

**THE BALOCHISTAN KACHHI ABADIS REGULARIZATION
AND DEVELOPMENT OF SLUM STRUCTURES
ACT, 2018**

(Baln. Act VI of 2018)

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**1THE BALOCHISTAN KACHHI ABADIS REGULARIZATION
AND DEVELOPMENT OF SLUM STRUCTURES
ACT, 2018**

(Balochistan Act No. VI of 2018)

[10th May, 2018]

An Act to make provisions for the regularization and development of the Kachhi Abadis and to provide facilities to such areas and slum structures.

Preamble.

WHEREAS, it is expedient to make provisions for the regularization and development of the Kachhi Abadis and to provide facilities to such areas and slum structures.

It is hereby enacted as follows: –

Short title, extent
and
commencement.

1. (1) This Act may be called the Balochistan Kachhi Abadies Regularization and Development of slum structures Act 2018.

(2) It shall extend to the whole of Balochistan except tribal areas.

(3) It shall come into force at once.

(4) The provisions of this Act shall have over-riding effect to any provision of any other law for the time being enforced.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context, —

(a) "Act" means the Balochistan Kachhi Abadis Regularization and Development of slum structures, Act, 2018;

(b) "Council" means the Local Councils constituted under the Balochistan Local Government Act, No. V of 2010;

(c) "Directorate" means the Directorate of Kachhi Abadis and Slum structures

¹ This Act was passed by the Provincial Assembly of Balochistan on 30th April, 2018; assented to by the Governor of Balochistan on 10th May, 2018; and first published in the Balochistan Gazette (Extraordinary) No. 102, dated 10th May, 2018.

established under section 11 of this Act;

- (d) "Federal Government" means the Federal Government of Islamic Republic of Pakistan;
- (e) "Fund" means the Balochistan Kachhi Abadis Fund constituted under section 10 of this Act;
- (f) "Government" means the Government of Balochistan;
- (g) "Kachhi Abadis" means a Kachhi Abadi as declared by the Government under section 3 of this Act;
- (h) "Scheme" means a scheme prepared under section 8 of this Act;
- (i) "High rise building" means the construction of a building as determined by the Local Council from time to time;
- (j) "Non-notified public land" means a building, land, place or premises vesting in or under the management or control of the Government, local council, autonomous body or registered corporate society, or such other authority set up or established by any law or the Government;
- (k) "Prescribed" means prescribed by rules or regulations made under this Act;
- (l) "Province" means the Province of Balochistan;
- (m) "Rules and Regulations" means the rules and regulations made under this Act;
- (n) "Slum structure" means a house or any building not fit for human habitation;
- (o) "Tribunal" means a Tribunal established under this Act;
- (p) "Unit" means an independent residential

unit consisting of at least one habitable room, bathroom, toilet and kitchen facilities;

- (q) "Utility agency" means the QESCO, Sui Southern Gas Company, Water and Sewerage Authority Quetta, PTCL or any other services provider; *and*
- (r) "Collector" means the collector of a District as defined in the Balochistan Land Revenue Act, 1967 /Deputy Commissioner of the District.

(2) Words not defined in this Act shall, unless the context otherwise requires, have the meanings assigned to them in the Balochistan Local Government Act 2010, (No. V of 2010).

Declaration.

3. (1) A council may, by resolution, apply to the Government for declaration of any area owned by it or a Local Authority or the Government, which was partially or wholly occupied unlawfully for residential purpose before the day as notified by the Government and continues to be occupied, to be a Kachhi Abadi.

(2) The Government may, after such enquiry as it deems fit, by notification in the official Gazette, declare any area specified in the resolution referred to under sub-section (1) a part thereof to be a Kachhi Abadi.

(3) The Government may, by notification in the official Gazette declare any area or part thereof which was partially or wholly occupied unlawfully for residential or commercial / industrial purpose before the day as notified in the notification; and continues to be so occupied to be a Kachhi Abadi.

(4) Save as otherwise provided in this Act, the declaration of any area to be a Kachhi Abadi shall not confer any right on any person in occupation of any land or building in the Kachhi Abadis.

(5) Area which is owned by the Federal Government may be declared as Kachhi Abadis with the consent of the

concerned Federal Department / Ministry.

(6) No area owned by a private person or a cooperative society shall be declared as Kachhi Abadi except with the consent of such person or society; and the Kachhi Abadi so declared shall be subject to such terms and conditions as may be agreed to between such person or, as the case may be, society and the Authority.

(7) The compensation for acquisition of the area shall be determined by the Collector.

