

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 07th April, 2023.

No.PAB/Legis:V(02)/2023/12041. The Ziarat Valley Development Authority Bill 2023 (Bill No.02 of 2023), having been passed by the Provincial Assembly of Balochistan on 27th March, 2023 and assented to by the Governor Balochistan, on 07th April, 2023 is hereby published as an Act of the Balochistan Provincial Assembly.

THE ZIARAT VALLEY DEVELOPMENT AUTHORITY ACT, 2023
ACT NO. II of 2023.

**AN
ACT**

to provide for the establishment of an Authority for development and improvement of Ziarat Valley and adjoining areas to promote tourism, conserve forest and uplift the Ziarat Town as tourist city.

Preamble.

WHEREAS it is expedient and necessary in the public interest to establish the Ziarat Valley Development Authority, as a highest body in the Province for development and improvement of Ziarat valley and adjoining areas to promote tourism, conserve forest, execute necessary development plans, uplift of the Ziarat Town as tourist destination and to improve the socio-economic conditions of the local people and matters connected therewith or ancillary thereto;

CHAPTER I

PRELIMINARY

**Short title,
Extent and
Commencement.**

1. (1) This Act may be called Ziarat Valley Development Authority Act, 2023.
- (2) It shall extend to areas of Ziarat District, and any such areas which Government may, from time to time by notification in the official Gazette, specify.
- (3) It shall come in to force at once.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context, -
 - (a) “**Act**” means the Ziarat Valley Development Authority Act, 2023.
 - (b) “**Authority**” means the Ziarat Valley Development Authority established under section 3 of this Act;

- (c) “**Areas**” means the area of jurisdiction of the Authority as may be notified;
- (d) “**Chairman**” means Chairman of the Authority;
- (e) “**Department**” means the Planning and Development Department, Government of Balochistan
- (f) “**Vice Chairman**” means Vice Chairman of the Authority;
- (g) “**Director General**” means Director General of the Authority;
- (h) “**Government**” means the Government of Balochistan;
- (i) “**Government Agency**” includes: -
 - i. A department bureau, section, commission, board, office or unit of the Government;
 - ii. A local Council and
 - iii. A Department or any other public authority, company or corporation owned or controlled by Government or a Local Council, and
- (j) “**Land**” includes earth water and air above below or on the surface and any improvements in the structure customarily regarded as land and benefit arising out of land and thing attached to permanently fastened to earth;
- (k) “**Member**” means a member of the Authority and includes its Chairman and Vice Chairman;
- (l) “**Person**” includes an individual company, firm, Cooperative Society or association of individuals whether incorporated or not.
- (m) “**Prescribed**” means prescribed by rules or regulations made under this Act.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

Establishment and Constitution:

3. (1) As soon as may be after the commencement of this Act, the Government shall, by notification establish an Authority known as “The Ziarat Valley Development Authority”.

(2) the Authority shall be a body corporate having perpetual Succession and a common seal with powers, subject to the Provisions of this Act, to acquire, hold and transfer property, both movable and immovable and may have its name sue or be sued.

The Authority:

4. (1) The Authority shall consist of –
- (a) The Chairman;
 - (b) The Vice Chairman; M, P.A. (Ziarat Constituency)
 - (c) The Chairman District Council Member
 - (d) The Additional Chief Secretary (Development) Member

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| (e) | The Secretary, Finance Department | Member |
| (f) | The Secretary, Forest & Wild Life Department | Member |
| (g) | The Secretary Tourism & Culture Department | Member |
| (h) | The Secretary, Local Government Department | Member |
| (i) | The Deputy Commissioner Ziarat District. | Member |
| (j) | The Director General. | Member/Secretary |
- (2) The Government may also co-opt a member and when consider necessary.
- (3) The Chief Minister shall be the Chairman of the Authority
- (4) The Vice-Chairman of the Authority, shall be member Provincial Assembly of Ziarat Constituency.
- (5) The member except the ex-officio member shall hold office for a period of three years unless removed by the Government at any time without assigning any reason.
- (6) Any non-official member may, by a notice in writing under his hand addressed to the Chairman, resign from office.
- (7) Director General of the Authority shall be the Secretary of the Authority and the office of the Director General shall serve as the Secretariat of the Authority.

