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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 13th December, 1992.

No. PAB/LEGIS :III (7)/92. The Ziarat Valley Department Authority Bill, 1992 having been passed by the Provincial Assembly of Balochistan on 28th November, 1992 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

THE ZIARAT VALLEY DEVELOPMENT AUTHORITY ACT, 1992.

BALOCHISTAN ACT NO.VIII OF 1992.

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated 13th December, 1992.)

AN
ACT

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

Preamble.

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-IPRELIMINARY.

Short title,
Extent and
Commencement.

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.

Definitions.

2. In this Act unless there is anything 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;

(e) "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 and thing attached to earth, 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 Constitution.

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 Authority.

4. (1) The Governing Body shall consist of a 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 Functions.

5. (1) Subject to the provision of this Act and the rules 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) 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;
- (b) all the development activities of Federal or Provincial Government and Agencies thereof shall be under control of the authority;
- (c) acquire property, both movable and immovable;
- (d) sell, lease, exchange or otherwise dispose of any property vested in it;
- (e) undertake any works and incur any expenditure;
- (f) procure machinery, instruments or any other material required by it;
- (g) enter into contracts;
- (h) cause studies, surveys, experiments, technical researches or contribute towards the cost of any researches made by any other Agency;
- (i) 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;
- (j) seek and obtain advice and assistance for 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

(l) 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.

Delegation.

6. (1) The Authority shall have the powers to levy or recover a tax to such extent and 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.

Appointment of officers etc. & association of other person.

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.

Constitution of Committees.

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.

Appointment and terms of officers.

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

- Executive Authority. 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.
- Disposal of Business. 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.
- Meetings. 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.

- Preparation 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.
- Modification of schemes. 14. A scheme prepared under this Act may, at any time be amended, modified or abandoned by the Authority in such form and in such manner as may be decided by the Authority.
- Power to give directions. 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.

Directions
by the
Government.

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.

Borrowing
money.

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.

(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.

Power to levy
betterment fees.

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.

Authority
Fund.

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) proceeds 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 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.

Rates of
fees.

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.

- Accounts.** 21. The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.
- Budget.** 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.
- Audit.** 23. The accounts of the Authority shall be audited in such manner as may be directed by the Government.

CHAPTER-IX. PENALTY.

- Penalty.** 24. Whoever contravenes any provision of this Act or of any rules or regulations made or scheme sanctioned thereunder 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 to the Authority from, or any sum wrongly paid by the Authority to any person, shall be recoverable as arrears of land revenue.
- Removal of building etc. erected or in contravention of this act.** 26. (1) If any building, structure, work on land is erected, constructed or used in contravention of the provision of this Act or used of any rule, regulation or order made thereunder, the Authority or any person authorised by it in this 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 &
Employees to
be public
servants.

27. The Chairman, Members, Director General, Officers, Servants, Experts and Consultants of the Authority shall, when acting or purporting to act in pursuance of the provision of this act be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code.

Immunity of
the authority
and its
employees.

28. (1) No suit, prosecution or any other legal proceedings 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.

Power to make
rules.

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

Power to make
regulations.

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

This Act
to prevail over
other laws.

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.

Dissolution.

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

Repeal.

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

MUHAMMAD HASAN SHAH
Secretary,
Provincial Assembly of Balochistan.