

The ZIARAT VALLEY DEVELOPMENT AUTHORITY

ACT, 1992

(Baln Act VIII of 1992)

CONTENTS

SECTIONS

CHAPTER-I

PERELIMINARY

Preamble.

10.

11.

12.

Short title extent and Commencement.

Definitions.

CHAPTER-II

ESTABLISHMENT AND CONSTITUTION OF THE  
AUTHORITY.

Establishment and Constitution.

Members of the Authority

CHAPTER-III

POWER AND FUNCTIONS.

Powers and Functions.

Delegation.

Appointment of officers etc. & association of other person.

Constitution of Committees.

CHAPTER-IV

DIRECTOR GENERAL

Appointment and terms of officers.

CHAPTER-V

EXECUTIVE POWERS AND CONDUCT OF BUSINESS

Executive Authority.

Disposal of Business.

Meetings.

## CHAPTER-VI PREPARATION AND EXECUTION OF SCHEMES

- 13. Preparation of schemes.
- 14. Modification of schemes.
- 15. Power to give directions.

## CHAPTER-VII GENERAL

- 16. Directions by the Government.
- 17. Borrowing money.
- 18. Power to levy betterment fees.

## CHAPTER-VIII FINANCE, ACCOUNTS AND AUDIT

- 19. Authority Fund.
- 20. Rates of fees.

- 21. Accounts.

- 22. Budget.
- 23. Audit.

## CHAPTER-IX PENALTY

- 24. Penalty.

## CHAPTER -X MISCELLANEOUS

- 25. Recovery of funds.
- 26. Removal of building etc. erected or in contravention of this Act.
- 27. Members, Officers & Employees to be public servants.
- 28. Immunity of the authority and its employees.
- 29. Power to make rules.
- 30. Power to make regulations.
- 31. This Act to prevail over other laws.

32. Dissolution.

33. Repeal.

'THE ZIARAT VALLEY DEVELOPMENT AUTHORITY  
ACT, 1992

1 For statement of objects and reasons see Baln. Gazette (Extraordinary) No. 277, dated 24<sup>th</sup> November 1992. This Act was p

Balochistan Assembly on 28<sup>th</sup> November, 1992; assented to by the Governor of Balochistan and, published in the Baln. Gazette (Extraordinary) No. 285/B, dated 13<sup>th</sup> December, 1992.

Preamble.

Short title extent  
and  
Commencemen  
t.

Definitions.

(Baln Act VIII of 1992)

[13th December, 1992]

An Act to provide for establishment of an Authority for the development and improvement of certain areas in Ziarat Valley and adjoining areas.

WHEREAS, it is expedient to establish an Authority for the development and improvement of certain areas in Ziarat Valley and adjoining areas;

It is hereby enacted as follows:—

#### CHAPTER-I PRELIMINARY

1. (1) This Act may be called the Ziarat Valley Development Authority Act, 1992.

(2) It shall extend to areas of Ziarat District and any such areas which may from time to time be notified by the Government.

(3) It shall come into force at once.

2. In this Act unless there is any thing repugnant in the subject or context,—

(a) “Authority? means the Ziarat Valley Development Authority;

(b) “Areas” means the area of jurisdiction of the Authority as may be notified;

(c) “Chairman” means Chairman of the Authority;

(d) “Director General” means Director General of the Authority;

(ec) “Government” means the Government of Balochistan;

(f) "Governing Body" means the Governing Body constituted under section 4;

(g) "Government Agency" includes:—

(i) A division, department, bureau, section, commission, board, office or unit of the Government;

(ii) = A local Council; and

(iii) A Department or any other public authority, company or corporation owned or controlled by Government or a Local Council.

(h) "Land" includes earth, water and air above below or on the surface and any improvements in the structure customarily regarded as land and benefit arising out of land thing attached to earth or permanently fastened to earth;

(i) | "Member" means a member of the Authority and includes its Chairman; and

(j) Person includes an individual company, firm, cooperative society or Association of individuals whether incorporated or not.

## CHAPTER-II

### ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY.

Establishment and 3. (1) As soon as may be after the commencement of this Act the Government may, by notification establish an Authority known as "the Ziarat Valley Development

Authority".