(8) The tribunal shall have all the powers of a Collector exercisable by him with determining the compensation or making award.

(9) The Government may, by notification in the official Gazette, establish a Tribunal and specify the area in which Tribunal shall exercise its jurisdiction.

Exemptions.

4. Except as otherwise directed by Government no area which is reserved for the purposes of roads, streets, water supply arrangements, sewerage or other conservancy arrangement, hospitals, schools, colleges, libraries, playgrounds, gardens, mosques, graveyards, railways, high tension lines, or such other purposes, or is not safe from flood hazard, shall be declared to be a Kachhi Abadi.

Shifting of
occupants of
Kachhi Abadis.

5. Occupants of any Kachhi Abadi may, with the prior approval of the Government, be shifted to such suitable state land by the Government, if the land under is a Kachhi Abadi or apart thereof, —

- (a) is not transferred by the owner of the land; *or*
- (b) is required for providing civic amenities in the Kachhi Abadis; *or*
- (c) is low-lying and its development is not economical; *or*
- (d) is required for any public purpose.

Execution of
Agreement.

6. An area declared to be a Kachhi Abadi shall subject to an agreement referred to in sub-section 6 (4) of section 3, vest in the council concerned for the purpose of regularization and

development.

Regularization.

7. (1) A Kachhi Abadi shall be regularized by the Government and shall be developed by the council concerned in accordance with the provisions of this Act.

(2) Subject to the provisions and the directions, if any, of the Government, the Director General, after such enquiry from Revenue Authority as he deems fit, by notification in the official Gazette, declare any area or part thereof which has been occupied unlawfully and continues to be so occupied and has at-least forty dwelling units on it to be a Kachhi Abadi:

Provided that the Government may by notification from time to time re-determine the number of dwelling units for the purpose of declaration of a Kachhi Abadi.

(3) The Government may by Notification in the official Gazette regularize the inhabitants of the Kachhi Abadies, where after shall be declared as owner of the land where are they are residing unlawfully:

Provided that the lease of such land allocated to him shall be non-transferable for at-least 15 (fifteen) years.

Preparation of
scheme for
Kachhi Abadi
and Slum
Structure.

8. (1) Subject to the rules and the directions of the Government not inconsistent with the provisions of this Act, the council concerned shall prepare a scheme for regularization and development of the Kachhi Abadis and slum structures.

(2) The scheme shall *inter alia* provide for, —

(a) the rehabilitation of the un-authorized occupants of a Kachhi Abadi in the same Kachhi Abadi or, where it is not possible, in any other locality by allotting plots of prescribed size;

(b) allotment and leasing out of plots on such terms and conditions, including period of lease, as may be prescribed:

Provided that no plot shall be leased out unless the terms and conditions of the allotment have been compiled with

by the allottee:

Provided further that a lease granted under this Act shall not be transferable for such period as mentioned in the sub-section (3) of section 7, except by inheritance or mortgage against a house building loan to the House Building Finance Corporation (HBFC), a scheduled bank or any other agency approved by the Government; *and*

- (c) Recovery of lease money and development charges as may be fixed by the Local Council.

(4) The schemes may relate to Kachhi Abadis and Slum Structures and for the following purposes:—

- (a) Community planning, housing, re-housing including low cost housing and amelioration;
- (b) Rehabilitation of occupants of Kachhi Abadi / Slum structures or where it is not possible in some other area or locality;
- (c) Community facilities including water supply, sewerage disposal, electricity supply, gas and other public utilities or amenities;
- (d) Roads and streets; *and*
- (e) Any subject or matter incidental or ancillary to the purpose of this Act.

(5) The Government may, by notification in the official Gazette, alter or amend the list of subjects given in above, and any such addition or modification shall take effect as if it had been enacted in this Act.

Registration of
Agreement.

9. The lessee shall register the lease documents with the sub registrar under the Registration Act 1908 (VI of 1908).

Funds.

10. (1) There shall be a separate fund known as "the

Balochistan Kachhi Abadi Fund

(2) The fund shall consist of, —

- (a) Grants and subsidy received from the Government or Federal Government or any local authority; *and*
- (b) The directorate may, with the prior sanction of the Government and on such terms and conditions as may be approved by the Government obtain, Loans from banks or other sources like Donors for carrying out the purposes of this Act.

Utilization of Fund. 11. (1) The amount credited in the fund shall be deposited in a scheduled bank approved by the Government.