Provided that till the posting of Director General, the Director Ziarat Valley Development Authority or any other officer who is notified to look after the post of Director General, shall perform the duties and functions of Director General of the Authority.

CHAPTER III

POWER AND FUNCTIONS OF THE AUTHORITY

Powers and Functions of the Authority: -

5. (1) Subject to the Provision of this Act and the rules framed there under, the Authority may exercise all powers and take such measures as may be necessary for carrying out the purposes of this Act
- (2) Without prejudice to the generality of this foregoing sub section, the Authority may:
- (a) prepare and approve a master plan and a phased master programme for the development of the area.
- (b) pursuant to the approved master plan and the master programme, call upon any Agency to prepare or execute, in consultation with the Authority, a scheme or Schemes in respect of matters ordinarily dealt with by such Agency and approval of such schemes shall vest with the Authority.

- (c) establish, maintain and periodically revise as necessary, planning, controls and building regulations for the areas in order.
 - i. to provide appropriate urban design and protect public safety; and
 - ii. to ensure compliance with the master plan after its preparation; and
 - (d) take all steps and measures necessary for the implementation and enforcement of the provisions of clauses (a) to (c) above.
- (3) Without restricting the scope of sub-sections (1) and (2), the Authority may-
- (a) prepare, manage and implement through line departments and any other Government Agency as the Authority may direct, the feasible means, the schemes for development of education, health, agriculture and industry, forest conservation and development, preservation of wild life, promotion of tourism, improvement of water supply, land slide management, development of irrigation facilities, development of means of communication construction and development of housing, sewerage, drainage, environmental improvement and control or any other thing pertaining to purposes of this Act;
 - (b) acquire property, both movable and immovable;
 - (c) sell, lease, exchange or otherwise dispose of any property vested in it;
 - (d) undertake any works and incur any expenditure;
 - (e) procure machinery, instruments or any other material required by it;
 - (f) enter into contracts;
 - (g) Cause studies surveys, experiments, and technical researches or contribute towards the cost of any researches made by any other Agency;
 - (h) issue interim development orders for areas for which a scheme is under preparation and restrict or regulate by general or special order, any change in the use of land and alteration in building structure and installations;
 - (i) seek and obtain advice and assistance for the preparation of any scheme, or for the execution of any scheme from any Government Agency or person, and such Agency or person shall give the advice and assistance sought by the Authority to the best of its ability, knowledge judgment and the additional expenditure if any involved in giving such advice or assistance shall be borne by the Authority; and
 - (j) cause removal of any works obstructing the execution of its schemes;
- (4) The Authority may undertake the maintenance and

regulation of schemes and other activities of a Government Agency as may be necessary and when a scheme or any activity is undertaken by the Authority the assets and liabilities connected therewith shall also stand transferred to the Authority.
(5)

- Delegation: -** 6. 1. The Authority shall have the powers to levy or recover a tax to such extent and for such period as may be necessary.
2. The Authority may, by general or special order, delegate to the Chairman, the Vice-Chairman Director General or any other officer of the Authority powers, duties and functions under this Act subject to such conditions as it may impose.
- Appointment of officers etc. & association of other person** 7. The Director General may appoint such officers, advisers, experts, consultants and employees, as consider necessary for the effective performance of its functions on such terms and conditions as it may deem fit.
- Constitution of Committees: -** 8. The Authority may constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them.

CHAPTER IV

APPOINTMENT AND TERMS OF OFFICERS

- Appointment and terms of officers** 9. (1) The Director General may be appointed by Government on such terms and conditions as it may determine.
(2) The Director General shall:
- (a) be a whole time officer of the Authority.
 - (b) perform such duties as may be assigned to him and exercise such powers as may be delegated to him by the Authority.
 - (c) hold office for a term of three years unless removed earlier by the Government without assigning any reason.

CHAPTER V

EXECUTIVE POWERS AND CONDUCT OF BUSINESS

- Executive Authority** 10. (1) The executive authority of the Authority shall vest in the Chairman, and shall be exercised by him, either directly or through officers subordinate to him.

