

**THE DEFENCE HOUSING AUTHORITY QUETTA
ACT 2015 (AMENDMENT-2024)**

(ACT NO. II OF 2024)

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**¹THE DEFENCE HOUSING AUTHORITY QUETTA
ACT 2015 (AMENDMENT-2024)**

(Balochistan Act II of 2024)

[2nd October, 2015]

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

An Act to establish the Defence Housing
Authority Quetta.

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.

Preamble.

1. a. **Defence Housing Authority Quetta**, belonging to everyone, will provide quality, well organized and secure living/working to everyone from Balochistan irrespective of colour, caste and creed.
- b. **Defence Housing Authority Quetta** will also serve for carrying out schemes and projects of land development inter alia for the welfare of the bereaved families of martyrs, war injured, disabled and other persons of the defence forces to boost their morale, to provide financial security in recognition of their selfless services for the defence of the nation and to provide for ancillary matters.
- c. Affording ample opportunities for the people of Balochistan to generate significant economic activity and contribute in the overall peace endeavors of the government at national level in general and provincial level in particular.

Short Title and
Commencement.

2. a. This Act may be called the Defence Housing
Authority Quetta Act 2015.
- ²b. It extends to the specified area across the
Province of Balochistan,
as may be notified, from time to time, under

¹ This Act was passed by the Provincial Assembly of Balochistan on 1st October 2015; assented to by the Governor of Balochistan on 2nd October, 2015, and published in the Balochistan Gazette (Extraordinary) No. 175, dated 2nd October, 2015.

² Substituted sub-section "(b)", by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

this Act.]

- c. It shall come into force at once and shall be deemed to have taken effect from 28th Feb, 2015.

Definitions.

3. In this Act, unless there is anything repugnant in the subject

- a. "**Administrator**" The Administrator shall be serving or retired officer ¹ [of the Pakistan Army] not below the rank of Brigadier, duly appointed by the Chief of Army Staff, who shall perform such functions as ² [stipulated under this Act.]
- b. "**Authority**" means the Defence Housing Authority Quetta established under this Act.
- c. "**Chairman**" means the Chairman of the Governing Body.
- d. "**Club**" means any Club owned / or operated by Defence Housing Authority Quetta.
- e. "**Executive Board**" means the executive Board constituted under this Act.
- f. "**Governing Body**" means the Governing Body constituted under this Act.
- g. "**Government**" means the Government of the Balochistan Province
- h. "**Prescribed**" means prescribed by rules or regulations made under this Act.
- i. "**President**" means President of the Executive Board.
- j. "**Project**" means any project of housing or development of land undertaken or planned by the Authority.
- k. ³ [* * * * *]
- l. "**Member**" means a member of the Authority and includes its Chairman.
- m. "**Regulations**" means regulations made under this Act.
- n. "**Rules**" means rules made under this Act.

¹ Inserted by the Balochistan Assembly on 07th August 2024; assented to by the Governor of Balochistan, 06th August, 2024.

² Substituted for the words "may be assigned to him by the Governing Body" by *ibid*.

³ Omitted sub section "(k)" by *ibid*.

o. "**Scheme**" means any financial scheme or development scheme undertaken, planned or made by the Authority, under this Act.

p. "**Secretary**" means the Secretary of the Authority.

¹[q. "**Specified Areas**" 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*]

²[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, officer, soldiers, war wounded personnel, bereaved families of shuhada, or other affected residents of Balochistan, in accordance with the directions issued by the Executive Board.]

Establishment
of the Authority.

4. a. As soon as may be after the commencement of this Act, there shall be established an Authority to be known as the Defence Housing Authority Quetta, ³ [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.]

b. The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire and hold property and to enter into contracts and may by the said name sue and be sued.

c. The Head office of the Authority will be at Quetta.

¹ Substituted sub-section (q), by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Inserted new sub-section "(r)", by *ibid*.

³ Inserted after the word "Quetta", the following expression, by *ibid*.

¹[Powers and Functions of the Authority.]

- 4-A.** 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.]

Management.

