

Code No.

SGL - 07

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**The Sindh**  
**Buildings Control Ord., 1979**  
*And*  
**Karachi Building Control Licencing**  
**Regulations, 1982**  
*And*  
**The Sindh Regulation and Control**  
**(Use of Plots & Construction of**  
**Buildings) Ordinance, 2002**  
**& the Rules, 2002**

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*Corrected & Modified*

*by*

**ZAKA ALI**  
(ADVOCATE HIGH COURT)

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# THE SINDH BUILDINGS CONTROL ORDINANCE, 1979

(Sindh Ordinance No. V of 1979)

[Karachi, the 3rd March, 1979]

**Notification No. S.Legis. 1(5)/79.** – The following Ordinance by the Governor of Sindh is hereby published for general information : –

*An Ordinance  
to provide for the regulation of the \*[town] planning,  
construction, control and demolition of buildings  
and disposal of buildings and plots  
in the Province of Sindh.*

**Preamble.** – WHEREAS it is expedient to regulate the planning, quality of construction and buildings control, prices charged and publicity made for disposal of buildings and plots by builders and societies and demolition of dangerous and dilapidated buildings in the Province of Sindh;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 and the Laws (Continuance in Force) Order, 1977, the Governor of Sindh is pleased to make and promulgate the following Ordinance : –

**1. Short title, commencement and extent.** – (1) This Ordinance may be called the Sindh Buildings Control Ordinance, 1979.

\*In the Preamble, inserted by the Sindh Building Control (Amdt.) Act, 2014 (Sindh Act No. IX of 2014), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 82, dt. Karachi the 20th March, 2014.

**Note.** – The provisions of Bombay Act, 1915 relating to the master plan and all existing resolutions, standing operating procedure, rules and notifications relating to the master plan and town planning shall stand repealed, *ibid.*

(2) It shall come into force from such date and in such area as Government may, by notification, specify.

(3) Government may, by notification, exclude any area from the operation of all or any of the provisions of this Ordinance.

2. **Non-application of a law.** – Nothing contained in any other law for the time being in force shall apply to any matter regulated by this Ordinance.

\*[3. **Definitions.** – (1) In this Ordinance, unless there is anything repugnant in the subject or context, –

- (a) **“architect”** means an architect who has been granted a licence under this Ordinance;
- (b) **“Authority”** means the Authority appointed under section 4;
- (c) **“builder”** means a person or body of persons, including a society engaged in construction of a building on contract, or, as owner or agent of the owner for the purpose of transferring such building on hire or by sale or on the basis of ownership, but does not include a person or persons engaged as masons or such other artisan;
- (d) **“building”** means a building or part thereof and includes all fittings, fixtures, installations, signs and display structures of the building, but does not include any building notified by the Authority;
- (e) **“building designer”** means a building designer who has been granted a licence under this Ordinance;

\*Section 3 substituted by the Sindh Building Control (Amdt.) Ordinance, 1982, (Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

- (f) **“building supervisor”** means a building supervisor who has been granted a licence under this Ordinance;
- (g) **“developer”** means a person or body of persons including a society, engaged in developing a plot, or plots for any kind of building activity, for transfer by allotment to the members if the developer be a society, or to other persons on basis of ownership or by sale,
- (h) **“fund”** means the fund of the Authority, constituted under section 4-C;
- (i) **“Government”** means the Government of Sindh;
- (j) **“inspecting architect”** means an inspecting architect who has been granted a licence under this Ordinance;
- (k) **“inspecting engineer”** means an inspecting engineer who has been granted a licence under this Ordinance;
- (l) **“prescribed”** means prescribed by rules or regulations made under this Ordinance;
- (m) **“private building”** means a residential building of not more than three floors including ground floor constructed on a plot of any size or a commercial building of not more than three floors including ground floor constructed on a plot not exceeding four hundred square yards, (367 sq. meters) not meant for transfer by sale or on the basis of ownership and does not include a building like a mosque, auditorium, cinema or such other building;
- (n) **“proof engineer”** means a structural engineer

whose name is borne on the panel of proof engineers maintained by the Authority;

