

NOTIFICATION.

Dated Quetta, 2nd October, 2015.

No.PAB/Legis:V (20)/2015. The Defence Housing Authority Quetta Bill 2015 (Bill No 20 of 2015), having been passed by the Provincial Assembly of Balochistan on 1st October, 2015 and assented to by the Governor, Balochistan on 2nd October, 2015 is hereby published as an Act of Balochistan Provincial Assembly.

The Defence Housing Authority Quetta Act,2015**Act No.XI of 2015****AN
ACT**

To establish the Defence Housing Authority Quetta.

1. Preamble:

- a. **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.
- b. **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.
- c. 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.

2. Short Title and Commencement:

- a. This Act may be called the Defence Housing Authority Quetta Act 2015.
- b. It extends to specified area of Quetta and other Districts of Balochistan.
- c. It shall come into force at once and shall be deemed to have taken effect from 28th Feb,2015.

3. **Definitions.**

In this Act, unless there is anything repugnant in the subject

- a. **"Administrator"** The Administrator shall be serving or retired officer not below the rank of Brigadier, duly appointed by the Chief **of Army** Staff, who Shall perform such functions as may be assigned to him by the Governing Body.
- b. **"Authority"** means the Defence Housing Authority Quetta established under this Act.
- c. **"Chairman"** means the Chairman of the Governing Body.
- d. **"Club"** means any Club owned / or operated by Defence Housing Authority Quetta.
- e. **"Executive Board"** means the executive Board constituted under this Act.
- f. **"Governing Body"** means the Governing Body constituted under this Act.
- g. **"Government"** means the Government of the Balochistan Province
- h. **"Prescribed"** means prescribed by rules or regulations made under this Act.
- i. **"President"** means President of the Executive Board.
- j. **"Project"** means any project of housing or development of land undertaken or planned by the Authority.
- k. **"Controlled area"** means area notified as such by the Authority, within the Province.
- l. **"Member"** means a member of the Authority and includes its Chairman.
- m. **"Regulations"** means regulations made under this Act.
- n. **"Rules"** means rules made under this Act.
- 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.
- q. **"Specified areas"** means all land that may be purchased or procured or acquired by, or leased to the Authority in any area of Quetta and other districts of Balochistan, as may be notified by the Authority, after the commencement of this Act.

4. **Establishment of the Authority: -**

- a. As soon as may be after the commencement of this Act, there shall be established an Authority to be known as the **Defence Housing Authority Quetta**.
- 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.

5. **Management: -**

- a. The general direction and administration of the affairs of the Authority shall vest in the **Governing Body** which shall consist of:-

- (1) The Commander Southern Command Quetta - Chairman
- (2) Adjutant General / Representative , ex-Adjutant General's Branch, General Headquarters - Member
- (3) Chief Secretary Balochistan Province - Member
- (4) The Administrator - Member
- (5) The Secretaries to the Government of Balochistan Province Law and Housing Departments - Member
- (6) The Secretary of the Authority - Member/Secretary
- (7) Two co-opted members, to be nominated by the Chairman. - Member

- 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.

c. There shall be an **Executive Board** consisting of:-

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| (1) Commander Southern
Command Quetta | President |
| (2) The Administrator of the Authority | Member |
| (3) Two members to be nominated by
the president i.e. Commander Southern
Command Quetta. | Member |
| (4) The Secretary of the Authority. | Member/ Secretary |

- d. The Executive Board shall, subject to the control of the Governing Body exercise all powers and do all acts and things which may 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.

6. Powers, Duties and Functions of Executive Board.

- a. Subject to other provisions of this Act, the Executive Board may take such measures and exercise such powers as may be necessary for 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 Land Acquisition Act, 1894 (Act I of 1894) in the Balochistan Province.

- (2) Undertaken 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 an 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.
- (9) 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.
- (10) Lease, purchase / procure, sell, exchange, mortgage, rent out or otherwise dispose of any land / property vested in the Authority.
- (11) 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.
- (12) 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.
- (13) Make with the prior approval of Governing Body, rules and regulations relating to the terms and conditions of service of employees, staff and Consultants of the Authority.

(14) No master plan, planning or development scheme shall be prepared by any local body or agency for the specified area without prior consultation with, and approval of the Executive Board.

7. **Annual Report and Accounts.** 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. **Power of the Executive Board to Borrow.** Subject to the Government rules and guidelines, the Executive Board may obtain loans for purposes of generating capital for its Schemes.
9. **Meeting of the Governing Body and the Executive Board.** The governing Body and the Executive Board shall meet at such place and in such manner as may be prescribed.
10. **Delegation of Powers.** The **Governing Body**, the **Executive Board** and the Administrator may delegate to any person all or any of their functions under this Act.
11. **Act to Over-ride Other Laws.** This act shall have effect notwithstanding any thing contained in other law for the time being in force.
12. **Committees.** 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.
13. **Functions of the Authority.** The Authority may do all such acts and things as may be necessary for the planning and development of and for providing and regulating housing facilities in the area notified by the Government.

14. **Municipal functions:** -

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 for the time being in force.

B No master plan, planning or development scheme shall be prepared to any local body or agency for the specified area without prior consultation with, and approval of the Executive Board.

15. **Power to cancel Allotment.** The Governing Body or the Executive Body 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 installments 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 writing 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.

16. **Authority fund:**

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. **Budget audit and accounts.** 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. **Recovery of sums due to the Authority.** Any sum payable to the Authority shall be recoverable as land revenue.

19. **Acquisition of land:-** 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, 1894 (I of 1894).

- 20. Appointment of officers, staff etc.** 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. Employees to be public servants.** 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 1860.**
- 22. Conversion of property to a different use.** 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. Removal of building, etc, erected or used in contravention of this Act:**
- 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.
- 24. Indemnity.** 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 good faith under this Act, the rules or the regulations made there under.

25. **Rules.** Government may make rules for carrying out the purposes of this Act.
26. **Regulations.** The Authority may make regulations not inconsistent with this Act and the rules, for carrying out the purposes of this Act.
27. **Removal of difficulties.** If any difficulty arises in giving effect to any provision of Act, Government may give such directions as it may consider necessary for the removal of such difficulty.

(MUHAMMAD AZAM DAWI)
Secretary,
BALOCHISTAN PROVINCIAL ASSEMBLY