

THE BALOCHISTAN KACHI ABADIES (REGULARISATION AND DEVELOPMENT) ACT, 1987.

(Blan Act II of 1987)

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¹THE ²BALUCHISTAN KACHI ABADIES (REGULARISATION AND DEVELOPMENT) ACT, 1987.

(Baln Act II of 1987.)

[26th April, 1987]

An Act to regularise and develop Kachi Abadies in the Province of Balochistan.

Preamble.

WHEREAS it is expedient to regularise and develop Kachi Abadies in the Province of Balochistan, in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Kachi Abadies (Regularisation and Development) Act, 1987.
- (2) It shall extend to the whole Areas of Balochistan.
- (3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context—
 - (a) “Council” means the Local Councils constituted under the ³Local Government Ordinance, 1980, (II of 1980);
 - (b) “Directorate” means the Directorate of Kachi Abadies and Evaluation set up under section 10;
 - (c) “Fund” means the fund constituted under section 9;
 - (d) “Government” means the Government of Balochistan;
 - (e) “Kachi Abadies” means a Kachi Abadi declared by the Government under

¹ For Statement of Objects and Reasons see Balochistan (Extraordinary) Gazette No. 42 dated 15th March, 1987. This Act was passed by the Balochistan Assembly on 17th March, 1987; assented to by the Governor of Balochistan; published in the Balochistan Gazette (Extraordinary) No. 61, dated 26th April, 1987.

² Spelling of the word “Baluchistan”, wherever it appears in this Act, is corrected by insertion of letter “o” instead of “u”, as per Government of Balochistan, S&GAD’s Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

³ Now the Balochistan Local Government Act, 2010 (Act V of 2010) published in Baln. Gazette (Extraordinary) No. 48, dated 13th May, 2010; which succeeded the earlier Baln. Local Government Ordinance, 2001 (XVIII of 2001).

section 3; and

- (f) "Scheme" means a scheme prepared under section 7.

(2) Words not defined in this Act shall have the meanings assigned to them in the Balochistan Local Government Ordinance, 1980.

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 un-authorizedly for residential purposes, before the twenty third day of March, 1985 and continues to be occupied to be a Kachi 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 in sub-paragraph (1) a part thereof to be a Kachi Abadi.

(3) The Government may, by notification in the official Gazette declare any area or part thereof which was partially or wholly occupied un-authorizedly for commercial or industrial purposes before the twenty third day of March, 1985 and continues to be so occupied to be a Kachi Abadi.

(4) The Government may, by notification in the official Gazette, declare such area with the consent of the owner of an area to be a Kachi Abadi, and the Kachi Abadi so declared shall, subject to the conditions may be agreed to between such person and the Government, be regularised and developed in accordance with the provisions of this Act.

(5) Save as otherwise provided in this Act, the declaration of any area to be a Kachi Abadi shall not confer any right on any person in occupation in the Kachi Abadies.

Exceptions.

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 Kachi Abadi.

Execution of

5. An area declared to be a Kachi Abadi shall subject to

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| Agreement. | any agreement referred to in sub-section (4) of section 3, vest in the Council concerned for the purpose of regularisation and development. |
| Regularisation. | 6. A Kachi Abadi shall be regularised and developed by the Council concerned in accordance with the provisions of this Act. |
| Preparation of scheme. | 7. (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 regularisation and development of the Kachi Abadies. (2) The Scheme shall inter alia provide for— (a) the rehabilitation of the un-authorized occupants of a Kachi Abadi in the same Kachi 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 complied with by the allottee: Provided further that a lease granted under this Act shall not be transferable for such period as may be prescribed, except by inheritance of mortgage against a house building loan to the House Building Finance Corporation, a scheduled Bank or any other agency approved by Government; and (c) recovery of lease money and development charges as may be fixed. (3) The Council concerned shall set up a separate unit of administration with appropriate staff to be called the cell of Kachi Abadies which shall perform such functions as may be assigned to it by the Council under this Act. |
| Registration of Agreement. | 8. Notwithstanding anything contained in the Registration Act, 1908 (Act VI of 1908), Government may for Registration |

of lease deeds and other documents under this Act declare any Kachi Abadi to be a Sub-District for the purpose of that Act and appoint a Sub-Registrar for such sub-district.

Funds.

9. (1) In each Council there shall be a revolving fund consisting of—

- (a) the lease money and development charges under this Act;
- (b) grants and subsidies received from Government or the Federal Government or a Local authority; and
- (c) all sums payable to the Council under the rules.

(2) The fund shall be utilized for regularization and development of Kachi Abadies or any matters incidental thereto.

(3) The fund shall be maintained and operated in such manner as may be prescribed.

Establishment of Directorate.

10. (1) There shall be a Provincial Directorate consisting of such Officers and Staff as may be determined by Government from time to time.

(2) The Directorate shall be supervised by Director Local Government Balochistan.

(3) The Directorate shall, subject to the control of Government, co-ordinate the activity of regularization and development of Kachi Abadies in Province and shall perform such other functions and exercise such powers as may be laid down.

Submission of Reports.

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

Establishment of Re-development Cell.

12. Notwithstanding anything contained in this Act Government may establish a Re-development Cell for any Council consisting of a Chairman and such members as it may appoint and Cell so constituted shall exercise such powers and perform such functions under this Act as may be assigned to it by Government.

Bar of jurisdiction. 13. (1) No suit, Prosecution or other legal proceedings shall lie against Government, the Directorate or any Council or any Officer or person for any thing 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.

Power to make rules. 14. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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