THE BALOCHISTAN SPECIAL DEVELOPMENT BOARD ACT, 2017

(Baln Act IV of 2017)

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[1]THE BALOCHISTAN SPECIAL DEVELOPMENT BOARD ACT, 2017

(Balochistan Act IV of 2017)

[*8th June, 2017*]

An Act to provide for the establishment of a Board to be known as the Balochistan Special Development Board.

Preamble.

WHEREAS, it is expedient to provide for establishment of a Board to be known as the Balochistan Special Development Board, for considering, designing and launching low-cost housing and shelter homes schemes for the needy and homeless people in the province of Balochistan; and to provide for the matters connected therewith or ancillary thereto;

It is hereby enacted as follows: ―

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Special Development Board Act, 2017.

(2) It extends to the whole of Balochistan, except Tribal Areas.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context, ―

(a) "Act" means the Balochistan Special Development Board Act, 2017;

(b) "Board" means the Balochistan Special Development Board, as constituted under section 3;

(c) "Chairperson" means the Chairperson of the Board;

(d) "Fund" means the fund established under this Act;

(e) "Government" means the Government of Balochistan;

(f) "Member" means a member of the Board;

(g) "non-notified public land" means a building, land, place or premises vesting in or under the

[1] This Act was passed by the Provincial Assembly of Balochistan on 20th May, 2017; assented to by the Governor of Balochistan on 7th June, 2017; and published in the Balochistan Gazette (Extraordinary) No. 107, dated 8th June, 2017.

management or control of Government, local council, autonomous body or registered corporate society or such other authority set up or established by law or Government;

(h) "prescribed" means prescribed by rules or regulations made under this Act;

(i) "rules and regulations" means the rules and regulations respectively made under this Act;

(j) "Secretary" means the Secretary of the Board; i.e. the Secretary to Government of Balochistan, Communication, Works, Physical Planning and Housing Department;

(k) "unit" means an independent residential unit consisting of at least one habitable room, bathroom, toilet and kitchen facilities;

(l) "utility agency" means the QESCO, Sui-Southern Gas Company, Q-WASA and PTCL;

(m) "QDA" means the Quetta Development Authority;

(n) "MCQ" means the Metropolitan Corporation Quetta; *and*

(o) "PCATPA" means the Pakistan Council of Architects and Town Planners Association.

Constitution of Board.

3. (1) The Government shall by notification in the official Gazette, establish a Board to be known as "the Balochistan Special Development Board" to carry out the purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power subject to the provision of this Act, to acquire and hold property, both moveable and immoveable, and shall by the said name sue and be sued.

(3) The Board shall have its headquarter at Quetta; and may with prior approval of Government, set-up its sub-offices in the other parts of Balochistan at such place or places as it may consider necessary.

(4) The Board shall, in discharging its functions, act on the housing schemes in the province of Balochistan; and shall be guided by such directions as Government may give,

from time to time.

Composition of Board.

4. (1) The Board shall comprise a Chairperson i.e. the Minister C&W department, Government of Balochistan and the following members: —

(a) Additional Chief Secretary (Dev.) Planning & Development Dept, Balochistan;

(b) Two MPAs, (one male and one female) nominated by the Speaker;

(c) Senior Member Board of Revenue, Balochistan;

(d) Secretary to Government of Balochistan, —

(i) Communication, Works, Physical Planning and Housing Department shall be the Secretary of the Board;

(ii) Local Government and Rural Development Dept;

(iii) Finance Dept;

(iv) Law and Parliamentary Affairs Dept;

(v) Urban Planning and Development Dept;

(vi) Public Health Engineering Dept;

(vii) Irrigation Dept; *and*

(viii) Planning and Development Dept;

(e) Divisional Commissioner (concerned)

(f) Deputy Commissioner (concerned District).

(g) Director General, —

(i) Local Government and Rural Development Dept, Balochistan; *and*

(ii) Quetta Development Authority (QDA);

(h) Managing Director, —

(i) Q-WASA;

(ii) Sui Sothern Gas Co; *and*

(iii) Pakistan Tele-communication Corporation Ltd (PTCL), Regional Office, Quetta;

(i) Representative of, —

(i) Ministry of Housing and Works, Islamabad. Pakistan;

(ii) Engineering Council of Pakistan, Regional Office, Quetta; *and*

(iii) Pakistan Council of Architects and Town Planners Association (PCATPA);

(j) Manager, State Bank of Pakistan, Quetta; *and*

(k) Chief Engineer, QESCO.

