

THE DEFENCE HOUSING AUTHORITY QUETTA
ACT 2015 (AMENDMENT-2024)

(ACT NO. II OF 2024)

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THE DEFENCE HOUSING AUTHORITY QUETTA
ACT 2015 (AMENDMENT-2024)

(Balochistan Act II of 2024)

[2nd October, 2015]

to amend the Defence Housing Authority

Quetta Act, 2015 (Act No. XI of 2015).

An Act to establish the Defence Housing

Authority Quetta.

WHEREAS, It is expedient to amend the Defence Housing Authority Quetta Act, 2015 (Act No. XI of 2015), in the manner and for the purposes hereinafter appearing.

Preamble. Iia.

Short Title and 2. a.

Commencement.

2[b.

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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 the specified area across the Province of Balochistan, as may be notified, from time to time, under

This Act was passed by the Provincial Assembly of Balochistan on 1st October 2015; assented to by the Governor of Balochistan on 24 October, 2015, and published in the Balochistan Gazette (Extraordinary)

No. 175, dated 2»¢ October, 2015.

Substituted sub-section "(b)", by the Balochistan Assembly on 07 August 2024, assented to by the Governor of Balochistan, 06" August, 2024.

Definitions. 3.

this Act.]

It shall come into force at once and shall be deemed to have taken effect from 28th Feb, 2015.

In this Act, unless there is anything

repugnant in the subject

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"Administrator" The Administrator shall be serving or retired officer '[of the Pakistan Army] not below the rank of Brigadier, duly appointed by the Chief of Army Staff, who shall perform such functions as ?[stipulated under this Act.]

. "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.

"President" means President of the Executive Board.

"Project" means any project of housing or development of land undertaken or planned by the Authority.

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"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.

Inserted by the Balochistan Assembly on 07 August 2024; assented to by the Governor of Balochistan,

06% August, 2024.

Substituted for the words "may be assigned to him by the Governing Body" by ibid.

Omitted sub section "(k)" by ibid.

o. "Scheme" means any financial scheme or development scheme undertaken, planned or made by the Authority, under this Act.

p. "Secretary" means the Secretary of the Authority.

1[q."Specified Areas" shall mean all land, so notified by the Government, which the Authority owns, purchases, procures, or in which the Authority may, from time to time, develop or hold any

proprietary, leasehold, or other interests, in accordance with law; and/

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."Welfare Activities" shall mean any activity done or undertaken, by or through the Authority, for the welfare and rehabilitation of serving and retired personnel of law enforcement agencies and the Armed Forces of Pakistan, including inter alia, officer, soldiers, war wounded personnel, bereaved families of shuhada, or other affected residents of Balochistan, in accordance with the directions issued by the Executive Board.]

Establishment 4. a. As soon as may be after the commencement of

of the Authority. this Act, there shall be established an Authority to be known as the Defence Housing Authority Quetta, ° [for carrying out the purposes envisioned under this Act, which shall comprise the following:

(1) Administrator;
(2) Secretary; and

(3) One person to be nominated by the Executive Board. |

b. 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.

c. The Head office of the Authority will be at

Quetta.

* Substituted sub-section (q), by the Balochistan Assembly on 07 August 2024, assented to by the Governor of Balochistan, 06 August, 2024.

2 Inserted new sub-section “(r)”, by *ibid*.

3 Inserted after the word “Quetta”, the following expression, by *ibid*.

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1[Powers and 4-A. a. The Authority shall carry out all works and Functions of functions, as envisioned under this Act.

the Authority. b. In particular, and without prejudice to the

generality of the foregoing, the Authority
shall, inter alia,-

(1) Manage assets, funds, loans, grant, and
other monies of, or
entrusted to the Authority;

(2) Plan, develop, execute, grow and market
different schemes,
projects and other activities of the
Authority;

(3) Implement the guidelines and policies of
the Executive Board
and Governing Body;

(4) Institute, Carry out, grow, and
strengthen Welfare Activities;

(5) Establish liaison between the Governing
Body and the
Executive Board; and

(6) Do all such deeds and acts, as may be
necessary for carrying
out the purposes envisioned under this
Act.

c. No act or proceeding of the Authority shall
be questioned or
invalidated merely on ground of existence of
a vacancy or defect in the

constitution of the Authority.]

Management. 5. a. The general direction and administration of
the affairs of the Authority shall vest in the
Governing Body which shall consist of: —

(1) The 2[Commander 12 Corps] | - | Chairman
Quetta.
(2) [Adjutant General / | - | Member

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

Governor of Balochistan, 06 August, 2024.

2 Substituted for the words "Commander Southern Command" by ibid.

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(3) (Chief Secretary Balochistan Member

Province

(4) [The Administrator Member

(5) | [Senior Member Board of Member

Revenue, Government of

Balochistan Member"., and/

(6) (The Secretary of the Member/

Authority Secretary

(7) Two 2[residents of the Member

Authority] to be nominated

by the Chairman.

b. The Governing Body shall: —

(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 Executive Board may place before it.