- (o) "public building" means a building other than a private building;
- (p) "quality control" means the standards fixed or any code of practice of quality control recognized by the Authority for construction of buildings or development of plots;
- (q) "regulations" means the regulations made under this Ordinance;
- (r) "rules" means rules made under this Ordinance;
- (s) "Society" means a society which directly or indirectly deals with providing plots to its members for housing, commercial or industrial purposes;
- <sup>1</sup>[(s-a) "Special Court" means the Special Court established under section 18-A;]
- (t) "structural engineer" means a structural engineer who has been granted a licence under this Ordinance;
- (u) "town planner" means a town planner who has been granted a licence under this Ordinance.

(2) The expressions used but not defined in this Ordinance shall have the meanings assigned to them in the \*Sindh Local Government Ordinance, 1979.

<sup>1</sup>Clause (s-a) inserted by the Sindh Buildings Control (Amendment) Act, 2013, (Sindh Act No XLVII of 2013), the Sindh Govt. Gaz. Extr., Pt. IV, P. No. 575, dated November 1, 2013.

\**Note.* - Also consult the Sindh Local Government Act, 2013.

\*[4. Authority. - (1) Government may, by notification, appoint any body corporates or council, or any department of such body corporate or council, or any Government department or functionary or any organization to act as Authority for such area as may be specified in notification.

(2) Where a body corporates, a council, or an organization, or any Government department or department of body corporate or council is appointed as Authority, the Chief Executive or incharge of such body corporate, or council or organization or department, as the case may be, shall act as the Chief Executive of the Authority.

(3) The Authority for any area shall be known after the name of that area and shall sue and be sued in such name.

4A. Officers and Servants of the Authority. - (1) The Authority may appoint such Officers, advisers, experts, consultants, and employees for efficient performance of its functions and on such terms and conditions, as may be prescribed.

(2) All Officers, advisers, experts, consultants, and employees appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860) and shall be subject to such disciplinary action as may be prescribed.

4B. Supervision over the Authority. - Government may appoint a Committee which may subject to the control and direction of Government oversee the functioning of an Authority.

4C. Fund. - (1) There shall be a fund of the Authority to be known after its name.

(2) The fund shall consist of -

\*Section 4 substituted by new sections 4, 4-A, 4-B and 4-C by the Sindh Buildings Control (Amendment) Ord., 1982, (Sindh Ord. No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dated March 6, 1982.

- (i) grant-in-aid made by Government or received from any other source including foreign aid;
- (ii) loans raised or obtained by the Authority;
- (iii) fees and other sums received by the Authority under this Ordinance.

(3) All the moneys in the fund shall be kept in a Bank approved by the Authority.

(4) The Authority may invest its funds in any security of the Federal Government or Provincial Government or any other security approved by Government.

(5) The fund shall be utilised for carrying out the purposes of this Ordinance.

(6) The Authority shall maintain or cause to be maintained complete and accurate accounts of the fund in such manner or form as may be prescribed by rules.

(7) The accounts of the Authority shall be audited at least once in every financial year by such auditors or accountants, as may be approved by Government.]

\*[5. **Sale of Plots.** – (1) No developer shall transfer any plot or plots on the basis of ownership or by sale or advertise such transfer, without obtaining a no objection certificate from the Authority in the manner and on payment of such fee as may be prescribed.

(2) Where the Authority is satisfied that the development of the plots made or proposed to be made, is below the standard laid down by the Authority, it shall refuse to give the no objection certificate under sub-section (1).

\*Section 5 substituted by the Sindh Buildings Control (Amdt.) Ord., 1982, (Ord. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

(3) Where the developer has failed to deliver the possession of the plot mentioned in sub-section (1) by the date specified in the agreement with the transferee, he shall, unless the date has, on his application, been extended by the Authority, pay such interest not exceeding the interest payable by a Scheduled Bank as may be prescribed on the amount paid by the transferee.

(4) The provisions contained in sub-sections (1), (2), (3), (4), (5) and (8) of section 12 shall *mutatis mutandis*, be complied with by the developer in respect of the plot or plots mentioned in sub-section (1).

