

TO BE PUBLISHED IN THE NEXT ISSUE
OF BALOCHISTAN GAZETTE.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION

Dated Quetta, the 10th September, 2020.

No.PAB/Legis;V(18)/2019. The Balochistan Housing And Town Planning Authority Bill, 2019 (Bill No. 18 of 2019), having been passed by the Provincial Assembly of Balochistan on

10 August, 2020 and assented to by the Governor, Balochistan on 10 September, 2020

is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN HOUSING AND TOWN PLANNING AUTHORITY ACT, 2020.

Preamble.

Short title,
extent and

commencement.

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ACT NO. II OF 2020.

AN
ACT

to provide for the establishment of Housing and Town Planning
Authority in the Province of Balochistan.

WHEREAS, it is expedient to establish an authority for
Housing and Town Planning in order to provide shelter to the
shelter less and to establish a comprehensive system of town
planning at regional, district, tehsil or union council level, as such
to ensure systematic, integrated growth of urban and rural areas
in the Province of Balochistan and to make provisions for matters
connected therewith and ancillary thereto:

It is hereby enacted as follows: —

CHAPTER-I
PRELIMINARY.

1. (1) This Act may be called the Balochistan Housing and
Town Planning Authority Act, 2020.

(2) It shall extend to whole of Balochistan.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless there is anything repugnant to the subject or context —

(a) “Act” means the Balochistan Housing and Town

Planning Authority Act, 2020;

(b) “Authority” means the Balochistan Housing and

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Town Planning Authority established under section 3 of this Act;

“Controlled Area” means an Urban Area or any other Area to be declared Controlled Area by the Government of Balochistan through notification in the official Gazette to which this Act applies;

“Chairman” means the Chairman of the Authority;

“Fund” means the Housing and Town Planning (revolving) Fund formed under section 18 of the Act;

“Government” means the Government of the Balochistan;

“Government Authority” includes -

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

(ii) District Government, Tehsil Municipal Administration and a Development Authority or any other body, company or corporation (whether autonomous or semi-autonomous) owned or controlled by Government;

“Department” means Urban Planning & Development Department, Government of Balochistan;

“Kachi Abadis” means a Kachi Abadi as declared by Government under Section 3 of The Balochistan

Kachi Abadis Regulation & Development of Slum
Structure Act, 2018;

“Land” includes earth, water above, below or on the
surface and any improvements in the structure
customarily regarded as land and benefits arising

out of land and things attached to earth or permanently fastened to earth;

(k) "Member" means a member of the Authority;

(l) "Person" includes an individual, company, firm, cooperative society or association of individuals whether incorporated or not;

(m) "Prescribed" means prescribed by rules or regulations framed under this Act;

(n) "Secretary" means the secretary of the Authority; and

(o) "Slum" means a house or any building not fit for human habitation.

CHAPTER-II

ESTABLISHMENT AND CONSTITUTION OF BALOCHISTAN HOUSING AND TOWN PLANNING AUTHORITY.

Establishment 3. (1) after the commencement of this Act, the Government

of the shall establish by notification in the official Gazette an Authority

Authority. not later than sixty days to be called "the Balochistan Housing and Town Planning Authority" for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immovable, and may sue and be sued by the said name.

(3) The Authority may have powers to enter into agreement with any Person or Persons as prescribed by rules.

Members of the 4. (1) The Governing Body shall consist of a Chairman, the

Authority. Director General and upto ten members to be appointed by the Government. The Government may also co-opt member(s), both ex-officio or public representative(s) as and when considers necessary.

Powers and
functions of the
Authority.

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(2) The Minister for Urban Planning & Development Department or if there is no Minister any other person as nominated by the Chief Minister shall be the Chairman of the Authority.

(3) The members except the ex-officio members shall hold office for a period of three years unless removed earlier by the Government at any time without assigning any reason.

(4) Any non-official member may, by a notice in writing under his hand addressed to the Chairman, resign from his office.

(5) No act or proceedings of the Authority shall become invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Authority.

(6) Meetings of the Governing Body shall be held at such times and places and in such manner as the Chairman may decide, wherein Seven members shall constitute the quorum for a meeting of the Governing Body.

(7) The Governing Body of Authority shall take decisions by the majority of its members present and voting, and in case of a tie, the person presiding at the meeting shall have a casting vote.

(8) The Authority shall cause to be recorded the minutes of the proceedings of every meeting of the Authority and of every meeting of a committee established by the Authority.

(9) The Secretary of the Authority shall maintain a complete record of the minutes and the decisions of the Authority in the prescribed manner.

