

THE BALOCHISTAN BUILDINGS CONTROL
ORDINANCE, 1979

(Baln. Ordinance VI of 1979)

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'THE 7BALOCHISTAN BUILDINGS CONTROL
ORDINANCE, 1979

(Balochistan Ordinance VI of 1979)

[5 July, 1979]

An Ordinance to provide for regulation of the planning, construction, control and demolition of buildings and disposal of buildings and plots in the Province of Balochistan.

Preamble. WHEREAS it is expedient to regulate the planning, quality of construction and buildings control, prices charged and publicity made for disposal of buildings and plots by Builders and Societies or a person or body of persons and demolish of dangerous and dilapidated buildings in the Province of Balochistan;

AND WHEREAS the Governor 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, 1977³, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977)⁴, and in exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance: —

Short title, 1. (1) This Ordinance may be called the Balochistan

Commencemen Buildings Control Ordinance, 1979.

t and Extent. ; ;

(2) It shall come into force from such date and in

such areas* as Government may, by notification, specify.

(3) Government may, by notification, exclude any area from the operation of all or any of the provisions of this Ordinance.

This Ordinance was promulgated by the Governor of Balochistan on 3" July, 1979; published in the Balochistan Gazette (Extraordinary) No. 70, dated 5" July, 1979. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

Spelling of the word "Baluchistan", wherever it appears in this ordinance, is corrected by insertion of letter per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

Proclamation of Martial Law, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977.
Chief Martial Law Administrator Order I of 1977, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5" July, 1977.

Came into force in Hub Tehsil of District Lasbela only with effect from 3% July, 1979; see Balochistan Gazette (Extraordinary) No. 90, dated 7" August, 1979.

Came into force in the Quetta District excluding the limits of Quetta Municipality with effect from 8" October, 1979; see Balochistan Gazette (Extraordinary) No. 147, dated 18" October, 1979.

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instead of "u'; as

Non-application of 2. Nothing contained in any other law for the time being in a Law. force shall apply to any matter regulated by this Ordinance.

Definition. 3. In this Ordinance unless there is anything repugnant to

the subject or context: —

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(b)

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(d)

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(f)

(g)

(h)

(i)

"Architect" means an Architect who has been granted a license under section 8;

"Authority" means an Authority appointed under section 4;

"Builder" means a person or body of persons, including a cooperative Society, duly registered under the Cooperative Societies Act, 1925! not engaged as mason or such other artisan, engaged in construction of a building on contract or for hire or sale;

"Building" means a building or part thereof constructed or being constructed by a builder in accordance with the provision of this Ordinance;

"Engineer" means an Engineer who has been granted a licence under section 8;

"Government" means the Government of Balochistan;

"prescribed" means prescribed by Rules made under this Ordinance;

"Society" means a Housing Society which has been formed primary with the object of providing its members, plots for housing

purpose;

“Surveyor” means a surveyor who has been granted a licence under section 8.

Appointment of 4. Government may, by notification, appoint any body

Authority. corporate,

local Council or, Government functionary or

organization, to act as Authority? for any area, as may be

1 That is Act VII of 1925.

2 Secretary Local Government, Government of Balochistan has been appointed a “authority” for Hub Tehsil area of District Lasbella; see Balochistan Gazette (Extraordinary) No. 91, dated 7" August, 1979.

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specified in the notification.

Allotment or Sale 5. (1) — No society or person or body of person shall sell of Plots, or make allotment of plots, or advertise such sale or allotment without obtaining a “no objection certificate” from the

Authority in the prescribed manner.

(2) Where the Authority is_ satisfied that the development of land of the plots, which has been made or is proposed to be made, is below the standard laid down by the Authority, it shall refuse to give “no objection certificate” under Sub Section (1):

Provided that a “no objection certificate” issued under Sub-Section (1) of the Ordinance, shall subject to the permission given by Collector of the District, as required under Sub-Section (2) of Section 3 of the Balochistan Land Revenue Act, 1967¹, who acting under the general or special order of the Board of Revenue, shall determine which lands are included within the site of a Town or Village.