(5) The provisions contained in section 15 shall *mutatis mutandis* apply to the transferee of a plot or plots mentioned in sub-section (1).]

**6. Approval of Plan.** – (1) No building shall be constructed before the Authority has, in the prescribed manner, approved the plan of such building and granted no objection certificate for the construction thereof on payment of such fee as may be prescribed :

Provided that in the case of a building the construction whereof has commenced before coming into force of this Ordinance, the Authority's approval of the plan and no objection certificate shall be obtained not later than six months after the enforcement of the Ordinance.

\*[**Explanation.** – The word "construct" with all its variations used in this section and hereafter shall include "reconstruct" with all its variations and, additions or alterations.

(2) No building mentioned in sub-section (1) shall be occupied by any person or shall be allowed by the builder to be

\*The explanation & sub-sections (2), (3) and (4) of section 6 inserted by the Sindh Buildings Control (Amdt.) Ord., 1982, (Sindh Ord. No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dated March 6, 1982.

occupied, before the Authority has, on application of the occupant or owner, issued occupancy certificate, in such manner as may be prescribed.

(3) No building mentioned in sub-section (1) shall, except with the permission of the Authority, be used for the purpose other than that for which its plans were approved.

(4) Where the Authority is satisfied that the purpose for which the building is desired to be used is consistent with the approved plans of the building, it may grant the permission under sub-section (3) on such conditions and on payment of such fees as it may fix.]

<sup>1</sup>[(5) At any time after a no-objection certificate has been issued under sub-section (1) but before the completion of building, <sup>2</sup>[Authority] may, if it is satisfied that the construction of any type of building or buildings in any area is not in the public interest or is otherwise inexpedient, notwithstanding anything contained in this Ordinance, rules or regulations made thereunder and without notice suspend or cancel the certificate.

*Explanation.* – The expression “completion of building” used in this sub-section means the completion of building in all respects according to the approved plan and in respect where of occupancy certificate has been issued.

<sup>3</sup>[(6) Where any order is passed under sub-section (5), the matter shall be reprocessed by the Authority in accordance with the procedure, prescribed by regulations.]]

<sup>1</sup>In section 6, sub-sections (5) & (6) added by the Sindh Building Control (Second Amendment) Act, 1990 (Sindh Act No. VII of 1990), the Sindh Govt. Gaz. Extr., Pt. IV, P. No. 34, dated 23rd December, 1990.

<sup>2</sup>In sub-section (5), substituted for the word “Government” by the Sindh Buildings Control (Amendment) Act, 2013, (Sindh Act No. XLVII of 2013), the Sindh Govt. Gaz. Extr., Pt. IV, P. No. 575, dated November 1, 2013.

<sup>3</sup>Sub-section (6) substituted, *ibid.*

<sup>1</sup>[6-A. Information for no objection certificate. – A builder or developer shall for the purpose of obtaining no objection certificate under section 5 or, as the case may be, under section 6 furnish full and true information as to the following duly attested in the manner as may be prescribed : –

- (a) his own title, and title or interest of any other person or any encumbrance such as mortgage or lease or licence in respect of the land on which a building is to be constructed or which is to be developed into plots;
- (b) plans, specifications, design, and materials to be used, as approved by the Authority;
- (c) all money payable under any law for the time being in force in respect of the building or plot, as the case may be, which may include taxes, ground rent, revenue assessment, electricity and water charges;
- (d) such other information and documents as may be specified by the Authority.]

<sup>2</sup>[7. Preparation of plans. – (1) The plan submitted to the Authority under section 6 shall be prepared by and under the supervision of, and signed by, such person or persons referred to in sub-section (1) of section 8 as may be prescribed :

Provided that a structural engineer shall be associated with the architect to prepare the structural designs and drawing and sign them if the building : –

- (i) is sixteen meters or more in height from the Plinth level;

<sup>1</sup>Section 6-A inserted by the Sindh Building Control (Amdt.) Ord., 1982, (Sindh Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

<sup>2</sup>Section 7 substituted, *ibid.*

- (ii) consists of five or more storeys, in addition to the ground floor;
- (iii) consist of two or more storeys, in addition to the ground floor, situated in the coastal areas notified by the Authority;
- (iv) is considered by the Authority to be of special nature :

Provided further that a town planner shall, in addition to structural engineer, be associated to assist the architect in preparation of the plan if the building is constructed on a plot of two acres or more and the Authority deems that association of town planner is necessary and in that case the plan shall be signed also by the town planner.