(2) All acts of the Authority whether executive or not, shall be expressed and taken in the name of the Authority and shall be authenticated by the Director General by affixation of his official seal,

Disposal of Business

11. (1) The business of the Authority shall be disposed of at its meetings, or at the meetings of its committees, or by its Director General or servants of other functionaries.

(2) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy in, or defect in, the constitution of the Authority.

Meetings

12. (1) The members of the Authority shall meet at such place and at such time as the Chairman may decide.

(2) The Authority may frame regulations for the conduct of its business.

(3) The Chairman, or in his absence Vice Chairman of the Authority shall preside over the meeting or in his absence a senior member shall preside over the meeting provided that decisions taken in such meetings shall be submitted for confirmation of the Chairman.

(4) The Authority shall hold at least one meeting in each quarter of the year.

CHAPTER VI

PREPARATION AND EXECUTION OF SCHEME

Preparation of schemes

13. The Authority shall, in such form and in such manner as may be prescribed, prepare schemes for the area or any part thereof.

Modification of schemes

14. A scheme prepared under this Act may, at any time be amended modified or abandoned by the Authority in such form and in such manner as may be decided by the Authority.

Power to give directions

15. The Authority may, require a Government Agency, within whose jurisdiction any particular locality, or aspect of development covered by a scheme lies:

(a) to execute a scheme in consultation with the Authority.

(h) to take over and maintain any of the works and Services in that area, and

(c) to provide any amenity in relation to the land which in the opinion of the Authority, ought to be provided.

(2) The expenditure incurred on the execution of any Scheme or on the taking over or maintenance of any work, or the enforcement of regulations under this section, shall be borne, as may be agreed to between the Authority and the Government Agency and in the event of disagreement, as may be determined by the Government.

CHAPTER VII
DIRECTIONS BY THE GOVERNMENT.

Directions by the Government

16. The Authority shall, in discharging its functions, under this Act be guided by such directions as the Government may give to it from time to time.

Borrowing money

17. (1) The Authority shall be deemed to be a "Local Authority" for the purpose of borrowing money and any scheme or project prepared or undertaken by the Authority shall be deemed to be a work as defined in section 2 of the Local Authorities Loans Ordinance, 1914 (Ordinance IX of 1914);

Provided that no local or foreign loan shall be obtained by the Authority without the previous sanction of the Government.

(2) The Authority may, in consultation with the Government borrow money or raise funds by issuing bonds or debentures or otherwise for carrying out the purposes of this Act according to profit/loss as may be approved by the Government.

Power to levy betterment fees

18. Where as a consequence of any scheme having been executed by the Authority, the value of any property in that locality, in the opinion of the Authority, has increased, the Authority, shall with the previous consent of the Government, be entitled to levy upon the owner of the property or any person having an interest therein, a betterment fee in respect of the increase in value of the property resulting from the execution of the scheme.

CHAPTER VIII
FINANCE, ACCOUNTS AND AUDIT

Authority Fund

19. (1) There shall be formed a fund to be known as the "Authority Fund" which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act including the payment of salaries and other remuneration to its officers, servants, experts and consultants of the Authority.

(2) The Authority Fund, shall be credited:

- (a) grants made by the Government;
- (b) all moneys received from the Federal Government or any international agency by way of grants, loans, advances or otherwise;
- (c) all fees, rates and charges received by the Authority under this Act;
- (d) proceeds from the self-financing schemes:
- (e) Loans obtained from the Government of State Bank of Pakistan or any scheduled

Bank with Special or general sanction of the Government;

(f) all profits of investment; and

(g) such proceeds from the source of income or disposal of assets of the Government as Government may direct to be placed at the disposal of the Authority

(h) Subject to provision of this Act, the Government shall provide an annual grant of Rs. 100 million for period of five years, from date of commencement of this Act, to meet the establishment, operational costs and to carry out purposes of this Act, with approval of the Authority.

(h) Subject to provision of this Act, the Government shall provide an annual grant of Rs.100 million for period of five years from the date of commencement of this Act, to meet the establishment, operational costs and to carry out purposes of this Act, with approval of the Authority.