(2) The Directorate shall utilize the funds for carrying out the purposes of this Act including payments of, —

- (a) Charges in connection with the regularization and development of Kachhi Abadis and execution of a scheme; *and*
- (b) Remuneration to the expert, consultant's agencies employed for any work under this Act.

Budget. 12. The Government may sanction the separate budget under this Act.

Accounts and Audit. 13. (1) The Directorate shall maintain or cause to be maintained complete and accurate accounts of the fund in such manner or form as may be prescribed by rules.

(2) The accounts of the Directorate shall be audited in every financial year by the Auditor General.

Establishment of Directorate. 14. (1) There shall be a provincial Directorate consisting of such officers and staff as may be determined by the Government headed by the Director General.

(2) The officer and staff including the Director General shall be deemed to be Civil Servants under the Balochistan Civil Servant Act, 1974.

Power of Director
General.

15. (1) The Director General, shall exercise such powers and perform such functions and duties as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, the Director General shall, —

- (a) implement policies formulated by the Government for the regularization, development and improvement of a Kachhi Abadi;
- (b) lay-down guidelines for the implementation of such policies by the concerned authorities;
- (c) identify an area to be declared as a Kachhi Abadi / Slum Structures under this Act;
- (d) arrange or carry out detailed physical survey, and census of occupants of the Kachhi Abadis / Slum Structures and prepare or cause to be prepared plans and amelioration plans and designs of infrastructural works in connection with the regularization and development of the Kachhi Abadies;
- (e) formulate development and financial programmes in respect of the Kachhi Abadies / Slum Structures and determine implementation strategy of such programme;
- (f) oversee the operation of the fund;
- (g) acquire, hold, control and administer, moveable or immoveable property or dispose of such property;
- (h) prepare or cause to be prepared schemes and execute or cause to be executed such schemes;
- (i) undertake, where necessary, low cost housing and redevelopment schemes for

resettlement of shiftees from the Kachhi Abadis / Slum Structures and the areas which are not regularizable as Kachhi Abadis;

- (j) incur expenditure for carrying out the purposes of this Act;
- (k) arrange civic amenities and civic services in the Kachhi Abadis / Slum Structures through the Government Agency or a donor agency of Pakistan or foreign origin;
and
- (l) implementation of all the decisions and other business of the Directorate.

(3) A consultant may be appointed to look after the work of rehabilitation.

Submission of Reports.

16. The Local councils and the Directorate shall submit to the Government such periodical reports, documents and other information as may be called for by the Government from time to time.

Rehabilitation Programme of Kachhi Abadies and Slum Structure.

17. (1) Every Kachhi Abadi and slum structure shall be rehabilitated by providing an alternative tenement measuring 600 square feet, preferably in the same area of slum structure of the size alternative tenement deciding by the Government.

(2) The Kachhi Abadi or slum structure being used for commercial purpose shall be granted as alternative tenement having equal area of 300 square feet or the size of alternative tenement decided by the Government.

(3) The law enforcement agencies shall provide maximum support to the Directorate for removal of Kachhi Abadis, Slums structure and encroachments.

Bar of Jurisdiction.

18. (1) No suit, prosecution or other legal proceedings shall lie against a person for anything which is in good faith done or purports to be done under this Act or directions given thereunder.

(2) If the Government considers that anything done or intended to be done by or on behalf of any officer or authority

exercising any power under this Act, is not in conformity with law or is, in any way, against public interest. It may, by order, quash the proceedings, suspend the execution of any order, or prohibit the doing of anything proposed to be done or require such officer or authority to take such action as may be specified.

- Prevention of New Kachhi Abadis. 19. The Government shall control formation of new Kachhi Abadis and informal settlement shall be discouraged by exercising strict development control in and all over the province, and there should be no eviction till the residents of Kachhi Abadis are reallocated as per resettlement plans/ schemes.
- Quota for poor peoples in the new housing schemes. 20. Any housing scheme which is going to be established in the province irrespective of whether the Government or Private shall fix 15% quota for the homeless, poor people, so that encroachment of the state land particularly may be discouraged.
- Power to make rules. 21. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- Repeal and Saving. 22. (1) The Balochistan Kachhi Abadis (Regularization and Development) (Act No. II of 1987), is hereby repealed.
- (2) Notwithstanding the repeal of the Act, mentioned in sub-section (1), anything done action taken, order issued, appointments made, directorate established, agreement executed, scheme prepared or made, Fund established, reports submitted, cell established, rules made or any other action taken under the repealed Act, shall be deemed to have been taken, made, appointed, issued or established under this Act.