(2) An Inspecting engineer shall be engaged for supervision of construction of a building other than a single or double storeyed building on an area not exceeding four hundred square yards the construction whereof may, instead of inspecting engineer, be entrusted to the supervision of a building supervisor, and the inspecting engineer or, as the case may be, the building supervisor shall sign the plan of the building.

(3) The builder and any person or persons associated in any manner with the building including its plan and construction shall be liable for the defects in the structure, plan and construction thereof to such extent and manner as may be determined by the Authority.

(4) The Authority may, for the reason of safe and sound construction, refer the structural design of any building for further examination to a proof engineer who shall scrutinize the design and, if necessary, modify it and the fees or any charges in connection therewith shall be borne by the builder.]

<sup>1</sup>[7A. Violation of certain provisions. – Where the provisions of sub-section (1) of section 6 are violated the building may without prejudice to any other action including sealing of the building or ejection of the occupants be ordered by the Authority or any officer of the Authority authorized in this behalf to be demolished, at the cost of the builder in the case of public buildings and the owner in other cases.]

<sup>2</sup>[7-B. Town Planning. – The Authority shall draw up a Master plan for all Districts of the Province which shall, among other matters provide for –

- (a) a survey of the District including its history, statistics, public services and other prescribed particulars;
- (b) development, expansion and improvement of any part of the District;
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and erection and reerection of buildings within the district;
- (d) earmarking of land for mosques where necessary :

Provided that the Master Plan shall be presented to Government for its consideration and shall be given effect after approval by Government.

7-C. Site Development Scheme. – (1) Where a master plan

<sup>1</sup>Section 7-A inserted by the Sindh Building Control (Amdt.) Ord., 1982, Sindh Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

<sup>2</sup>New sections 7-B, 7-C, 7-D, 7-E & 7-F inserted by the Sindh Building Control (Amdt.) Act, 2014 (Sindh Act No. IX of 2014), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 82, dt. Karachi the 20th March, 2014.

has been drawn up and has been approved by Government with or without any modifications, no owner of land exceeding such areas as may be specified in this behalf in the master plan shall develop the site or erect or re-erect a building on any plot or land covered by the master plan, except in conformity with the provisions of a site development scheme sanctioned for the area in the prescribed manner.

(2) Among other matters, a site development scheme may provide for -

- (a) the division of the site into plots;
- (b) the streets, drains and open spaces to be provided;
- (c) the land to be reserved for public purposes and to be transferred to the Council concerned;
- (d) the land to be acquired by the Council concerned;
- (e) the works that shall be executed at the cost of the owners of the site or sites;
- (f) the price of plots;
- (g) the period during which the area shall be developed.

**7-D. Execution of Site Development Scheme.** - (1) The execution of a site development scheme shall be subject to the inspection of the Authority which may issue such directions with regard to the execution of the scheme as may be necessary and proper for the development of scheme.

(2) If any area is developed in contravention of the provisions of approved site development scheme, the Authority may, by notice in writing, require the owner of such area or the person who has contravened the provisions by making alteration in the

site as may be specified in the notice, and where such alteration is not made or notwithstanding anything to the contrary contained in any law be carried out or caused to be carried out by the Authority in the prescribed manner, or the Authority may require and enforce the demolition of the offending structure and no compensation shall be payable therefore, to such owner or person.

(3) If an area for which a site development scheme has been approved, is not developed within the period provided in the site development scheme and further extension is not allowed by the Authority or if the development is not in conformity with the Site Development Scheme, the Authority may in the prescribed manner take over the development of the site and execute the necessary works and the cost incurred thereon by the Authority shall be deemed to be tax levied on the owner under this Ordinance.

**7-D. Erection and re-erection of buildings.** - (1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and the building plan has been sanctioned by the Authority.

