

**THE BALOCHISTAN COASTAL DEVELOPMENT AUTHORITY
ACT, 1998**

(Baln Act I of 1998)

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**¹THE BALOCHISTAN COASTAL DEVELOPMENT AUTHORITY
ACT, 1998**

(Baln. Act I of 1998)

[12th February, 1998]

An Act to provide for the establishment of an authority for the planning, development, preservation, monitoring, construction, operation, management and maintenance of the coastal areas in Balochistan.

Preamble.

WHEREAS it is expedient to establish an authority for planning, development, preservation, monitoring, construction, operation, management and maintenance of the coastal areas of Balochistan for the purposes of fostering of all resources concomitant to coastal development and for waters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

CHAPTER— I
PRELIMINARY

Short title Extent
and
Commencement.

1. (1) This Act may be called the Balochistan Coastal Development Authority Act, 1998.

(2) It shall come into force at once.

(3) It shall extend to the coastal areas of Balochistan and adjoining upland areas upto 30k.m from the high tide water line excluding town ship, villages, defence and other Federal Government installations. LIEDA and Gaddani Ship Breaking, concomitant for its coastal development.

Definitions.

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

(a) “Authority” means Balochistan Coastal Development Authority established under this Act.

(b) “Chairman” means the Chairman of the Governing Body.

¹ This Act was passed by the Baln. Assembly on 24th January, 1998; assented to by the Governor of Balochistan; and, published in the Baln. Gazette (Extraordinary) No. 15, dated 12th February, 1998. For statement of object and reasons *see* Baln. Gazette (Extraordinary) No. 8, dated 20th January, 1998.

- (c) “Coastal areas” means the coastal areas of the Balochistan Province.
- (d) “Fund” means the fund of the said Authority.
- (e) “Governing Body” means the Governing Body constituted under this Act.
- (f) “Government” means the Govt. of Balochistan
- ¹[(f a) “Director General” means the Director General of the Authority;]
- (g) “Master Plan” means a plan prepared under this Act.
- (h) “Member” means a member of the Governing Body.
- (i) “Prescribed” means prescribed by rules or regulations made under this Act.
- (j) “Rules and regulations” respectively means rules & regulation made under this Act.
- (k) “Scheme means a scheme prepared undertaken or executed under this Act.
- (l) “Building” includes any factory, industrial or business establishment and any other structure whether meant for residential, business or recreational purposes or not, made of masonry bricks, Wood, Mud, Thatched material or any other material but does not include a temporarily made structure for the purpose of Agriculture.
- (m) “Port Areas” means a major port falling within the jurisdiction of Federal Government of Pakistan as per Federal Legislative List of the 1973 Constitution of Pakistan.
- (n) “Landing Jetties and Harbours” means the areas falling under the Provincial Limits of Balochistan Government.
- (o) “Land” includes the bed of the sea below high water mark, and also things attached to the earth or permanently fastened to anything attached to the

¹ Clause (fa) inserted by Baln. Ordinance XVII of 2001, published in the Baln. Gazette (Extraordinary) No. 97, dated 4th August, 2001; and then substituted by Baln. Ordinance XLVI of 2001, published in Balochistan Gazette (Extraordinary) No. 180, dated 6th November, 2001.

earth.

CHAPTER– II
ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY

- Establishment of the Authority. 3. (1) There shall be established an authority to be called the Coastal Development Authority for carrying out the purpose of this Act.
- (2) The Authority shall be a Body Corporate, having perpetual succession and a common seal with power to acquire and hold property, both moveable and immoveable, and may, by the said name, sue and be sued.
- (3) The Headquarters of the Authority shall be at Gwadar¹[.] ²[and its sub offices at such places as considered suitable by the Authority]
- Management. 4. (1) The general directions administration of the authority and its affairs shall vest in the Governing Body which may exercise all powers and do all acts and things which may be exercised or done by the Authority.
- (2) The Governing Body in discharging it's functions shall act on sound principles of planning, development operation, management and maintenance of coastal areas and shall be guided on questions of policy by such directions as Government may, from time to time, give.
- (3) If any question arises as to whether any matter is matter of policy or not, the decision of Government shall be final.
- Constitution of the Governing Body. 5. ³[(1) The Governing Body shall consist of the Chairman. The Chief Minister Balochistan shall act as the ex-officio Chairman of the Governing Body of the Authority with the following members:—
- (a) Administrative Secretaries of the following Departments of Government of

¹ Substituted for a full stop, by Baln. Act VII of 2003, published in the Baln. Gazette (Extraordinary) No. 77, dated 30th October, 2003.

² Inserted *ibid*.

³ Firstly sub-section (1) was substituted by Baln. Ordinance XVII of 2001; made by Governor Balochistan on 2nd August, 2001; and published in the Balochistan Gazette No. 97, dated 4th August, 2001. Protected and declared continue in force by Article 270 AA of the Constitution of Pakistan (1973); and then again substituted by Baln. Act No. VII of 2003; published in Balochistan Gazette (Extraordinary) No. 77, dated 30th October, 2003.