Approval of Plan. 6. No building shall be constructed before the Authority has, in the prescribed manner, approved the plan of such building and granted "no objection certificate" for the construction thereof, on payment of such fee as may be prescribed:

Provided that in the case of a building the construction whereof has commenced before coming into force of this Ordinance, the Authority's approval of the plan and "no objection certificate" shall be obtained not latter than six months after the enforcement of this Ordinance.

Engagement of 7. (1) A plan submitted to the Authority under section Architect, 6 shall be prepared by and under the supervision of an architect Engineer, etc. who shall sign such plan and be responsible for any defect therein.

(2) An Engineer shall be engaged for supervision of construction of a building, other than a single or double storeyed building on an area not exceeding 400 square yards the

¹ That is Act XVII of 1967.

Grant of Licence to
Architect,
Engineer etc.

Grant of Licence to
Builder.

Fees.

Inspection of
Buildings
under
Constructions.

construction whereof may, instead of Engineer, be entrusted to the supervision of a Surveyor who shall sign the plan of the building and be responsible for any defect in the construction thereof.

8. (1) No person or body of persons shall act as Architect, Engineer or Surveyor except with a licence granted by the Authority in the prescribed manner:

Provided that any licence granted under any other law for the time being in force shall expire after six months from the date of the coming into force of this Ordinance.

(2) No licence under Sub-Section (1) shall be granted unless an Architect, Engineer or Surveyor possesses qualifications specified in the first part of the Schedule.

9. No builder shall engage in construction of buildings except with a licence granted by the Authority in the prescribed manner:

Provided that a builder who is engaged in construction of buildings before coming into force of this Ordinance, shall obtain the licence not later than three months enforcement of this Ordinance.

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10. The fees shall be paid at the rate mentioned in the second part of the schedule for: —

(a) No objection certificate under section 5;

(b) Grant of licence to an Architect, Engineer or Surveyor under section 8;

(c) Grant of licence to a builder under section 9.

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one or more officers of suitable qualifications to inspect

The Authority may, by notification, authorize

buildings under construction in any locality or localities as may be specified in the notification.

(2) If in the opinion of the officer authorized under Sub Section (1) the construction of any building is not in

Sale of Building.

Completion of
Building/
Payment of

Instalments.

accordance with the plan or the specifications approved by the Authority or any material used in the construction is of sub-standard or is not of the quality or type mentioned in the advertisement under section 12, such officer may, by order in writing issue any direction, and it shall be the responsibility of the builder and all those concerned with the construction of the building to carry out such direction or he may require that the construction be suspended until any further direction is issued either by him or by the Authority, or order that the construction which in his opinion is defective be demolished at the cost of the builder.

12. (1) No builder shall sell or advertise for sale any building before he has obtained approval in writing of the Authority, and he shall mentioned such fact in the advertisement which will further specify all such details about the building as may be prescribed.

(2) The approval granted by the Authority under sub-section (1) shall be displayed at a conspicuous place in the office of the builder, if any, and at the site of the building.

(3) The builder shall not entertain and register any application made in response to the advertisement under sub-section (1), if it is in excess of the number of housing units provided in the building.

13. (1) Where a building has not been completed by the date mentioned in the advertisement the builder shall be liable to pay interest at such rate not exceeding the rate charged by a Scheduled bank and in such manner as may be prescribed, to the buyer of the building, on the amount of the sale price paid by such buyer for the period by which the completion of the building has been delayed.

(2) Where a person has purchased a building on installments in response to the advertisement under section 12, and has failed to pay any installment in time he shall be liable to pay interest on the amount of the un-paid installments at such rate not exceeding the rate charged by a Scheduled bank, as may be prescribed.

Dangerous
Building.

Appeal.

3[Disposal of
Application or
Appeal.

Delegation of
Power.

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14. (1) Where the Authority is satisfied that the building is likely to collapse or is so dangerous as to cause harm of human life or property, it may, by notice, require the occupier or occupiers thereof to vacate the building within the period specified in the notice.

(2) If the building in respect of which notice has been issued under Sub Section (1) has not been vacated within the period specified in the notice, the Authority may order that the occupier or occupiers of the building be ejected, if necessary, by force.

(3) The Authority may, by notice require the owner of the building vacated under section 2 to demolish or caused to be demolished such building within the period, specified in the notice and in the event of failure of the owner to do so, the Authority shall have the building demolished and the cost of demolition shall be recovered from the owner as arrears of land revenue [:-]!