(2) A person intending to erect or re-erect a building shall apply for sanction in the manner provided in the bye-laws and shall pay such fees as may be levied by the Authority with the previous sanction of Government.

(3) All building applications presented under this paragraph shall be registered in the manner provided in the bye-laws and shall be disposed of as early as possible but not later than sixty days from the date of the registration of the application and if no order is passed on an application within sixty days of its registration, it shall be deemed to have been sanctioned to the extent to which it does not contravene the provisions of the building bye-laws and the Master Plan or Site Development Scheme, if any.

(4) The Authority may for reasons to be stated in writing

reject a site plan or a building plan, but any person aggrieved thereby may appeal to Government within thirty days of the order of rejection, and the order passed by Government in appeal shall be final.

(5) The Authority may, sanction a site plan or a building plan, subject to such modifications or terms as may be specified in the order of sanction.

(6) Nothing in this paragraph shall apply to any work, addition or alteration which is declared by bye-laws to be exempt.

**7-E. Completion of buildings, etc.** - (1) Every person who has erected or re-erected a building shall, within thirty days of the completion of the building, report such completion to the Authority.

(2) The Authority shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of any provisions of this Ordinance, if any, the Authority may require the alterations of the buildings so as to be in compliance therewith, and where such an alteration is not possible, the Authority may require the building or any part thereof to be demolished or, on the application of the owner of such building, compound, the offence of such contravention; provided that no offence shall be so compounded if it involves any violation or contravention of the provisions of a master plan or of a sanctioned Site Development Scheme.

(3) If a building is required to be demolished under the provisions of clause (2), and such requirement is not completed with, within the specified period, the Authority may have the building demolished through its own agency and the cost incurred thereon shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance and be recovered accordingly :

Provided that no action shall be taken under this paragraph

unless the person likely to be affected thereby is given an opportunity of being heard.

**7-F. Regulation of buildings.** - (1) If any building or anything fixed thereon be deemed by the Authority to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers-by, the Authority may, by notice, require the owner or occupier of such building to take such action in regard to the building as may be specified in the notice and if there is default, the Authority may take necessary steps itself and the cost incurred thereon shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance and be recovered accordingly.

(2) If a building is in a dangerous condition, or otherwise unfit for human habitation, the Authority may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Authority.]

**\*[8. Grant of licence.** - (1) No person or body of persons shall not as architect, building designer, inspecting engineer, inspecting architect, building supervisor, structural engineer or town planner except with a licence granted by the Authority in the manner, and on the terms and conditions as may be prescribed :

Provided that any licence granted under any other law for the time being in force shall expire after six months from the date of the coming into force of the Sind Buildings Control (Amendment) Ordinance, 1982.

(2) No licence under sub-section (1) shall be granted unless an architect building designer, inspecting engineer, inspecting

\*Sections 8 & 9 substituted by the Sindh Building Control (Amndt.) Ord., 1982, (Sindh Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

architect, building supervisor, structural engineer or town planner possesses such qualifications as may be prescribed.

(3) The functions of and remuneration payable to an architect, building designer, inspecting engineer, inspecting architect, building supervisor, structural engineer or town planner shall be regulated in such manner as may be prescribed.

**9. Grant of licence to builder or developer.** – No builder or developer shall engage in construction or transfer of a building or, as the case may be, development or transfer of a plot, or plots except with a licence granted by the Authority in the manner and on the terms and conditions including fees as may be prescribed.]

<sup>1</sup>[**10. Licensing Board.** – (1) Notwithstanding any other provision of this Ordinance, Government may by notification constitute a Licensing Board for the whole Province to grant licences to the persons referred to in sub-section (1) of section 8.

(2) Where a Board has been constituted under sub-section (1), the Authority shall cease to exercise the powers under sub-section 8 and to frame regulations in respect of the matters specified therein and in the case all such matters shall be regulated in the manner prescribed by rules.

**10A. Appointment of Committees and Sub-Committees.** – The Authority may appoint committees or sub-committees which shall subject to control and direction of the Authority exercise such powers and perform such functions as may be assigned to them by the Authority.]