5. a. The general direction and administration of the affairs of the Authority shall vest in the Governing Body which shall consist of: –

(1)	The ² [Commander 12 Corps] Quetta.	-	Chairman
(2)	Adjutant General / Representative, ex-Adjutant General's Branch, General Headquarters	-	Member

¹ Inserted a new section “(4-A)” by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Substituted for the words “Commander Southern Command” by *ibid*.

(3)	Chief Secretary Balochistan Province	-	Member
(4)	The Administrator	-	Member
(5)	¹ [Senior Member Board of Revenue, Government of Balochistan Member"., <i>and</i>]	-	Member
(6)	The Secretary of the Authority	-	Member/ Secretary
(7)	Two ² [residents of the Authority] to be nominated by the Chairman.	-	Member

b. The Governing Body shall: —

- (1) Review the progress and activities of the Authority.
- (2) Lay down policy for the guidance of the Executive Board.
- (3) Consider and approve the budget and audit reports of the Authority.
- (4) Transact such other business of the Authority as the Executive Board may place before it.

c. There shall be an Executive Board consisting of: —

- (1) ³[Commander 12 Corps Quetta] President
- (2) The Administrator of the Authority Member
- (3) Two members to be nominated by the president i.e. ⁴[Commander 12 Corps Quetta.] Member
- (4) The Secretary of the Authority. Member/
Secretary

d. The Executive Board shall, subject to the control of the Governing Body exercise all powers and do all acts and things which may

¹ Substituted by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Substituted for the words "co-opted members" by *ibid*.

³ Substituted for the words "Commander Southern Command" by *ibid*.

⁴ Substituted for the words "Commander Southern Command" by *ibid*.

be exercised or done by the Authority.

- e. No act proceedings of the Governing Body or the Executive Board shall be invalid merely by reason of any vacancy in or defect in the constitution thereof.

Powers, Duties and Functions of Executive Board.

6. a. Subject to other provisions of this Act, the Executive Board may take such measures and exercise such powers as may be necessary for carrying out the purposes of the Act.
- b. Without prejudice to the generality of the foregoing powers, the Executive Board may: —
- (1) Acquire any land in accordance with the ¹[law,] ²[across] Balochistan Province.
- ³[(1-A) Issue Policy instructions for the carrying out of Welfare Activities, as per the provisions of this Act. *and*]
- (2) Undertaken any works in pursuance of any scheme or project.
- (3) Incur any expenditure.
- (4) Procure plant, machinery, equipment, instrument and necessary material.
- (5) Impose, recover, alter, vary or enhance development charges, installments, cost of apartments housing units of the Scheme, commercial projects and transfer fees and other charges in respect of an property, plot or project within the area of the Authority.
- (6) Enter into contracts or any type of arrangements with any local or foreign entity for carrying out the purpose of this act and Government rules on the subject will be observed.
- (7) Plan, develop and execute new developments and projects through joint ventures with local and international agencies, institutions and individuals.
- (8) Pass / approve the design, drawing / map of apartments, housing units and buildings etc within the area of the Authority.

¹ Substituted for the words “the Land Acquisition Act, 1894, (Act I of 1894)”, by the Balochistan Provincial Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Substituted for the words “in the” by *ibid.*

³ Inserted a new clause “1-A” by *ibid.*

- (9) Plan, approve and execute mergers and amalgamations with other adjoining housing schemes or cooperative housing societies that may be considered expedient for the overall growth of the Authority but subject to the approval of the Governing Body.
- (10) Lease, purchase / procure, sell, exchange, mortgage, rent out or otherwise dispose of any land / property vested in the Authority.
- (11) Cancel or re-plan any housing, commercial or amenity unit, its planned housing project or Scheme either in default of payment of installments called for, or in violation of any terms and conditions, for such project or scheme by all allottees, transferees or lessees.
- (12) Do all such acts, deeds and things that may be necessary or expedient for the purpose of proper planning and development of the Specified Area.
- (13) ¹[* * * * *]
- (14) ²[* * * * *]

³[Powers and functions of Administrator.]

