

**A
Bill**

to amend the Khyber Pakhtunkhwa Land-Use
and Building Control Act, 2021

WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Land-Use
and Building Control Act, 2021 (Khyber Pakhtunkhwa Act No. XXXII of 2021)
for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa
as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber
Pakhtunkhwa Land-Use and Building Control (Amendment) Act, 2024.

(2) It shall come into force at once.

**2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XXXII
of 2021.**---In the Khyber Pakhtunkhwa Land-Use and Building Control Act,
2021 (Khyber Pakhtunkhwa Act No. XXXII of 2021) (hereinafter referred to as
the said Act), in section 2, for clause (b) the following shall be substituted,
namely:

“(b) “Appellate Authority” means the Appellate Authority, as
specified in sub-sections (1) and (2) of section 41 of this
Act;”.

**3. Substitution of section 3 of the Khyber Pakhtunkhwa Act No. XXXII
of 2021.**---In the said Act, for section 3, the following shall be substituted,
namely:

“3. Provincial Land-Use and Building Control Council.---(1) There
shall be a Provincial Land-Use and Building Control Council, consisting of the
following:

- (a) Chief Minister, Khyber Pakhtunkhwa; Chairperson
- (b) Minister for Local Government, Elections and Rural Development, Khyber Pakhtunkhwa; Vice-Chairperson
- (c) Minister for Agriculture Khyber Pakhtunkhwa; Member
- (d) Minister for Climate Change, Forestry, Environment and Wildlife, Khyber Pakhtunkhwa; Member
- (e) Additional Chief Secretary to Government, Planning and Development Department; Member

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Law Department

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| (f) | Senior Member Board of Revenue; | Member |
| (g) | Secretary to Government, Local Government, Elections and Rural Development Department; | Member |
| (h) | Secretary to Government, Finance Department; | Member |
| (i) | Secretary to Government, Housing Department; | Member |
| (j) | Secretary to Government, Public Health Engineering Department; | Member |
| (k) | Secretary to Government, Communication and Works Department; | Member |
| (l) | Secretary to Government, Irrigation Department; | Member |
| (m) | Secretary to Government, Transport and Mass Transit Department; | Member |
| (n) | Secretary to Government, Climate Change, Forestry, Environment and Wildlife Department; | Member |
| (o) | Secretary to Government, Agriculture Department; | Member |
| (p) | Secretary to Government, Industries, Commerce and Technical Education Department; | Member |
| (q) | five experts, including at least three experts from the private sector, to be nominated by the Chairperson; and | Member |
| (r) | Director General of the Authority. | Member-cum-Secretary |

(2) The Chairperson may co-opt members belonging to the relevant expertise in relation to any matter under consideration of the Council, who may take part in discussion, but shall not be entitled to vote for or against the matter under discussion.

(3) The members shall attend all the meetings of the Council in person.

(4) The members, at clause (q) of sub-section (1), shall have adequate experience, skills and knowledge in the fields of urban and regional planning, transportation, municipal services, architecture or environment with such other qualifications as may be prescribed.

(5) The term of office of members, at clause (q) of sub-section (1), shall be three years, which may be extended for another term, unless he resigns earlier or removed by the Chairperson from holding such office.

(6) In case the seat of a member, at clause (q) of sub-section (1), falls vacant, due to his resignation or removal, as the case may be, or he fails to attend three consecutive meetings without sufficient cause or reason, such vacancy shall be filled, within one month, and such member shall hold office for the remainder of the term of his predecessor.

(7) A member shall not be paid for being a member of the Council, except members from private sector, at clause (q) of sub-section (1), who may be paid honoraria, as approved by the Council.”.

4. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, in section 6, in sub-section (5), for the word “Acts” the word “acts” shall be substituted.

5. Amendment of section 7 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, in section 7, in sub-section (2), in clause (a), for the word “noted” the word “notes” shall be substituted.

6. Substitution of section 12 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, for section 12, the following shall be substituted, namely:

“12. Appointment or authorization of Chief Planning Control Officer, Planning Control Officers and Planning Control Inspectors.---(1) Government may appoint the Chief Planning Control Officer, Planning Control Officers and Planning Control Inspectors in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) of this Act, or in any other law, rules, regulations and bye-laws, for the time being in force, Government may also authorize officers of specified agency to act as Chief Planning Control Officer, Planning Control Officers and Planning Control Inspectors within the meaning of this Act.