5. (1) Subject to the provisions of this Act and any rules framed thereunder, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing sub-section, the Authority shall -

(a) facilitate provision of housing inputs including land, finance, building materials through institutional and legal frame-work and develop indigenous and cost effective approaches;

- (b)
- (c)
- (d)
- (e)
- (g)
- (h)
- (i)

implement parameters of the national housing policy, coordinate and liaise with the Federal Government, District Governments, Tehsil Municipal Administrations, concerned departments and agencies;

identify state and other lands for developing low income and low cost housing schemes;

facilitate construction of multi storey flats (Low Cost Housing) in collaboration with the District Governments and Tehsil Municipal Administrations by arranging finances from the House Building Finance Corporation, Development Finance Institutions and commercialized banks;

provide affordable, cost efficient housing schemes especially for the low income groups and families out of the Revolving Fund;

facilitate public and private partnership or ventures in housing and development of recreational activities including Theme Parks and other public facilities;

promote environment for friendly and standardized construction activities (Cluster Housing);

prepare guidelines, long-term and short-term plans for implementing the low cost housing schemes and programmes;

facilitate land availability through various innovative measures, develop a comprehensive land information system (Land Bank) to cater for the planning and development requirements for a period of five to ten years (Forward/future Planning);

mobilize resources and generate funds in order to provide finance for housing especially to the low income group;

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develop land disposal systems which are unified, transparent and market oriented with open auction policy and exception for special needs;

suggest measures to check growth of slums and kachi abadis, formulate' resettlement and relocation plans;

propose suitable amendments in Land Acquisition laws to make provisions for unified, transparent and market oriented system of land acquisition;

prepare regional development plans (Inter district spatial planning and Master plans) for an integrated, coordinated and systematic planning to ensure orderly growth and development of physical infrastructure such as_ highways, railways, industrial zones, conservation of forest reserves and provision of electricity, telephone, natural gas, etc.;

plan a comprehensive programme for the development of satellite, intermediate, secondary and industrial towns to reduce migration and drift to dense settlements;

develop Geographic Information System (GIS) for efficient land documentation and information related to Housing and Town Planning;

provide technical assistance to the District Governments and Tehsil Municipal Administrations towards capacity building in all matters related to Housing and Town Planning;

coordinate with Federal, District Governments and Tehsil Municipal Administrations for implementing the development plans and programmes pertaining to Housing and Town Planning;

assist provincial agencies such as Workers Welfare Board and Government Servants Housing Scheme, etc., in the areas of low cost housing;

formulate policy parameters to ensure liberalization in the existing regulatory measures,

Director General

Delegation.

Appointment of
officers and
employees.

Meetings.

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and to streamline the affairs of private housing
schemes; and

(u) perform such other functions as may be assigned
to the Authority from time to time by the Provincial
Government, the District Governments or, as the
case may be, the Tehsil Municipal Administrations.

CHAPTER-III DIRECTOR GENERAL.

6. (1) There shall be a Director General of the Authority, who shall be appointed by Government for a period of three years on such terms and conditions as may be determined by the Government.

(2) The Director General shall be the Chief Executive of the Authority and shall perform such duties as may be assigned to him by the Act or Government and exercise such powers as may be delegated to him by the Authority.

(3) The Director General shall be responsible to arrange and conduct the meetings of the Authority as Member / Secretary; and do all such acts as necessary for recording and implementation of the decisions taken in the meetings or as otherwise directed by the Authority.

7. The Authority may, by general or special order, delegate to the Director General, a Committee constituted under section 10, a member or an officer of the Authority, any of its powers, duties or functions under this Act or the rules made thereunder subject to such conditions as it may deem fit.

8. The Authority may appoint such officers, advisers, experts, consultants and employees, as it considers necessary for the efficient performance of its functions on such terms and conditions as prescribed.

9. (1) The Authority shall meet at least thrice in a year at such place and at such time and shall observe such rules of procedure in regard to transaction of business in its meetings as may be prescribed.

Committees.

Preparation of schemes.

Modification of schemes.

Power to execute any scheme.

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(2) The Chairman shall preside over the meetings of the Authority and in his absence any other member of the Authority, elected by the members present, shall preside over the meeting.

10. 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 by the Authority.

CHAPTER-IV PREPARATION OF SCHEMES.

11. (1) The Authority in consultation with any other Authority of the Government shall, in such form and in such manner as may be prescribed, prepare schemes for the area or any part thereof.

(2) All schemes prepared by the Authority shall be submitted to the Government for approval, except those schemes, the estimated costs whereof do not exceed such limit as may be prescribed by rules or for which no loan or grant is required from the Government.

(3) The Authority shall publish the approval of its scheme(s) in the official Gazette and shall forthwith proceed to execute the scheme in collaboration with any other Authority of the Government.