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this act, to acquire, hold and transfer property, both movable and immovable and may by its name sue or be

sued.

Members of the 4. (1) The Governing Body shall consist of a Authority Chairman, the Director General, and upto eight members to be

appointed by the Government. The Government may also co-opt a member as and when considers necessary.

(2) The Governor Balochistan shall be the Chairman

of the Authority.

## CHAPTER-III

### POWERS AND FUNCTIONS.

Powers and 5. (1) Subject to the provision of this Act and rules Functions. framed thereunder, the Authority may exercise all powers and

take such measures as may be necessary for carrying out the

purposes of this Act.

(2) Without prejudice to the generality of this foregoing sub-section, the Authority may:—

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (1)
- Gj)

prepare, implement and enforce schemes for development of education, health, agriculture and industry, conservation and development, preservation of juniper forest, promotion of tourism, improvement of water supply, land slide management, development of irrigation facilities, development of means of communication construction and development of housing, sewerage, drainage, environmental improvement and control;

all the development activities of Federal or Provincial Government and Agencies thereof shall be under control of the authority;

acquire property, both movable and immovable;

sell, lease, exchange or otherwise dispose of any property vested in it;

undertake any works and incur any expenditure;

procure machinery, instruments or any other material required by it;

enter into contracts;

cause studies, surveys, experiments, technical researches or contribute towards the cost of any researches made by any other Agency;

issue interim development orders for areas for which a scheme is under preparation and restrict or regulate by general or special order, any change in the use of land and alteration in building structure and installations;

seek and obtain advice and assistance for



Delegation.

Appointment of  
officers etc. &  
association of  
other person.

Constitution of  
Committees.

Appointment and

the preparation of any Scheme, or for the  
execution of any scheme from any  
Government Agency or person, and such  
Agency or person shall give the advice  
and assistance sought by the Authority to  
the best of its ability, knowledge  
judgement and the additional expenditure  
if any involved in giving such advice or  
assistance shall be borne by the  
Authority;

(k) cause removal of any works obstructing  
the execution of its schemes; and

(1) undertake any other function which the  
Government may assign to it.

(3) The Authority may undertake the maintenance  
and regulation of schemes and other activities of a Government  
Agency as may be necessary and when a scheme or any activity  
is undertaken by the Authority the assets and liabilities  
connected therewith shall also stand transferred to the  
Authority.

6. (1) The Authority shall have the powers to levy or  
recover a tax to such extend for such period as may be  
necessary.

(2) The Authority may, by general or special order,  
delegate to the Chairman, Director General or any other officer  
of the Authority powers, duties and functions under this Act  
subject to such conditions as it may impose.

7. The Director General may appoint such officers,  
advisers, experts, consultants and employees, as consider  
necessary for the effective performance of its functions on such  
terms and conditions as it may deem fit.

8. The Authority may constitute such financial, technical

and advisory committees as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them.

#### CHAPTER-IV DIRECTOR GENERAL

9. (1) The Director General may be appointed by

www.ezqanoon.com

terms of  
officers.

Executive  
Authority.

Disposal of  
Business.

Meetings.

Preparation of  
schemes.

Modification of

www.ezqanoon.com

Government on such terms and conditions as it may determine.

(2) The Director General shall:—

(a) be a whole time officer of the Authority;  
and

(b) — perform such duties as may be assigned  
to him and exercise such powers as may  
be delegated to him by the Authority.

## CHAPTER-V

### EXECUTIVE POWERS AND CONDUCT OF BUSINESS.

10. (1) The executive authority of the Authority shall vest in the Chairman, and shall be exercised by him, either directly or through officers subordinate to him.

(2) All acts of the Authority whether executive or not, shall be expressed and taken in the name of the Authority and shall be authenticated by the Director General by affixation of his official seal.

11. (1) The business of the Authority shall be disposed of at its meetings, or at the meetings of its committees, or by its Director General or servants of other functionaries.

(2) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy in, or defect in, the constitution of the Authority.

12. (1) The members of the Authority shall meet at such place and at such time as the Authority may decide.

