Body, as soon as may be at the end of every financial year but

before the thirty first day of December next following, a general report on its affairs including accounts, balance sheet and audit report for the financial year.

8. Subject to the Government rules and guidelines, the Executive Board may obtain loans for purposes of generating capital for its Schemes.

9. The governing Body and the Executive Board shall meet at such place and in such manner as may be prescribed.

10. The Governing Body, the Executive Board and the Administrator may delegate to any person all or any of their functions under this Act.

11. This Act shall have effect notwithstanding any thing contained in other law for the time being in force.

12. The Authority may constitute such committees as may be necessary for the efficient performance of its functions and assign to such Committees such functions as it may deem necessary.

13. The Authority may do all such acts and things as may be necessary for the planning and development of and for providing and regulating housing facilities in the area notified

Municipal
functions.

Power to cancel
Allotment.

Authority fund.

Budget audit and
accounts.

Recovery of sums
due to the
Authority.

Acquisition of land.

Appointment of

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by the Government.

14. a. Notwithstanding anything contained in any other law for the time being in force, Government may, by notification in the Official Gazette, specify that the Authority may exercise and perform such powers and functions for the specified area as a municipal administration may exercise and perform in relation to municipal functions under the law for the time being in force.

b. No master plan, planning or development scheme shall be prepared to any local body or agency for the specified area without prior consultation with, and approval of the Executive Board.

15. The Governing Body or the Executive Body may cancel, revoke or rescind any allotment, transfer, license, lease or agreement in respect of any plot or scheme in the specified area if the allottee, transferee, licensee or lessee fails to pay the dues or installments including development charges in respect of such plot, piece of land or housing unit within three months from the date of receipt of the demand in writing or within such extended time as the Governing Body or the Executive Board may, in special case fix and thereupon the plot or the housing unit, with or without construction thereon, shall be resumed and vest in the Authority.

16. a. There shall be a fund to be known as "The Defence Housing Authority Quetta Fund", which shall be credited

all moneys received by the Authority.

b. The fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.

17. The budget of the Authority shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed under the rules.

18. | Any sum payable to the Authority shall be recoverable as land revenue.

19. The acquisition of any land or any interest in land for the purposes of the Authority shall be deemed to be an acquisition for a "Public Purpose" within the meaning of the Land Acquisition Act, 1894! (I of 1894).

20. The Executive Board appoint such persons in its service

Act I 1894, adopted by Balochistan Laws (Adaptation) Order, 1975, published in the Balochistan Gazette (Extraordinary) No. 1

9" May 1975.

officers, staff
etc.

Employees to be

public servants.

Conversion of
property to a
different use.

Removal of
building, etc,
erected or used
in
contravention
of this Act.

Indemnity.

Rules.

Regulations.

1 Act XLV of 1860.

as may be necessary for the efficient performance of its
functions in such manner and on such terms and conditions as
may be prescribed.

21. All persons acting or purporting to act in pursuance of
any provisions of this Act shall be deemed to be public servants
within the meaning of section 21 of the Pakistan Penal Code
1860'.

22. Any conversion of property to a different use or purpose
than the one provided under a scheme prepared by the
Authority by a person, without the previous approval of the
Authority in writing, shall be punishable with fine which may
extend to two thousand rupees per day from the date of its
conversion till the default continues or with imprisonment for a
term which may extend to six months or with both.

23.a. If any building, structure, work or land is erected,
constructed or used in contravention of the provisions of
this Act or any rules, regulations or orders made there
under, the Authority or any person in control of such
building, structure, work or land to remove, demolish or
alter the building, structure or work or to use it in such
manner as may bring such erection, construction or use
in accordance with the provisions of this Act.

b. If an order under sub-section (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the Authority or any person authorized by it in this behalf may, after giving the person concerned 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 or use of the building structure, work or land in contravention of the provisions as aforesaid

24. No suit or legal proceedings shall lie against the Authority, the Governing Body, the Executive Board, the Administrator, or any of their members, or employees of the Authority for any things done or purported to have been done by them in goodfaith under this Act, the rules or the regulations made there under.

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

26. The Authority may make regulations not inconsistent with

this Act and the rules, for carrying out the purposes of this Act.

Removal of 27. If any difficulty arises in giving effect to any provision of

difficulties. Act, Government may give such directions as it may consider necessary for the removal of such difficulty.