(2) The Board may co-opt any person as a member for any particular purpose, but such person shall not have a right of vote.

(3) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(4) Any person co-opted as a member for any particular purpose under sub-rule (2), shall hold office for such period as the Board may consider necessary.

Meeting of the Board.

5. (1) The meeting of the Board shall be held on such date and time as the Chairperson may determine in accordance to the rules.

(2) The Chairperson shall preside the meetings of the Board, however in his absence the members/MPA as nominated by the Chairperson, may chair the meeting of the Board.

(3) The meeting shall be held at least once in a quarter.

(4) One third of the total membership of the Board shall constitute a quorum for a meeting of the Board.

(5) The members shall have reasonable notice of the time and place of the meeting and agenda on which a decision

by the Board shall take in such meeting.

(6) The decision of the Board shall be taken by the majority of its member present and, in case of a tie, the member presiding over the meeting shall have a casting vote.

(7) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary.

(8) The Secretary shall perform all secretarial and office functions of the Board at the direction of the Chairperson; and would be responsible for taking minutes at the Board meetings, convening Board meetings, sending out letters to Board members as per direction of the Chairperson and for implementation of the decisions taken in the meeting of the Board to all concerned.

Powers and Functions of the Board.

6. (1) The Board shall be the Authority for the purposes of this Act and may exercise the powers and do all acts and things that may be exercised or done under the provisions of Act, to run the affairs of the Authority.

(2) In particular and without prejudice to the generality of the foregoing power, the powers and functions of the Board shall be, ―

(a) to issue instruction to the concerned utility agencies for provision of utility connections as one window solution and provision of utility to provide infrastructure in accordance with international standards;

(b) to consider the proposals submitted by the Association through the full-fledge Balochistan Building Control Authority on its constitution/ formation, but presently under QDA or MCQ, as the case may be;

(c) to accept or reject the proposals for consideration within forty five days from the date of its receipt;

(d) to issue instructions to the full fledge Balochistan Building Control Authority on its constitution/ formation, but presently under QDA or MCQ, as the

case may be, to waive off fifty percent of all fees for low cost housing in the public interest;

(e) to encourage the trust and welfare organizations for construction of the units;

(f) to provide units through open ballot system which shall be not less than 120 square-yards for Low Cost Housing and 80 square-yards for Shelter Homes, and the units allocated shall not be rented and transferred for a period of fifteen years from the date of allocation of such unit and no sale deed or power of attorney shall be registered for transfer of units; to ensure that the target group may benefit from this facility as end-user;

(g) to provide the units for shelter homes to shelter less persons having earning minimum daily wages notified by the Government from time to time;

(h) to provide the units to Government employee and private person who is drawing salary less than thirty thousand rupees per month;

(i) to fix quota for Government employees at twenty five percent of the total number of allocated units, quota for person with disabilities and media persons at three percent of the total allocated units;

(j) to fix quota for the shelter homes at 15%;

(k) to give priority to women or people moving from *katchi abadis*;

(l) to encourage the private sector to bring its land for development on low cost housing scheme;

(m) to approve low cost housing projects for the under privileged of the Society;

(n) to plan and recommend the issues related

to the town planning and building control, to the full-fledged Balochistan Building Control Authority on its constitution/ formation, but presently under QDA and MCQ, as the case may be, which shall deal with such issues in accordance with the rules made thereunder;

(o) to encourage the participation of a developer who is interested in low housing scheme either on public or private land who shall submit complete proposals to the Board for approval;

(p) to recommend the utility agency and concerned department for utility connections and infrastructure in a low cost housing scheme as one window solution / operation;

(q) to provide low cost housing scheme consisting of units built vertically and horizontally and the price thereof shall be approved by the Board;

(r) to reserve for parking at fifteen percent out of which twenty five percent shall be for vehicles and seventy five percent for motor cycles in a low cost housing scheme;

(s) to fix ratio for building to be constructed for low cost housing scheme at 1:6 or more;