- 6A. (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 Activates, 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

¹ Omitted a clause (13) by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Omitted clause (14) by *ibid*.

³ Inserted new section (6-A) by *ibid*.

Body; *and*

- (5) Carrying out any other function connected therewith, or ancillary thereto, for the purposes of this Act.]

Annual Report and Accounts. 7. The Executive Board shall submit to the Governing Body, as soon as may be at the end of every financial year but before the thirty first day of December next following, a general report on its affairs including accounts, balance sheet and audit report for the financial year.

Power of the Executive Board to Borrow. 8. Subject to the Government rules and guidelines, the Executive Board may obtain loans for purposes of generating capital for its Schemes.

Meeting of the Governing Body and the Executive Board 9. The governing Body and the Executive Board shall meet at such place and in such manner as may be prescribed.

Delegation of Powers. 10. ¹[The Governing Body, the Executive Board may delegate to the Authority or any person all or any of their functions under this Act.]

²[Act not to override other laws 11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.]

Committees. 12. The Authority may constitute such committees as may be necessary for the efficient performance of its functions and assign to such Committees such functions as it may deem necessary.

³[* * * * *] (*Section 13 Omitted*)

Municipal functions. 14. a. Notwithstanding anything contained in any other law for the time being in force, Government may, by notification in the Official Gazette, specify that the Authority may exercise and perform such powers and functions for the specified area as a municipal administration may exercise and perform in relation to municipal functions under the law

¹ Substituted by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Substituted by *ibid*.

³ Omitted section (13) by *ibid*.

for the time being in force.

¹[* * * * *]

- Power to cancel Allotment. ²[15.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.]
- Authority fund. 16. a. There shall be a fund to be known as "**The Defence Housing Authority Quetta Fund**", which shall be credited all moneys received by the Authority.
- b. The fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.
- Budget audit and accounts. 17. The budget of the Authority shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed under the rules.
- Recovery of sums due to the Authority. 18. Any sum payable to the Authority shall be recoverable as land revenue.
- Acquisition of land. 19. The acquisition of any land or any interest in land for the purposes of the Authority shall be deemed to be an acquisition for a "**Public Purpose**" within the meaning of the Land Acquisition Act,

¹ Omitted sub-section (b) by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.

² Substituted section (15) by *ibid*.

1894¹ (I of 1894).

- Appointment of officers, staff etc. 20. The Executive Board appoint such persons in its service as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.
- Employees to be public servants. 21. All persons acting or purporting to act in pursuance of any provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860².
- Conversion of property to a different use. 22. Any conversion of property to a different use or purpose than the one provided under a scheme prepared by the Authority by a person, without the previous approval of the Authority in writing, shall be punishable with fine which may extend to two thousand rupees per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to six months or with both.
- Removal of building, etc, erected or used in contravention of this Act. 23. a. If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Act or any rules, regulations or orders made there under, the Authority or any person in control of such building, structure, work or land to remove, demolish or alter the building, structure or work or to use it in such manner as may bring such erection, construction or use in accordance with the provisions of this Act.
- b. 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 authorized by it in this behalf may, after giving the person concerned 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

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

² Act XLV of 1860.

- ¹[Appeals. 23-A 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.]
- Indemnity. 24. No suit or legal proceedings shall lie against the Authority, the Governing Body, the Executive Board, the Administrator, or any of their members, or employees of the Authority for any things done or purported to have been done by them in goodfaith under this Act, the rules or the regulations made there under.
- Rules. 25. Government may make rules for carrying out the purposes of this Act.
- Regulations. 26. The Authority may make regulations not inconsistent with this Act and the rules, for carrying out the purposes of this Act.
- Removal of difficulties. 27. If any difficulty arises in giving effect to any provision of Act, Government may give such directions as it may consider necessary for the removal of such difficulty.
- Repeal. The Defence Housing Authority Quetta (Amendment) Ordinance 2024 (No. I of 2024) is hereby repealed.
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¹ Inserted a new section "23-A" by the Balochistan Assembly on 07th August 2024, assented to by the Governor of Balochistan, 06th August, 2024.