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GOVERNMENT OF BALUCHISTAN ;
~~ LAW DEPARTMENT.

NOTIFICATION VE
Dated Quetta the 5th July, 1979.

No. Legis: 1-49/Law/79. The following Ordinance 'made by the Governor of
Baluchistan on the 3rd July, 1979 is hereby published for general information:—

BALUCHISTAN ORDINANCE NO. VI OF 1979.

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THE BALUCHISTAN BUILDINGS CONTROL ORDINANCE. 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 Baluchistan.

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Preamble.

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Short Title,

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WHEREAS it is expedient to regulate the planning, quality of

» 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 Baluchistan; .

, _ AND WHEREAS the Governor is satisfied that circumstances
exist which render' it:fiecessary to take immediate action:-

; NOW, THEREFORE in putsuance of the Proclamation of the

fifth day of July,' 1977, read with' the Laws (Continuance in Force)
Order, 1977 (CMLA'Ordét No: 1..Of 1977), and in exercise of all pawers
enabling him in that behalf, the Governor of Baluchistan is pleased to
make and promulgate the following Ordinance:—

1 (1) This Ordinance may be called the Baluchistan Buildings

Commencement Control 'Ordinance, — 1979.

and Extent.

(2) Itshall come into force from such date and insuch 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.

Non-application 2 Nothing contained in any other law for the time being in
of a Law.

Defination.

force shall apply to any matter regulated by this Ordinance.

3. In this Ordinance unless there is'any thing repugnant to the
subject or context.

(a) "Architect " means an Architect who has been granted
a licence. under section 8;

(b) "Authority" means an Authority appointed under section 4;

(c) "Builder" means a person or body of persons, including
» @ 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;

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

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

(f) "Government" means the Government of Baluchistan;

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

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(h) “Society” means a Housing Society which has been

formed primarily with the object of providing its members, plots for housing purpose

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(ji) “Surveyor” means a Surveyor who has been granted a licence under section :

Appointment of- 4. Government may, by notification, appoint any . body corpor- Authority. * ate, Local Council or, Government functionary or Organization, to act _ 48 Authority for any area, as may be specified in the notification.

Allotment or 5. (1) No Society or person or body of persons shall sell or

Sale of Plots. make allotment of plots, or advertise such sale or allot-
Ment 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 Auth-
ority, 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 be subject to the permission
given by the Collector of the District, as required under Sub-Section (2)
of Section 3 of the Baluchistan Land Revenue Act, 1967, who’ acting
under the general or special order of the Board of Revenue, shall deter-
mine which lands are included within the site of a

Town or Village.

Approval of 6. | No building shall be constructed before the Authority has,
lan. 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 where-
of has commenced before coming into force of this Ordinance, the Aut-
hority’s approval of the plan and “no objection certificate” shall be

obtained not later than six months after the enforcement of this Ordinance.

, Engagement of yi (1) A plan submitted to the Authority under section 6 shall

Architect, ‘be prepared by and under the supervision of an architect who shall sign
Engineer, etc. such plan and be responsible for any defect therein.

(2) An engineer shall be engaged for supervision of constr-

uction of a building, other than a single or double storeyed building on an area not exceeding 400 square yards the 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. :

Grant of Licence 8. (1) No person or body of persons shall act as Architect,

to Architect, Engineer or surveyor except with a licence granted. by the Authority in Engineer etc. the prescribed manner:

Provided that any. licence granted under any other law for the time being in force shall expire aftersix 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.

Grant of Licence 9. No builder shall engage in construction of buildings except:

to Builder. 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 from the enforcement of this Ordinance.

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

{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.

Inspection of 11. (1) .The Authority may, by: notification, authorise one or more:

Buildings under officers of suitable qualifications to inspect buildings under construc-
Constructions. tion in any locality or localities as may be specified in the notification.

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(2) 1f in the opinion of the officer authorised under Sub Sec-
tion (1) the construction of any building is not in 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 ail those concerned with the construction of the build-

ing 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 defec-
tive be demolished at the cost of the builder.

Sale of Build- 12. (1) No builder shall. sell or advertise for sale any building

ing. before he has obtained approval in writing of the Authority, and he shall

2 'Mention 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 appli-
cation 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.

"Completion of 13. (1) Where a building has not been completed by the date

Building/Pay- mentioned in the advertisement the builder shall be liable to pay interest

_Ment of Instal- at such rate not exceeding the rate charged by a Scheduled Bank and.in
ments. > 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 instalments
in response to the advertisement under section 12, and has failed to
pay any instalment in time he shall be liable to pay interest on the
amount of the un-paid instalments at such rate not exceeding the rate
charged by a Scheduled Bank, as may be prescribed.

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'Dangerous
-Building.

'Appeal.

'Disposal of
'Application or
Appeal.

Delegation of
spower.

Penalty.

Indemnity.

Power to Make
Rules.

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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. .

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 off within 30 (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.

18. (i) 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.

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

(A) QUALIFICATIONS OF ARCHITECTS.

(B)

(C)

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SCHEDULE.

SEE SECTION 8 AND 10.

PART—I.

(i) Degree in Architecture from any recognised institution or its equivalent plus 2 years experience in Architectural Designing and -Supervision of building construction or

(ii) 5 years Diploma Course in Architecture from recognized Institutions plus 5 years experience in Architectural Designing construction or

(iii) 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 . .

(iv) 3 years degree in Architecture from recognized [Institutions plus a minimum experience of 10 years in Architectural Designing and supervision of building Construction or 5 :

(v) 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} Degree in Civil Engineering or its equivalent from a recognized Institute plus 2 years practical experience 'in Structural designing and supervision of building construction or

(ii) 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) 3 years diploma in Civil Engineering from recognized Institutions plus 2 years experience in designing and supervision of building construction or'

(ii) 3 years certificate course in Civil Engineering from recognized [Institutions plus 2 years experience in designing and supervision of building construction or P 3

(iii) 2 years Certificate Course in Civil Engineering from recognized Institutions plus 4 years experience in designing and supervision of building construction or ty im

(iv) 1 years Certificate Course in Civil Engineering from recognised Institution plus 5 years experience in designing and supervision of. building construction. :

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

(i) No gblertion certificate under Rs. 1000/- per acre of the gross area.

section

(ii) Licence to an Architect, Engineer or
' Surveyor under section 8.

(a) Architect Licence. Rs.

Rs.

(b) Engineers Licence. - Rs.

Rs.

(c) Surveyors Licence. Rs.

Rs.

(iii) Building's Licence. . | “Rs.

Rs.

Quetta.

Dated the 3rd July, 1979.

250/- & for renewal.

100/- per annum.

' 250/- & for renewal.

100/- per annum.

150/- & for renewal

76/- per annum.

2,500/- & for renewal

1,000/- per annum.

Lt General Rahimuddin Khan.

Governor Baluchistan.

Fakhruddin H. Shaikh.

Secretary,

Government of Baluchistan,

Law Department.