

EXTRAORDINARY

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GOVERNMENT OF BALOCHISTAN
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

NOTIFICATION.

Dated Quetta, the 07th March, 2024.

No. Legis: 2-19 /Law/2015/367. The following Ordinance made by the Governor of Balochistan on Wednesday, the 06th March, 2024, is hereby published for general information:-

**Balochistan Ordinance, No. I of 2024
The Defence Housing Authority Quetta
(Amendment) Ordinance, 2024.**

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**An
Ordinance**

to amend the Defence Housing Authority Quetta Act, 2015(Act No. XI of 2015)

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;

AND WHEREAS the Provincial Assembly of Balochistan is not in session, and the Governor of the Province of Balochistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of powers conferred by Article 128(1) of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor of the Province of Balochistan is pleased to make and promulgate the following Ordinance: –

1. Short title and commencement.- This ordinance shall be called the Defence Housing Authority Quetta (Amendment) Ordinance, 2024.

2. Amendment of section 2, Act XI of 2015.- In the Defence Housing Authority Quetta Act, 2015 (Act XI of 2015), hereinafter referred to as the said Act, in section 2, for sub-section **b.**, the following shall be substituted:-

“b. It extends to the specified area across the Province of Balochistan, as may be notified, from time to time, under this Act.”

3. Amendment of section 3, Act XI of 2015.- In the said Act, in section 3:

- (i) in sub-section a., after the word "officer", the words "of the Pakistan Army," shall be inserted, and for the words "may be assigned to him by the Governing Body", the words "stipulated under this Act" shall be substituted;
- (ii) sub-section k. shall be omitted;
- (iii) for sub-section q., the following shall be substituted, namely:
- "q. "Specified Area" 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
- (iv) after sub-section q., amended as aforesaid, the following new sub-section shall be added, namely:-
- "r. "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*, officers, soldiers, war wounded personnel, bereaved families of *shuhada*, or other affected residents of Balochistan, in accordance with the directions issued by the Executive Board".

4. Amendment of section 4, Act XI of 2015.— (1) In the said Act, in section 4, in sub-section a, after the word “Quetta”, the following expression shall be inserted, namely:

“, 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”

5. Insertion of section 4A, Act XI of 2015.— (1) in the said Act, after section 4, the following new section shall be inserted, namely:-

“4A. Powers and Functions of the Authority. – a. The Authority shall carry out all works and functions, as envisioned under this Act.

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.”

6. Amendment of section 5, Act XI of 2015.- In the said Act, in section 5:

(a) in sub-section a.,-

- (i) in clause (1), for the words “Commander Southern Command”, the words “Commander 12 Corps” shall be substituted;
- (ii) for clause (5), the following shall be substituted, namely, -
“Senior Member Board of Revenue, Government of Balochistan - Member”; and
- (iii) in clause (7), for the words “co-opted members”, the words “residents of the Authority” shall be substituted.

(b) in sub-section c.,-

- (i) in clause (1), for the words "Commander Southern Command", the words "Commander 12 Corps" shall be substituted.
- (ii) in clause (3), for the words "Commander Southern Command", the words "Commander 12 Corps" shall be substituted.

7. Amendment of section 6, Act XI of 2015.— In the said Act, in section 6, in sub-section b. :

- (i) in clause (1), for the expression "the Land Acquisition Act, 1984 (Act I of 1894)", the word "law", and for the words "in the", the word "across" shall be substituted;
- (ii) after clause (1), amended as aforesaid, the following new clause shall be inserted, namely:
"(1a). Issue policy instructions for the carrying out of Welfare Activities, per the provisions of this Act."; and
- (iii) clause (13) and (14) shall be omitted.

8. Insertion of section 6A, Act XI of 2015.— In the said Act, after section 6, amended as aforesaid, the following new section shall be inserted, namely:

“6A. Powers and functions of Administrator.

- 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 Activities, 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 Body; and
 - (5) Carrying out any other function connected therewith, or ancillary thereto, for the purposes of this Act.”

9. **Substitution of section 10, Act XI of 2015.**— In the said Act, for the existing section (10), the following shall be substituted, namely:-

“(10). Delegation of powers. – The Governing Body, the Executive Board may delegate to the Authority or any person all or any of their functions under this Act.”

10. Substitution of section 11, Act XI of 2015.— In the said Act, for the existing section 11, the following shall be substituted, namely:-

“11. Act not to override other laws. – The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.”

11. Omission of section 13, Act XI of 2015.—In the said Act, section 13 shall be omitted.

12. Amendment of section 14, Act XI of 2015.— In the said Act, in section 14, sub-section **b** shall be omitted.

13. Amendment of section 15, Act XI of 2015.—In the Act, section 15 shall be substituted, namely:-

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 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.

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.”

14. Insertion of section 23A, Act XI of 2015.— In the Act, after section 23, the following new section 23A shall be inserted, namely:-

“23A. Appeals. 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.”

Dated: 06/03/2024.

**(MALIK ABDUL WALI KHAN KAKAR)
GOVERNOR BALOCHISTAN**

SECRETARY LAW