**11. Inspection of building or plot.** – <sup>2</sup>[(1) The Authority

<sup>1</sup>Section 10 substituted by new sections 10 & 10-A by the Sindh Building Control (Amendment) Ord., 1982, (Sindh Ord. No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dated March 6, 1982.

<sup>2</sup>Sub-section (1) of section 11 substituted, *ibid.*

may authorize any officer not below grade 17 of the national scales of pay to inspect any building under construction or any plot developed or being developed in any locality or localities or as may be assigned to such officer for the purpose of quality control.]

(2) If in the opinion of the officer authorized under sub-section (1) the construction of any building is not in accordance with the plan or the specifications approved by the Authority or any material used in the construction is of sub-standard or is not of the quality or type mentioned in the advertisement under section 12, such officer may, by order in writing issue any direction, and it shall be the responsibility of the builder and all those concerned with the construction of the building to carry out such direction or he may require that the construction be suspended until any further direction is issued either by him or by the authority, or order that the construction which in his opinion is defective be demolished at the cost of the builder.

**12. Sale of buildings.** – \*[(1) No builder shall sell or, advertise for sale any building, through any audiovisual aids or any other means before he has obtained approval in writing of the Authority, and he shall mention such fact in the advertisement which will further specify all such details about the building as may be prescribed.]

(2) The approval granted by the Authority under sub-section (1) shall be displayed at a conspicuous place in the office in the builder, if any, and at the site of the building.

(3) The builder shall not entertain and register any application made in response to the advertisement under sub-section (1), if it is in excess of the number of housing units provided in the building.

\*Sub-section (1) of section 12 substituted by the Sindh Building Control (Amendment) Ord., 1982, (Sindh Ord. No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dated March 6, 1982.

\*[(4) Where any application is made in response to the advertisement, an agreement shall be executed between the builder and the applicant for construction and transfer of the building and the agreement shall, inter alia, specify the date by which the construction shall be completed and possession of the building shall be delivered and the total price to be paid in lump sum or in instalments and also the interest payable by either party in the event of default :

Provided that the payment if any made by applicant before the execution of the agreement shall not exceed such maximum of the total price as may be specified by the Authority.

(5) Notwithstanding the agreement mentioned in sub-section (4) no builder shall cancel the transfer by sale or otherwise without observing the prescribed procedure.

(6) No builder shall without approval of the Authority, make any alterations in the structures described in the plans, design and specifications approved by the Authority.

(7) The builder shall take out a contractors All Risk Insurance Policy in respect of the building which shall also cover losses arising out of defects in design and earthquake.

(8) The builder shall maintain a list of buildings already constructed or transferred by him with full particulars as may be specified by the Authority, including the names, and addresses of the transferees, and the terms and conditions on which the buildings were transferred and shall, on demand of the Authority furnish a copy of such list or part thereof.

(9) Where any structural defect in the building or the material used in construction thereof or any unauthorized change

\*Sub-sections (4) to (9) of section 12 added by the Sindh Building Control (Amdt.) Ord., 1982, (Sindh Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

therein is brought to the notice of the builder within a period of one year in respect of structure and, six months in respect of the fixtures, from the date of offering physical possession to the transferee such defect or unauthorized change shall be removed without any additional cost from the transferee or appropriate compensation be paid to him, and in the case of dispute as to the defect or change or quantum of compensation the decision of the Authority shall be final.]

13. Increase of sale price. - (1) The sale price of a building advertised under section 12, <sup>1</sup>[or agreed upon between the parties for sale before the commencement of this Ordinance shall not, after the advertisement or agreement] be increased except with the approval of the Authority who may, after taking into consideration the rise in cost of building material and wages of the labour and such other expenditure, allow such increase as the Authority deems fit.

(2) Where a building cannot be completed by the date mentioned in the <sup>1</sup>[advertisement or offer] the Authority may on application made in this behalf, extend the period for completion of the building.

(3) Where a building has not been completed by the date mentioned in the <sup>1</sup>[advertisement or offer] and the application under sub-section (2) has been rejected, the builder shall be liable to pay interest at such rate not exceeding the rate charged by a Scheduled Bank and in such manner as may be prescribed, to the buyer of the building, on the amount of the sale price paid by such buyer for the period by which the completion of the building has been delayed.