(4) The publication of a scheme under sub-section (3),

shall be conclusive evidence that the scheme has been duly framed and sanctioned.

12. Any scheme prepared under this Act may, at any time, be amended or modified by the Authority in consultation with the Government Authority concerned, in the same manner as may be prescribed for the preparation of a scheme.

13. (1) Where the Authority is satisfied that any direction given by it with regard to any scheme has not been carried out by the Government Authority concerned, the Authority may itself undertake any work for the execution of that scheme and the cost thereof shall be borne as may be agreed between the Authority

Directions by
Government.

Controlled Area.

Borrowing
money.

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and the Government Authority concerned and in the event of disagreement, as may be determined by the Government.

(2) Where any work is undertaken by the Authority under sub section (1), it shall be deemed to have, for the purposes of execution of such work, all the powers which may be exercised, under any law for the time being in force, by the Government Authority concerned.

CHAPTER-V DIRECTIONS BY GOVERNMENT.

14. (1) The Authority may require any other Government Authority within whose jurisdiction any particular locality or aspect of development covered by the scheme lies -

- (a) to execute a scheme in consultation with said 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 of maintenance of any work, under this section, shall be borne as may be agreed between the Authority and the Government Authority concerned and in the event of disagreement, as may be determined by the Government.

15. The Authority may, by notification in the official Gazette, declare any locality to be a Controlled Area, for the purposes of this Act and may issue in respect of such locality such directions as it considers fit and appropriate and do all such things as may be necessary for the prevention of haphazard growth, encroachments and unauthorized construction in such area.

16. (1) The Authority shall be deemed to be a local authority for the purpose of borrowing money and any scheme or project

Liability to
acquisition.

Housing and
Town Planning
Fund.

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prepared or undertaken by the Authority shall be deemed to be
“work”, as defined in section 2 of the Local Authorities Loans Act,
1914 (Act IX of 1914):

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

(2) The Authority may, in consultation with the Finance
Department, Government of Balochistan, borrow money or raise
funds by issuing bonds or debentures or otherwise for carrying
out the purposes of this Act, at such rate of interest as may be
approved by the Government.

CHAPTER-VI ACQUISITION.

17. Notwithstanding anything to the contrary contained in the
Land Acquisition Act, 1894, all land within the controlled area
shall be liable to acquisition at any time in accordance with the
provisions of this Act except land acquired under public private
partnership mode.

CHAPTER-VII HOUSING AND TOWN PLANNING FUND.

18. (1) There shall be formed a fund to be known as Housing
and town Planning (Revolving) 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 remunerations to the members, officers, servants, experts
and consultants of the Authority.

(2) The Fund shall consist of -

(a) grants and loans by the Government;
(b) all funds and accounts received from Federal
Government or any international Authority by way

of grants, loans, advances or otherwise;

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

Rates and fees.

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(d) all moneys received by the Authority from the disposal of lands, buildings and other properties moveable and immovable;

(e) proceeds from the self-financing schemes; and

(f) all other sums receivable by the Authority.

(3) In case of deficit revenue of the Authority, Government shall provide from its own revenues or from any other source, such sum as may be necessary for the efficient performance of functions of the Authority under this Act.

(4) The Authority may keep in account of any scheduled bank such sum as may be prescribed and any amount in excess of the said amount shall be invested in Government securities, Government sponsored saving schemes or in such manner as may be determined by the Authority.

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

19. (1) With the prior approval 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.

(2) The rates, fees and other charges shall be such as to provide sufficient revenues -

(a) to cover the operating expenses including taxes if any, an interest to provide adequate maintenance and depreciation;

(b) to meet repayments on long term indebtedness to the extent that such repayments exceed the provision of depreciation; and

(c) to finance the normal year to year extension of any of such schemes and to provide a reasonable portion of the cost of future major expansion of such schemes.

Accounts.

Budget.

Audit.

Offences,
penalties and
procedures.

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

21. 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 receipt and expenditure of the Authority and shall submit the same to the Government for approval as provided under the rules of Finance Department.

22. The accounts of the Authority shall be audited annually by duly qualified auditors appointed by the Authority in addition to the audit by the Government Auditors

CHAPTER-VIII

OFFENCES, PENALTIES AND PROCEDURES.

23. (1) If a person contravenes any provision of the Act, he shall be liable to punishment of imprisonment which may extend to six months or fine which may extend to fifty thousand rupees or both.

(2) If a person continues to commit an act in violation of any order of the Authority, he shall, in addition to any other punishment under the Act, be liable to punishment of fine which may extend to one thousand rupees for each day the offence continues.

(3) If a person, being convicted under the Act, again commits an offence under the Act, he shall be liable to punishment of imprisonment for a term which may extend to one year or fine which may extend to one hundred thousand rupees or both.