?[Provided that no order of demolition shall be passed unless the owner has been given an opportunity of being heard. |

15. An appeal from an order under this Ordinance may, in the prescribed manner, be preferred within 30 days of such order to: —

(a) Government in the case of the order made by the Authority; and

(b) the Authority, in other cases.

16. An appeal or application made under this Ordinance shall be disposed of after hearing of the applicant or the

appellant, as the case may be, within thirty days of the receipt thereof, unless this time limit is extended from time to time by Government on the request of the Authority.]

17. Government may, by notification, delegate any of the powers vested in it or in the Authority to any officer or Authority.

! Full stop at the end substituted by a colon and proviso added by Balochistan Ordinance XIV of 1984; published in the Balochistan Gazette (Extraordinary) No. 374, dated 12th December, 1984. Saved and validated under Article 270-A of the Constitution of Islamic Republic of Pakistan, 1973.

Substituted *ibid*.

Substituted by Balochistan Ordinance XIV of 1984; see also footnote under section 14 (3).

Penalty.

Indemnity.

Power to make
Rules.

1

18. (1) Whoever has contravened any provision of this Ordinance shall be punished with simple imprisonment for a term not exceeding six months or with fine not less than ten thousand rupees, or with both.

(2) No Court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by the Authority or any person authorized by it.

19. No. suit or legal proceedings shall lie against Government or the Authority or any person in respect of any thing done or intended to be done in good faith under this Ordinance.

20. Government may make rules for the purpose of giving effect to the provisions of this Ordinance.

For rules see "The Balochistan Building and Town Planning Rules, 1979", published in Balochistan Gazette (Extraordinary) No. 10, dated 17th January, 1980.

(A)

(B)

(C)

SCHEDULE

(See Section § and 10)

PART- I

QUALIFICATIONS OF ARCHITECTS

(i)

(ii)

(iii)

(iv)

(v)

Degree in Architecture from any recognized institution or its equivalent plus 2 years experience in Architectural Designing and Supervision of building construction or

5 years Diploma Course in Architecture from recognised Institutions plus 5 years experience in Architectural designing construction or

4 years or more full time college level course in Architecture, the successful completion of which entitles a person to be elected to the National Institute or Association of Architects recognized by the International Union of Architects plus 3 years experience in Architectural Designing and supervision of building construction or

3 years degree in Architecture from recognized Institutions plus a minimum experience of 10 years in Architectural Designing and supervision of building construction or

Degree in Civil Engineering or its equivalent from institutions recognized by the Government plus a minimum experience of 10 years in Architectural Designing and supervision of building construction.

QUALIFICATIONS OF ENGINEERS

(i)

(il)

Degree in Civil Engineering or its equivalent from a recognized Institutions plus 2 years practical experience in Structural Designing and supervision of building construction or

3 years diploma in Civil engineering from recognized Institutions plus 10 years experience in Structural Designing and supervision of building construction.

QUALIFICATIONS OF SURVEYORS

(i)

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3 years diploma in Civil Engineering from recognized Institutions plus 2 year experience in designing and supervision of building construction or

3 years certificate course in Civil Engineering from recognized Institutions plus 2 years experience in designing and

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supervision of building construction or

(iii) 2 years Certificate Course in Civil Engineering from recognized

Institutions plus

experience

in designing and

supervision of building construction or

(iv) 1 years Certificate Course in Civil Engineering from recognized

Institution plus 5 years experience in designing and supervision

of building construction.

PART- II

The fees shall be paid along with application at the following rates: —

(1)

(ii)

(iii)

No objection certificate

section 5.

Licence to an Architect, Engineer or
Surveyor under section 8: —

(a) Architect Licence

(b) Engineers Licence

(c) Surveyors Licence

Building's Licence

Rs. 1000/- per acre of the
gross area.

Rs. 250/- and for renewal,
Rs. 100/- per annum.

Rs. 250/- and for
renewal, Rs. 100/- per

annum.

Rs.150/- and for renewal,
Rs. 75/- per annum.

Rs. 2,500/- and for
renewal, Rs. 1,000/- per
annum.