<sup>2</sup>[13-A. Formation of Co-operative Societies. - Where a

<sup>1</sup>In section 13, substituted by the Sindh Building Control (Amdt.) Ord., 1982, (Sindh Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

<sup>2</sup>Section 13-A inserted, *ibid.*

building, after its completion, is transferred to such number of persons who can form a co-operative society under the Sind Co-operative Societies Act, 1925, all such persons shall, for the purpose of maintenance of building form such society.]

<sup>1</sup>[14. **Dangerous Buildings.** – (1) If it comes to the notice of the Authority that a building is likely to collapse, the Authority may, after such enquiry as it deems fit order for carrying out the specific repairs or demolition of the whole or part of the building.

(2) Where the specific repairs are to be carried out, the Authority may, by notice, require the owner of building or in the event of his failure the occupier thereof to carry out such repairs within such period as may be specified in the notice and if the repairs are not carried out within the specified period, the Authority may, notwithstanding any other law for the time being in force proceed to have the building demolished and the cost of demolition shall be recovered from the owner as arrears of land revenue.

(3) Where the whole or a part of the building is to be demolished, the Authority may, by notice, require the occupier or occupiers thereof to vacate the building within the period specified in the notice and if the building has not been vacated within such period, the Authority may, notwithstanding any other law for the time being in force order that occupier or occupiers of the building be ejected, if necessary, by force <sup>2</sup>[:]

<sup>2</sup>[Provided that no action shall be taken under this section unless the person who is likely to be affected thereby is given an opportunity of being heard.]

<sup>1</sup>Section 14 substituted by the Sindh Building Control (Amdt.) Ord., 1982, (Sindh Ordinance No. III of 1982), the Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dt. March 6, 1982.

<sup>2</sup>In sub-section (3) the fullstop appearing at the end replaced by a colon and thereafter proviso added by the Sindh Building Control (Amdt.) Ordinance, 1984 (Sindh Ord. No. XXXVII of 1984), dt. 1st November, 1984.

**15. Interest on un-paid instalments.** – Where a person has purchased a building on instalments in response to the advertisement under section 12, and has failed to pay any instalment in time he shall be liable to pay interest on the amount of the un-paid instalment at such rate not exceeding the rate charged by a Scheduled Bank, as may be prescribed.

**16. Appeal.** – An appeal from an order under this Ordinance may, in the prescribed manner, be preferred within thirty days of such order to : –

- (a) Government in the case of the order made by the Authority; and
- (b) the Authority, in other case.

**17. Disposal of application or appeal.** – An application or appeal made under this Ordinance shall be disposed of within thirty days of the receipt thereof unless this time limit is extended from time to time by Government on the request of the Authority <sup>1</sup>[:]

<sup>1</sup>[Provided that no application or appeal shall be disposed unless the applicant or appellant, as the case may be, is given an opportunity of being heard.]

**18. Delegation of powers.** – Government may, by notification, delegate any of powers vested in it or in the Authority to any officer or authority.

<sup>2</sup>[18-A. **Establishment of Special Court.** – (1) Government

<sup>1</sup>In section 17, at the end full stop substituted by colon and thereafter proviso added by the Sindh Building Control (Amdt.) Ordinance, 1984 (Sindh Ord. No. XXXVII of 1984), dt. 1st November, 1984.

<sup>2</sup>New sections 18-A to 18-G inserted by the Sindh Buildings Control (Amendment) Act, 2013, (Sindh Act No. XLVII of 2013), the Sind Govt. Gaz. Extr., Pt. IV, P. No. 575, dated November 1, 2013.

shall, by notification in the official gazette, establish as many Special Courts as it considers necessary and appoint a Judge for each of such Courts and where it establishes more than one Special Court, it shall specify in the notification, the place of sitting of Judge of each Special Court and the territorial limits within which it shall exercise the jurisdiction under this Ordinance.