(t) to propose lay out plans of the projects which are in conformity and according to the requirement of low cost and affordable housing scheme as well as inexpensive/ social housing schemes;

(u) to issue instructions to builders / contractors to take over the project for completion in case the builder or contractors fails to complete the project within specified time;

(v) to utilize the non-notified public land for low cost housing scheme in the interest of general public and encourage the participation of private sector for construction of housing schemes thereon;

(w) to establish Management Information System based on monitoring and evaluation as a primary source, and to develop and maintain a robust web portal for exchange of information and skill training activities in the Province;

(x) to plan, design and develop curricula for its range of employment based training courses including soft skills package of communication and discipline for trainees of various trades to facilitate them to gain employment;

(y) to acquire land, buildings and other assets through donation or transfer of rights to the Board and to sell, lease, exchange or otherwise dispose of any property vested in the Board;

(z) to hold and manage endowment fund non-lapsable consisting of its own budgeted resources, Government grants and other donations;

(aa) to create and abolish the posts, appoint the staff and define their duties and conditions of services;

(bb) to enter into contracts and agreements or other instruments as the Board may consider necessary; *and*

(cc) to do all other acts and things which are incidental or are required to further the objectives of the Board.

Organizational Tier.

7. There shall be established a full-fledged organizational tier of the Board, under the Secretary, Communication, Works, Public Planning and Housing Department, Balochistan in such manner and with such functions as may be prescribed.

Committees.

8. The Board may set up such administrative, financial and technical committees for the efficient performance of its functions, as may consider necessary; and further to entrust these committees such functions and powers under the Act, as it may deem necessary.

Appointment of officers and staff.

9. (1) The Board may, for efficient performance of its functions, appoint such officers, engineers, architects, town planners advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience, on such terms and conditions as may be prescribed.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed.

Fund.

10. (1) There shall be established a Fund to be known as "Balochistan Special Development Board Fund" which shall vest in the Board with powers to manage and operate it.

(2) All receipts of the Board from any source whatsoever including endowments, contribution and annual grants from Government shall be credited to the Fund.

(3) Government shall provide annual grants to the Board for carrying out the purposes of this Act.

(4) The Board may receive grants from other sources including private sector.

(5) The Board may invest its funds in investment schemes including Government securities for raising funds.

(6) The Fund shall be managed and operated in the manner as may be prescribed.

Audit and Accounts.

11. (1) The Board shall maintain accounts of receipts and expenditure in accordance with the rules.

(2) The Board shall maintain an internal Audit Division which shall regularly undertake institutional internal check and control.

(3) The accounts of the Board shall be annually audited through a firm of external Chartered Accountants approved by the Board and the report of the Chartered Accountant along with audited account shall be presented to Government.

Budget and Accounts.

12. The Board shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year.

Maintenance of Accounts.

13. The Board shall cause proper accounts to be maintained in any scheduled bank and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Board which shall include a balance sheet and an account of receipt and expenditure.

Submission of Reports.

14. (1) The Board shall submit an annual report to the Provincial Assembly.

(2) The Board shall post all relevant information in a user-friendly manner on its website providing access to all interested parties and stake-holders.

Delegation of powers.

15. The Board may, by general or special order, delegate any of its powers, functions and duties, to the Chairperson, Member, Secretary or any officer of the Board.

Public Servant.

16. Every employee of the Board including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

Validity of proceedings.

17. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

Indemnity.

18. No suit, prosecution, or other legal proceedings shall lie against the Board, the Chairperson or any Member, Secretary, officer, servants, advisers or consultants of the Board in respect of anything in *good faith* done or intended to be done under this Act or the rules and regulations made thereunder.

Powers to make Rules and Regulations.

19. The Board may, by a notification in official Gazette and with prior approval of Government, make rules not inconsistent to the provisions of Act, for all or any of the following matters, namely: —

(a) the constitution, powers and functions of Committees;

(b) powers and duties of the officers, engineers, architect & town planners advisers, consultants and employees of the Board;

(c) service matters including rules regulating disciplinary action, grant of leave and retirement of the employees of the Board;

(d) constitution of pension or Provident Fund for the benefit of the officers and other employees of the Board; *and*

(e) such other matters as may appear to it necessary for giving effect to the provisions of this Act.

Removal of difficulty.

20. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty.

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