(3) The Authority may keep in current account of any schedule bank such sum as may be prescribed, and any amount in excess of the sponsored saving schemes or in such other manner as may be determined by the Authority;

Explanation For the purpose of this section, Government includes Federal Government.

Taxes, rates, fees, development and other charges: -

20. Subject to provision of any provincial law, the Authority may levy and recover taxes, rates, fees, development and other charges in the area, to raise adequate funds. for the purposes of this Act, at such rates and in such manner as may be prescribed.

Accounts

21. The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

Budget

22. The Authority shall prepare, every year, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditures of the Authority and shall submit the same to the Authority for approval.

Audit

23. The accounts of the Authority shall be audited in such manner as may be directed by the Government.

CHAPTER IX

PENALTY

Penalty

24. Whoever contravenes any provision of this Act or of any rules or regulations made or scheme sanctioned there under shall, if no other penalty is provided for such contravention, be punishable:

- (a) with a fine which may extend to one hundred thousand rupees or in default, with simple imprisonment which may extend to six months; and
- (b) in case of continuing contravention, with a fine which may extend to one thousand rupees for each day after the first day during which the contravention continues.

CHAPTER X

MISCELLANEOUS

Recovery of funds

25. Any sum due to the Authority from, or any sum wrongly paid by the Authority to any person, shall be recoverable as arrears of land revenue under Balochistan Revenue Act, 1967.

Removal of Building etc. Erected or in contravention of this Act

26. (1) If any building, structure, work on land is erected, constructed or used in contravention of the provision of this Act or used of any rule, regulation or order made there under, the Authority or any person authorized by it in this behalf may, by order in writing require the owner, occupier user or person in control of such building structure or work to erect, construct or to use it in such manner so as to bring such erection, construction or use in accordance with the provisions of this Act.

(2) 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 affected by the order, 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.

Encouragement of private investment:	27. The Authority, subject to the provision of this Act and general instructions of the Government, shall explore, manage and execute initiatives to provide entertainment facilities, promotion of tourism and allied facilities in the Area through its own, through private investment, joint venture, etc.
Members, Officers & Employees to be public servants	28. The Chairman, the Vice Chairman, Members, Director General, Officers, Servants, Experts and Consultants of the Authority shall when acting or purporting to act in pursuance of the provision of this Act be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code, 1860.
Immunity of the authority and it's employees	29. No suit, prosecution or any other legal proceedings shall be against the Authority, the Chairman, the Director General, any Member Servant, Expert or Consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act.
Power to make rules:	30. Subject to the provisions of this Act the Government may make rules for carrying into effect the purposes of this Act.
Power to make Regulations	31. Subject to the provisions of this Act and the rules framed thereunder the Authority may make such regulations as may be necessary for carrying out the purposes of this Act.
This Act to prevail over other laws.	32. In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other law, the provision of this Act shall, to the extent of such conflict or inconsistency prevail.
Removal of difficulties	33. If any difficulty arises in giving effect to any provision of this Act, the Government may give such directions, as it may consider necessary for the removal of such difficulty.

**Repeal and
Saving,**

34. (1) The Ziarat Valley Development Authority Act, 1992 Balochistan Act, 1992 No. (VIII of 1992) is hereby repealed.

(2). Notwithstanding the aforesaid repeal, anything done, action taken, rules made and notification or order issued under aforesaid Act, shall, so far it is not inconsistent with provision of this Act, be deemed to have been done, taken, made or issued under this Act and shall have effect accordingly.

(3) Any document referring to the repealed Act shall be construed as referring to the corresponding provisions of this Act.


(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(02)/2023/12041.

Dated Quetta the 07th April, 2023.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan Gazette. Before final printing, a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.


(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(02)/2023/12041.

Dated Quetta the 07th April, 2023.

A Copy is forwarded for information and necessary action to: -

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Additional Chief Secretary (Dev.), Government of Balochistan, Planning and Development Department, Quetta.
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department, Quetta.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.
7. P.S. to Secretary, Balochistan Provincial Assembly.


Special Secretary (Legis:)