(2) The Authority may frame regulations for the conduct of its business.

(3) The Chairman, or in his absence the senior member of the Authority shall preside over the meeting.

(4) The Authority shall hold at least one meeting in each quarter of the year.

#### CHAPTER-VI PREPARATION AND EXECUTION OF SCHEMES.

13. The Authority shall, in such form and in such manner as may be prescribed, prepare schemes for the area or any part thereof.

14. A scheme prepared under this Act may, at any time be

schemes.

Power to give  
directions.

Directions by the  
Government.

Borrowing money.

amended, modified or abandoned by the Authority in such form  
and in such manner as may be decided by the Authority.

15. (1) The Authority may, require a Government  
Agency, within whose jurisdiction any particular locality, or  
aspect of development covered by a scheme lies:-

(a) to execute a scheme in consultation with  
the Authority;

(b) to take over and maintain any of the  
works and services in that area; and

(c) to provide any amenity in relation to the  
land which in the opinion of the  
Authority, ought to be provided.

(2) The expenditure incurred on the execution of  
any scheme or on the taking over or maintenance of any work,  
or the enforcement of regulations under this section, shall be  
borne, as may be agreed to between the Authority and the  
Government Agency and in the event of disagreement, as may  
be determined by the Government.

## CHAPTER-VII GENERAL

16. The Authority shall, in discharging its functions, under  
this Act be guided by such directions as the Government may  
give to it from time to time.

17. (1) The Authority shall be deemed to be a "Local  
Authority" for the purpose of borrowing money and any  
scheme or project prepared or undertaken by the Authority shall  
be deemed to be a work as defined in section 2 of the Local  
Authorities Loans 'Ordinance, 1914 ('Ordinance IX of 1914):

Provided that no local or foreign loan shall be obtained  
by the Authority without the previous sanction of the  
Government.

\* Word "Ordinance" to be read as "Act". The Local Authority Loans Act, 1914 (Act IX of 1914) as per the Pakistan Code, Vol-1  
extended to Balochistan by Districts Acts, 1874 (XIV of 1874), and was extended to the Leased Areas of Balochistan by Lease

(Laws) Order, 1950 (G.G.O. 3 of 1950), as earlier adopted by A.O. 1949 and later extended to the whole of Pakistan as per s. Laws (Statue Reform) Ordinance, 1960 (Ord. XXI of 1960) with effect from the 14" October, 1955.

[www.ezqanoon.com](http://www.ezqanoon.com)

Power to levy  
betterment  
fees.

Authority Fund.

(2) The Authority may, in consultation with the Government borrow money or raise funds by issuing bonds or debentures or otherwise for carrying out the purposes of this Act according to profit/loss as may be approved by the Government.

18. | Whereas consequence of any scheme having been executed by the Authority, the value of any property in that locality, in the opinion of the Authority, has increased, the Authority, shall with the previous consent of the Government, be entitled to levy upon the owner of the property or any person having an interest therein, a betterment fee in respect of the increase in value of the property resulting from the execution of the scheme.

#### CHAPTER-VIII FINANCE, ACCOUNTS AND AUDIT

19. (1) There shall be formed a fund to be known as the "Authority Fund" which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act including the payment of salaries and \_ other remuneration to its officers, servants, experts and consultants of the Authority.

(2) To the credit of the Authority Fund, shall be credited:—

(a) grants made by the Government;

(b) all moneys received from the Federal Government or any international agency by way of grants, loans, advances or otherwise;

(c) all fees, rates and charges received by the Authority under this Act;

(d) proceed from the self-financing schemes;

(e) Loans obtained from the Government or State Bank of Pakistan or any scheduled Bank with special or general sanction of

Rates of fees.

Accounts.

Budget.

Audit.

Penalty.

the Government;

(f) all profits or interests accruing from investment; and

(g) such proceeds from the sources of income or disposal of assets of the Government, as Government may direct to be placed at the disposal of the Authority.

(3) The Authority may keep in current account of any schedule bank such sum as may be prescribed, and any amount in excess of the sponsored saving schemes or in such other manner as may be determined by the Authority.