(4) An offence under the Act shall be bail-able but the

police shall not take cognizance of the offence except on the information received from an authorized officer of the Authority.

Compounding
of offences.

Cognizance of
offences.

Notice and
Authorization.

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(5) The procedure for the trial of offences under the Act shall be the same as is laid down in the Criminal Procedure Code of for summary trial.

24. Subject to the provision of section 345 of the Code of Criminal procedure, 1989 (V of 1989), except as otherwise provided, the Authority or Government Authority, as the case may be, or an officer or any other person generally or specially authorized by the Authority in this behalf, may, at any time or after the commission of the offence but before the conclusion of proceedings in the court, compound any offence punishable under this Act.

25. (1) No Court shall take cognizance of any offence under this Act except on a complaint in writing received from the Authority or an officer or a person generally or specifically authorized by the Authority or on a complaint filed by an affected citizen if no action is taken on the complaint made by him under sub section (2).

(2) The Authority on its own motion, or an officer or any other person generally or specially authorized by the Authority on his own motion, or on the complaint of any affected citizen, may institute any suit or initiate prosecution or any other legal action against a person committing an offence under this Act.

26. The Authority or Government, as the case may be, shall authorize an officer or officers under its administrative control -

(a) to issue legal notices for violation or commission of any offence under this Act;

(b) to take such measures and actions for compliance of directions contained in the notices issued restraining violation or commission of any offence under this Act or rules; and

(c) to initiate legal proceedings, defend any legal proceedings initiated against the Authority or Government Authority, as the case may be, attend court proceedings and represent the

Rights of
citizen not
affect.

Conversion of
property to a
different use.

Recovery of
dues.

Summary
eviction of
unauthorized
occupant or
user.

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

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concerned Authority or Government Authority as
the case may be.

27. Nothing contained in section 24 shall restrict or limit the rights of the citizens or residents of a local area to bring any suit or other legal proceedings against the Authority or Government Authority, as the case may be, its officers or other functionaries violating the rights available to them under any law for the time being in force.

28. Conversion of any property to a different use or purpose other than the one provided under a scheme, by a person or any other Authority of the Government, without the prior approval of the Authority in writing, shall be punishable with a fine which may extend to rupees one thousand per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to one year or with both.

CHAPTER-IX MISCELLANEOUS.

29. Any sum due to the Authority from, or any sum wrongly paid by the Authority to, any person under this Act, shall be recoverable as arrears of land revenue.

30. The Director General or an officer authorized by the Authority may evict any person in unauthorized occupation of any land or property vested in the Authority as prescribed and may use such force as may be necessary to remove the unauthorized occupant or user:

Provided that no action under this section shall be taken without providing an opportunity of being heard to the persons to be affected thereby.

31. (1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Act or of any rule, regulation or order made thereunder, any person authorized by the Authority in this behalf, may, by order in writing, require the owner, occupier, user or 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 so as to bring such erection, construction or use, in accordance with the provisions of this Act.

Members,
officers and
employees to
be public
servants.

Indemnity.

Jurisdiction of
Courts barred.

Attempts and
abetments.

Police
assistance.

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(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, any person authorized by the Authority 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 therefore, from the person responsible for the erection, construction or use of the building, structure, work or land.

32. The Chairman, members, Director General, officers, servants, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any provision of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

33. No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, the Director General, any member, officer, servant, expert or consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act and as per prevailing Laws.

34. Save as otherwise provided by this Act, no Court or other Authority shall have jurisdiction to question the legality of anything done or any action taken under this Act by or at the instance of the Authority.

35. A person who attempts to contravene, or abets the contravention of any order made under this Act shall be deemed to have contravened that order.

36. The police shall render such assistance as the Authority may require in the discharge of its functions under the Act.

Act to have
overriding
effect.

Power to make
rules.

Power to frame
regulations.

Annual report.

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37. The provisions of the Act shall have effect notwithstanding anything to the contrary contained in any other law.

38. The Government may, by notification in the official Gazette, make rules within six months for giving effect to the provisions of the Act.

39. Subject to the Act and the rules, the Authority may, with the prior approval of the Government, frame regulations within six months for matters not provided in the rules and for which provision is necessary or expedient for carrying out the purposes of the Act.

40. (1) The Authority shall, within three months of the close of a financial year, submit to the Government and Provincial Assembly of Balochistan an annual report.

(2) The report shall consist of -

(a) the statement of accounts of the Authority;

(b) a comprehensive statement of the work and activities of the Authority during the preceding financial year; and

(c) such other matters as may be prescribed and as the Authority may consider appropriate.

(TAHIR SHAH KAKAR)
Secretary