

ACT 1 OF 1998

**BALUCHISTAN COASTAL DEVELOPMENT
AUTHORITY ACT, 1998**

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

[Gazette of Baluchistan, Extraordinary,
12th February, 1998]

No.PAB/LEGIS.V(9)/98, dated 12-2-1998.---The Baluchistan Coastal Development Authority Bill, 1998 having been passed by the Provincial Assembly on 24th January, 1998 and assented to by the Governor of Baluchistan is hereby published as an Act of the Provincial Assembly.

Preamble.--Whereas it is expedient to establish an authority for planning, development, preservation, monitoring, construction, operation, management and maintenance of the coastal areas of Baluchistan 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

1. **Short title, extent and commencement.**--(1) This Act may be called the Baluchistan Coastal Development Authority Act, 1998.

(2) It shall come into force at once.

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

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

(a) "Authority", means Baluchistan Coastal Development Authority established under this Act.

- (b) "Chairman" means the Chairman of the Governing Body.
- (c) "Coastal areas" means the coastal area 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 Government of Balochistan.
- (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 and regulations 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 Area" 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 earth.

CHAPTER-II ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY.

3. Establishment of the Authority.—(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 movable and immovable, and may, by the said name, sue and be sued.

(3) The Headquarters of the Authority shall be at Gowadar.

4. **Management.**—(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 its 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.

5. **Constitution of the Governing Body.**—(1) The Governing Body shall consist of the Chairman to be appointed by the Government and the following members:

(a) Administrative Secretaries of the following Departments of Government of Balochistan:

(i) Planning and Development Department. Additional Chief Secretary (De:)

(ii) Finance Department.

(iii) Forest and Wild Life Department.

(iv) Coastal Development and Fisheries Department.

(v) Livestock Department.

(vi) Irrigation and Power Department.

(vii) Agriculture Department.

(viii) Sports, Culture and Tourism Department.

(ix) Local Government and Rural Development Department.

(x) Public Health Engineering Department.

(xi) Urban Planning and Development Department.

(xii) Communication and Works Department.

(b) Commissioner, Mckran Division.

(c) Commissioner, Kalat Division. :

(d) Two Members of the Provincial Assembly from the coastal areas to be nominated by the Chief Minister.

(e) Two qualified persons of repute on coastal affairs to be nominated by the Chief Minister.

(2) The Governing Body may co-opt such other persons as its 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.

6. **Chairman.**—(1) The Chairman shall unless Government otherwise so directs, hold his office for a period of three years on such terms and conditions as the Government may determine.

(2) The Chairman on expiry of his term shall be eligible for re-appointed for another term or for such shorter term as Government may determine.

(3) The Chairman shall be the Chief Executive of the Authority.

(4) The Chairman and members shall perform such duties and exercise such powers as are assigned to them by or under this Act.

(5) When the Chairman is absent from duty for any reason or is unable to perform the functions of his office, Government may nominate any member of the Governing Body to perform the duties of the Chairman.

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

(1) be responsible for overall 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 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) upgradation and improvement of the socio-economic conditions of the inhabitants;

(h) promotion of N.G.Os. and coordination 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 coordinate in the establishment of palm, coconut, oil plantation and arrange their extraction and refining.

(11) Assist and coordinate in the development of fish harbours-cum-mini ports, marines, tourist resorts on Balochistan Coast.

(12) Assist and coordinate in the establishment of oil refinery with provision of pipelines 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.

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

9. Meeting of the Governing Body.—The Governing Body shall meet quarterly at such place and time and in such manner and observe such rules of procedure as may be prescribed; provided that until the manner or procedure is prescribed, the meeting shall be held as directed by the Chairman.

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

11. Appointment of officers staff etc.—For efficient performance of its functions, the Authority may appoint such officers, experts, consultants and employees on such terms and conditions as may be prescribed.

CHAPTER III MASTER PLAN AND SCHEMES.

12. Master plan.—(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.

13. Schemes.—(1) 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 submitted to Government for approval which may be approved with or without modification.

CHAPTER IV ACQUISITION OF PROPERTY.

14. Property.—The Authority may, by purchase, lease or exchange, acquire

any movable or immovable property or any interest therein by entering into an agreement with the party concerned.

15. Acquisition of land.--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, 1894.

16. Funds.--(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 movable 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.

17. Budget.--(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 modification.

18. Maintenance of accounts.--(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 subsection (1) shall be audited by the Auditor-General of Pakistan.

CHAPTER V MISCELLANEOUS

19. Annual Report.--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.

20. Recovery of dues.--Any sum due to the Authority or wrong paid by the Authority under this Act shall be recoverable as arrears of land revenue.