Explanation:- For the purpose of this sub-section, Government includes Federal Government.

20. With the previous consent of the Government, adequate

funds may be raised by the Authority from time to time, to meet the cost of its schemes by imposing rates, fees and other charges at such rates and in such manner as may be prescribed.

21. The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

22. The Authority shall prepare, every year, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Authority and shall submit the same to the Governing Body for approval.

23. The accounts of the Authority shall be audited in such manner as may be directed by the Government.



24. | Whoever contravenes any provision of this Act or of  
any rules or regulations made or scheme sanctioned there under

shall, if no other penalty is provided for such contravention, be punishable:—

(a) with a fine which may extend to one thousand rupees or in default, with simple imprisonment which may extend to six months; and

(b) in case of continuing contravention, with a fine which may extend to one hundred rupees for each day after the first day during which the contravention continues.

## CHAPTER-X MISCELLANEOUS

Recovery of funds. 25. Any sum due the Authority from, or any sum wrongly paid by the Authority to any person, shall be recoverable as arrears of land revenue.

Removal of 26. (1) If any building, structure, work on land is building etc. erected, constructed or used in contravention of the provision erected hg of this Act or used of any rule, regulation or order made there contravention . . os .

; under, the Authority or any person authorised by it in this of this Act. 7 y YP 7 y

behalf may, by order in writing require the owner, occupier user or person in control of such building structure or work to erect, construct or to use it in such manner so as to bring such erection, construction or use in accordance with the provisions of this Act.

(2) 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 authorised by it in this behalf may after giving the person affected by the order, 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.

Members, Officers 27. The Chairman, Members, Director General, Officers, & Employees Servants, Experts and Consultants of the Authority shall, when

www.ezqanoon.com

to be public  
servants.

Immunity of the  
authority and  
its employees.

Power to make  
rules.

Power to make  
regulations.

This Act to prevail  
over other  
laws.

Dissolution.

Repeal.

www.ezqanoon.com

i.e. Act XLV of 1860.

acting or purporting to act in pursuance of the provision of this  
Act be deemed to be public servants with the meaning of  
Section 21 of the Pakistan Penal Code’.

28. (1) No suit, prosecution or any other legal  
proceeding shall be against the Authority, the Chairman, the  
Director General, any Member, Servant, Expert or Consultant  
of the Authority, in respect of anything done or intended to be  
done in good faith under this Act.

(2) In every such suit the complaint shall contain a  
statement that such notice has been so delivered.

29. Subject to the provisions of this Act the Government  
may make rules for carrying into effect the purposes of this Act.

30. Subject to provisions of this Act and the rules framed  
there under the Authority may make such regulations as may be  
necessary for carrying out the purposes of this Act.

31. ‘In the event of any conflict or inconsistency between the  
provisions of this Act and the provisions of any other law, the  
provision of this Act shall, to the extent of such conflict or  
inconsistency prevail.

32. The Government may, by notification, dissolve the  
Authority and make provisions for dealing with the  
consequences of such dissolution.

33. The Ziarat Valley Development Authority Ordinance, 1992 (V of 1992) is hereby repealed.

The Ziarat Valley Development Authority Ordinance, 1991 (Baln. Ord. X of 1991), was initially promulgated on 24<sup>th</sup> December, 1991 and published in the Balochistan Gazette (Extraordinary) No. 1, dated 4<sup>th</sup> January, 1992. Later it was re-promulgated by Baln. Ord. I of 1992, with effect from 24 March 1992, which repealed the earlier Baln. Ord. X of 1991. It was again promulgated on 23<sup>rd</sup> June, 1992, by Baln. Ord. IV of 1992 and published in the Balochistan Gazette (Extraordinary) No. 76, dated 14<sup>th</sup> July, 1992, which repealed the Baln. Ord. I of 1992. Once again it was promulgated on 23<sup>rd</sup> September 1992 by Baln. Ord. V of 1992, with effect from 23<sup>rd</sup> September 1992, published in Balochistan Gazette (Extraordinary) No. 249, dated 6<sup>th</sup> October, 1992, which repealed the earlier Baln. Ord. V of 1992; and now repealed by s. 33.