(1)

(2)

(3)

(4)

of: —

3[(Commander 12 Corps Quetta)]

The Administrator of the

Authority

Two members to be nominated

by the president i.e.

4(Commander 12 Corps Quetta.)

The Secretary of the Authority.

. There shall be an Executive Board consisting

President

Member

Member

Member/
Secretary

. The Executive Board shall, subject to the

control of the Governing Body exercise all
powers and do all acts and things which may

Substituted by the Balochistan Assembly on 07t August 2024, assented to by the Governor
of Balochistan, 06 August, 2024.

Substituted for the words “co-opted members” by ibid.

Substituted for the words “Commander Southern Command” by ibid.

Substituted for the words “Commander Southern Command” by ibid.

be exercised or done by the Authority.

e. 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.

Powers, Duties 6. a. Subject to other provisions of this Act, the

and Functions Executive Board may take such measures and of Executive exercise such powers as may be necessary for Board. carrying out the purposes of the Act.

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

(1) Acquire any land in accordance with the 1flaw,] 2[across] Balochistan Province.

3[(1-A)] Issue Policy instructions for the carrying out of Welfare Activities, as per the provisions of this Act. and]

(2) Undertake any works in pursuance of any scheme or project.

(3) Incur any expenditure.

(4) Procure plant, machinery, equipment, instrument and necessary material.

(5) 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 any property, plot or project within the area of the Authority.

(6) 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.

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

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

* Substituted for the words “the Land Acquisition Act, 1894, (Act I of 1894)”, by the Balochistan Provincial Assembly on 07 August 2024, assented to by the Governor of Balochistan, O6t August, 2024.

Substituted for the words “in the” by *ibid*.

Inserted a new clause “1-A” by *ibid*.

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3[Powers and
functions of
Administrator.

(9)

(10)

(11)

(12)

(13)

(14)

6A.

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.

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.

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(a) Subject to the provisions of this Act and the rules and_ regulations made hereunder, the administrator shall exercise all executive powers of the Authority, as provided under this Act.

(b) In particular, and without generality of

the foregoing powers, the powers of the Administrator shall include: -

(1) Administration of day-to-day affairs of the Authority;

(2) Implementation of Welfare Activates, in accordance with any direction that may be issued, from time to time, by the Executive Board;

(3) Hiring of the employees, advisors, consultants of the Authority;

(4) Any act or function that may be

assigned or delegated by the Executive Board or the Governing

Omitted a clause (13) by the Balochistan Assembly on 07 August 2024, assented to by the Governor of Balochistan, 06t August, 2024.

Omitted clause (14) by ibid.

Inserted new section (6-A) by ibid.

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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.

2[Act not to
override other
laws

Committees.

and

Municipal
functions.

Body; and

(5) Carrying out any other function
connected therewith, or ancillary
thereto, for the purposes of this
Act.]

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. '1[The Governing Body, the Executive Board
may delegate to the Authority or any person all or

any of their functions under this Act.]

11. The provisions of this Act shall be in addition to and not in derogation of any 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.

(Section 13 Omitted)

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

Substituted by the Balochistan Assembly on 07 August 2024, assented to by the Governor of Balochistan, 06 August, 2024.

Substituted by *ibid.*

Omitted section (13) by *ibid.*

Power to cancel
Allotment.

Authority fund.

Budget audit
and accounts.

Recovery of
sums due to the
Authority.

Acquisition of
land.

for the time being in force.

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2{15.a.The Governing Body or the Executive Board 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 instalments 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 wring 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.

b.The Executive Board may, on_ the recommendation of the President, cancel, revoke or rescind any allotment, transfer, license, lease or agreement, as deemed appropriate, for a plot or housing unit, granted or subsidized in terms of Welfare Activities.]

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,

1 Omitted sub-section (b) by the Balochistan Assembly on 07 August 2024, assented to by the Governor of Balochistan, 06 August, 2024.

2 Substituted section (15) by *ibid*.

Appointment of
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.

18941 (I of 1894).

20. The Executive Board appoint such persons in its service 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 18602.

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

1 Act I 1894, adopted by Balochistan Laws (Adaptation) Order, 1975, published in the Balochistan Gazette (Extraordinary) No. 17, dated 9 May 1975.

2 Act XLV of 1860.

Appeals. 23-A Any person aggrieved of any order passed by the Authority or Executive Board, within thirty (30) days of the Communication of the said order, may file an appeal before the Governing Body, whose decision shall be final.]

Indemnity. 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.

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

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

Repeal. The Defence Housing Authority Quetta (Amendment) Ordinance 2024 (No. I of 2024) is hereby repealed.

Inserted a new section "23-A" by the Balochistan Assembly on 07 August 2024, assented to by the Governor of Balochistan, 06" August, 2024.