Balochistan:—

- (i) Additional Chief Secretary (Development), Planning and Development Department.
- (ii) Finance Department.
- (iii) Environment, Wildlife, Live-stock, Forest and Tourism Department.
- (iv) Fisheries Department.
- (v) Irrigation and Power Department.
- (vi) Education Literacy and Non- Formal Education, Culture, Sports and Youth Affairs Department.
- (vii) Local Government, Rural Development and Agrovilles Department.
- (viii) Public Health Engineering Department.
- (ix) Communication and Works Department.
- (b) Nazim Gwadar District.
- (c) Nazim Lasbela District.
- (d) Two Members of the Provincial Assembly from the Coastal Areas to be nominate by the Chief Minister of Balochistan.
- (e) Two qualified persons of the repute on Coastal Affairs to be nominated by the Chief Minister of Balochistan.
- (f) Director General, Balochistan Coastal Development Authority.]

(2) The Governing Body may co-opt such other persons as it's member as deemed appropriate.

(3) A non-official member shall hold office for a period of three years, unless he resigns or is removed earlier.

(4) Any person appointed in casual vacancy in the office

of non-official member shall hold office for the unexpired portion of the term of such vacancy.

(5) The Authority may allow such remuneration to the non-official members as it may determine.

²[Director General.] ¹[6. (1) The ²[Director General] shall unless Government otherwise so directs, hold his office on such terms and conditions as the Government may determine.

(2) The ²[Director General] on expiry of his term of office shall be eligible for re-appointment for an other term or for such shorter term as Government may determine.

(3) The ¹[Director General] shall be the Chief Executive Officer of the Authority.

(4) The ¹[Director General] on authorization by Governing Body shall perform such duties and exercise such powers as are assigned to them by or under this Act.

(5) When the ³[Director General] is absent from duty for any reason or is unable to perform the functions of his office; Governing Body/Chairman may nominate someone to perform the duties of the ¹[Director General.]

Functions.

7. Subject to general or special directions of Government, the Authority shall—

(1) be responsible for over-all development, improvement, beautification and coordination of the coastal areas.

(2) be responsible for identification, coordination, execution and monitoring development schemes/activities which shall comprise of the following, providing:

(a) Drinking water facilities, communication systems, electricity, drainage, tourism and

¹ Section 6 subs. by Baln. Ord. XVII of 2001; made by Governor Balochistan on 2nd August, 2001; and published in the Balochistan Gazette No. 97, dated 4th August, 2001. Protected and declared continue in force by Article 270 AA of the Constitution of Pakistan (1973).

² Subs for the words “Managing Director” by Baln. Ord. XLVI of 2001; made by Governor Balochistan on 27th October, 2001; published in the Balochistan Gazette (Extraordinary) No. 180, dated 6th November, 2001. Protected and declared continue in force by Article 270 AA of the Constitution of Pakistan (1973).

³ Subs. for “Managing Director” by Baln. Ord. XLVI of 2001; made by Governor Balochistan on 27th October, 2001; and published in Baln. Gazette (Extraordinary) No. 180, dated 6th November, 2001. Protected and declared continue inforce by Article 270-AA of the Constitution of Pakistan (1934).

rural development works.

- (b) establishment of educational, technical, and professional institutions.
 - (c) Development of Fisheries, Livestock, Horticulture, Forest and Agriculture.
 - (d) Local/foreign credits for the development of agriculture, Livestock, fisheries, industries and other allied economic activities.
 - (e) development of marketing facilities.
 - (f) construction of jetties and harbours.
 - (g) up-gradation and improvement of the socio-economic conditions of the inhabitants.
 - (h) promotion of NGOs and co-ordination in financial assistance for development schemes to uplift the area.
 - (i) Organizing entrepreneur development.
 - (j) development of human and other resources in the area.
- (3) act as coordinating agency of the Federal and Provincial Government or any local authority or autonomous body.
 - (4) collaborate with the Federal or Provincial, public or private agencies engaged in development activities and environmental protection.
 - (5) provide technical guidance including technical services and personnel for development or co-ordination of development activities.
 - (6) undertake the execution of such schemes entrusted to it by the Federal or Provincial Government.
 - (7) undertake research in developmental planning related to the coastal areas.
 - (8) compile relevant literature on planning and development and distribute amongst the persons and agencies engaged or interested in development

works.

- (9) arrange and conduct training programmes and seminars on planning and development in related fields.
- (10) assist and co-ordinate in the establishment of palm, coconut, oil plantation and arrange their extraction and refining.
- (11) assist and co-ordinate in the development of fish harbours cum-mini ports, Marinas, tourist resorts on Balochistan Coast.
- (12) assist and coordinate in the establishment of oil refinery with provision of pipe lines for the transportation of oil.
- (13) perform such other functions as may be considered necessary for achieving the objectives of the Authority.
- (14) provide public utilities and amenities such as roads, dams, reservoirs, canals, potable waters, gas and electricity etc.
- (15) undertake proper town planning and sewerage disposal in coastal towns.
- ¹[(16) Formulate and implement policies and plans for the purpose of developing, establishing and maintaining its coastal area and waters along Balochistan Coast and includes facilitation, identification, planning or any other purpose permitted by the law.]