7. Amendment of section 13 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---(1) In the said Act, in section 13,-

- (a) in sub-section (1),-
 - (i) in clause (f), the word “and” shall be deleted; and
 - (ii) in clause (g), the full stop appearing at the end, shall be replaced by a semi colon and the word “and”, and

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Govt. of Khyber Pakhtunkhwa
Law Department

thereafter, the following new clause shall be added, namely:

“(h) Chief Planning Control Officer Member-cum-Secretary.”; and

(b) sub-section (7) shall be deleted.

8. Amendment of section 19 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---(1) In the said Act, in section 19, in the marginal heading, for the word “of”, appearing after the words “district land use plans”, the word “or” shall be substituted.

9. Substitution of section 41 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, for section 41, the following shall be substituted, namely:

“**41. Appellate Authorities.**---(1) Any person, who is aggrieved from any decision or order of the District Land-Use-Planning and Management Committee or Local Planning and Enforcement Unit, may, within fifteen (15) days of the receipt of such decision or order, prefer an appeal to the Director General.

(2) Appeal, against the decision of the Director General, may be made, within thirty (30) days of the receipt of such decision or order, to the Secretary of the Department.

(3) The decision, made by the Secretary of the Department, in appeal, under sub-section (2), shall be final.

(4) The procedure for disposal of the appeal shall be prescribed by regulations.”.

10. Deletion of Chapter-XII of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, Chapter-XII shall be deleted.

11. Amendment of section 56 of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---(1) In the said Act, in section 56, the comma and words “ , the Land Use Inspectorate” shall be deleted.

12. Insertion of new section 58 to the Khyber Pakhtunkhwa Act No. XXXII of 2021.---(1) In the said Act, after section 57, the following new section shall be added, namely:

“**58. Removal of difficulty.**---(1) If any difficulty, which may arise in giving effect to the provisions of this Act, the Department may constitute a committee, headed by Secretary of the Department, with Secretary Local Council Board, Director General Land-Use and Building Control Authority and a representative of Law, Parliamentary Affairs and Human Rights Department, not below the rank of Additional Secretary, as members.

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Law Department

(2) The committee, constituted under sub-section (1), shall be mandated to pass such orders, not inconsistent with the provisions of this Act, for the purpose of removing such difficulty.

(3) The decision of the committee shall be final.”.

13. Amendment of First Schedule of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, in the First Schedule, against Serials No. 1 and 2, in Column No. 3, after the words “three years”, the words “or with both” shall respectively be inserted.

14. Substitution of Second Schedule of the Khyber Pakhtunkhwa Act No. XXXII of 2021.---In the said Act, for the Second Schedule, the following shall be substituted, namely:

“Second Schedule
[see section 57]

Sr. No.	Nature and year of enactment.	Short title.	Amendments.
1.	The Khyber Pakhtunkhwa Act No. XXXI of 2017.	The Peshawar Development Authority Act, 2017.	In section 16, after the word “Government” the words “and the Provincial Land-Use and Building Control Authority” shall be inserted.
2.	The Khyber Pakhtunkhwa Act No. XXXVI of 2020.	Khyber Pakhtunkhwa Urban Areas Development Authorities Act, 2020.	<p>(1) In section 7, in sub-section (1), clause (e) shall be deleted.</p> <p>(2) In section 9, in sub-section (3), for clause (c), the following shall be substituted, namely:</p> <p style="padding-left: 40px;">“(c) supervise and oversee implementation of district land use plan within its area of jurisdiction.”;</p> <p>(3) In section 11,-</p> <p style="padding-left: 40px;">(a) in sub-section (1), clause (e), shall be deleted.</p> <p style="padding-left: 40px;">(b) for sub-section (2), the following shall be substituted, namely:</p> <p style="padding-left: 80px;">“(2) The Director shall be responsible for implementing the land use plan within the area of jurisdiction of the Authority.”.</p>

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Law Department

			<p>(4) In section 12, after sub-section (5), the following new sub-section shall be added, namely:</p> <p>“(6) The Authority, while processing fresh cases under sub-section (5), shall obtain the concurrence of the District Land-Use Planning and Management Committee, constituted under section 13 of the Khyber Pakhtunkhwa Land-Use Building Control Act, 2021.”.</p>
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STATEMENT OF OBJECTS REASONS.

It is desirable to amend the Khyber Pakhtunkhwa Land-Use and Building Control Act, 2021 (Khyber Pakhtunkhwa Act No. XXXII of 2021). Hence, this Bill.



MINISTER-IN-CHARGE.

Peshawar,
dated the
07/10/2024.