Constitution of
Committees.

8. The Governing Body may, constitute committees such as financial, technical executive for carrying out the purposes of this Act.

Meeting of the
Governing
Body.

9. ²[(1)] The Governing Body shall meet quarterly at such place and time in such manner and observe such rules or procedure as may be prescribed; provided that until the manner or procedure is prescribed, the meeting shall be held as directed by the chairman.

³[(2) The meeting of the Governing Body shall be

¹ Clause (16) added by Balochistan Act VII of 2003, published in the Balochistan Gazette (Extraordinary) No. 77, dated 30th October, 2003.

² Inserted *ibid*.

presided over by the Chairman, in his absence by senior most member attending the meeting.

(3) One third of the total number of members shall constitute a quorum decision by the Governing Body.

(4) The member shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Governing Body shall be taken in such meeting.

(5) The majority of its members present shall take the decision of the Governing Body, and in case of tie, the member presiding the meeting shall have casting vote.

(6) All the decisions of the Governing Body shall be taken in writing.]

Delegation of Powers.

10. The Governing Body may by general or special order, delegate any of its powers, functions and duties, to the Chairmen, member or any officer of the Authority.

Appointment of officers staff etc.

11. For efficient performance of it's functions, the ⁴[Director General of the Authority] may appoint such officers, experts, consultants and employees on such terms and conditions as may be prescribed.

CHAPTER- III MASTER PLAN AND SCHEMS

Master Plan.

12. (1) The Authority shall, as soon as, may prepare a Master Plan for development, improvement, expansion and beautification of such coastal areas that need to be developed, expanded and beautified and submit such plan to Government for approval.

(2) Government may approve the plan with or without modification.

Schemes.

13. (1) The Authority shall prepare or cause to be prepared development scheme or schemes for the coastal areas or part thereof in such form and such manner as may be prescribed.

(2) All schemes prepared by the Authority shall be

³ Sub-sections (2) to (6) added by Balochistan Act VII of 2003, published in the Balochistan Gazette (Extraordinary) No. 77, dated 30th October, 2003.

⁴ Substituted *ibid*, for the word "Authority".

submitted to Government for approval which may be approved with or without modification.

CHAPTER– IV
ACQUISITION OF PROPERTY

- Property. 14. The Authority may, by purchase, lease or exchange, acquire any moveable or immovable property or any interest therein by entering into an agreement with the party concerned.
- Acquisition of Land. 15. Where the Authority is of the opinion that any land needed for any scheme or other public purpose cannot be acquired under Section 14, such Land may be acquired in accordance with the Land Acquisition Act, 1894¹.
- Funds. 16. (1) There shall be separate fund known as the Coastal Development Authority Fund shall vest in the Authority.
- (2) The fund shall consist of
- (a) grants made by Government or local councils or any other donor agency.
 - (b) sale proceeds of moveable or immovable properties of the Authority.
 - (c) all fees, receipts and charges received under this Act;
 - (d) all other sums receivable and loans obtained by the Authority.
- ²[16-A. *Levy of fee, cess, charges, taxes.*] *Omitted by Baln. Act X of 2014.*
- ²[Bar of Suit in Civil Laws. 16-B. No suit shall be lie in any Court to set aside or modify any assessment, levy or collection of fee, charges, cess, duty or tax made under this Act and the Rules.]
- Budget. 17. (1) A statement of estimated receipts and expenditure for every financial year shall be prepared and submitted to the Government in the manner as may be prescribed
- (2) Government may sanction the budget with or without

¹ Act I 1894, adopted by Balochistan Laws (Adaptation) Order, 1975, published in the Balochistan Gazette (Extraordinary) No. 17, dated 9th May 1975.

² Section 16-A inserted by Baln. Act VII of 2003, omitted by Baln. Act X of 2014, published in the Balochistan Gazette (Extraordinary) No. 32, dated 11th February, 2014.

modification.

- Maintenance of accounts. 18. (1) The accounts of the Authority shall be maintained in such form and in such manner as may be prescribed.
- (2) The accounts maintained under sub-section (1) shall be audited by the Auditor General of Pakistan.

CHAPTER- V
MISCELLANEOUS

- Annual Report. 19. The Authority shall at the close of every calendar year prepare a report of its activities during that year and submit such report to Government.
- Recovery of dues. 20. Any sum due to the Authority of wrong paid by the Authority under this Act shall be recoverable as arrears of land revenue.
- ¹[Indemnity. 21. No suit or legal proceedings shall lie against the Government and officials or any person in respect of any thing which is done or intended to be done in good faith under this Act or any rule made there-under.
- Power to make Rules. 22. The Authority with the prior approval of Government may by notification in the Official Gazette make rules for carrying into effect the purposes of this Act.
- Public Servants. 23. The Chairman, the Director General, members, officers and officials of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act be deemed to be public servants within the meaning of the Pakistan Penal Code, 1860 (Act XLV of 1860.)

¹ Section 21 to 23 added by Baln. Act VII of 2003, published in the Balochistan Gazette (Extraordinary) No. 77, dated 30th October, 2003.