(2) A Judge of Special Court shall be appointed by Government after consultation with the Chief Justice of the High Court of Sindh and no person shall be appointed as Judge of the Special Court unless he is or has been a Sessions Judge, Additional Sessions Judge or has ten years standing as an Advocate.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all cases relating to the violation of the provisions of this Ordinance, shall be triable exclusively by a Special Court.

(4) All cases relating to the violation of the provisions of this Ordinance, pending in any court immediately before the appointment of a Judge of Special Court, shall stand transferred to the Special Court, having jurisdiction over such cases.

(5) In respect of cases transferred to a Special Court by virtue of sub-section (4), the Special Court shall not, by reason of the said transfer, be bound to recall and re-hear any witness, who has given evidence in the case before transfer and may act on the evidence already recorded by or produced before the Court which tried the case before transfer.

**18-B. Conferment of powers upon officers and officials.** - Government may empower the officers and officials of Sindh Building Control Authority -

- (i) to check unauthorized construction made in violation of approved plan, law, rules and regulations;
- (ii) to ensure the enforcement of the provisions of this

Ordinance and enforcement of the orders of Special Court.

**18-C. Notification of Police Stations.** - Government shall notify as many Police Stations in the District or Taluka as it considers necessary, to take cognizance of the offences falling under this Ordinance.

**18-D. Procedure of Special Court.** - (1) A Special Court shall take cognizance of an offence falling under this Ordinance, on receiving the complaint and a report in writing by any police officer for violating the provisions of the Ordinance which constitute an offence under the Ordinance.

(2) A Special Court shall, in all matters with respect to which no procedure has been prescribed under the Ordinance, follow the procedure as laid down in the Code of Criminal Procedure, 1898.

**18-E. Jurisdiction of Special Court.** - A Special Court shall try the offences exclusively falling within the provisions of the Ordinance.

**18-F. Appeal.** - An appeal against the judgment or an order of the Special Court, shall be filed in the competent Court of law within thirty days of the judgment or order announced.

**18-G. Provision of utility services.** - No Authority shall -

- (i) provide the utility services including electric connection, gas connection, water connection and sewerage disposal facility to any premises unless the approved completion plan is produced before it; and
- (ii) register the sale deed, lease or sub-lease in respect of the newly constructed premises unless the approved completion plan with the deed is produced before it.]

19. **Penalty.** – <sup>1</sup>[(1) Whoever contravenes any provision of this Ordinance, shall be punished with simple imprisonment for a term not exceeding <sup>2</sup>[three years] or with fine not less than <sup>2</sup>[fifty thousand] rupees or with both and if the offence is a continuing one, further fine not exceeding five hundred rupees for each day after the date of the first commission of the offence..

<sup>3</sup>[(1-A) The Authority or any person authorized by it in this behalf may compound an offence relating to building works of a building plan which was approved prior to the promulgation of the Sindh Building Control (Amendment) Ordinance, 2001 on payment of the existing composition fee enhanced by fifty per cent to three hundred percent for the different areas as categorized in the property valuation table issued by the Board of Revenue Sindh as mentioned in the table below and other fees as prescribed, on production of a certificate of structural stability duly verified by the licensed Structural Engineer on such terms and conditions as may be prescribed :

Provided that no offence shall be compounded in respect of a building constructed within <sup>3</sup>/<sub>4</sub> mile (1.2 Km) radius of Quaid-e-Azam's Mausoleum above a podium level of 91 feet (27.72 m) from the mean sea level.

**Explanation.** – For the purpose of this sub-section "building works" include excess covered area, violation of compulsory open spaces or height restrictions.

<sup>1</sup>In section 19, sub-sections (1) & (1-A) substituted by the Sindh Building Control (Amendment) Ord., 1982 (Sindh Ord. No. III of 1982), the Sindh Govt. Gaz., Extr., Pt. I, P. No. 208, dated March 6, 1982.

<sup>2</sup>In sections 19, in sub-section (1), substituted by the Sindh Buildings Control (Amendment) Act, 2013, (Sindh Act No. XLVII of 2013), the Sindh Govt. Gaz. Extr., Pt. IV, P. No. 575, dated November 1, 2013, for the words "two years" & "twenty thousand" respectively.

<sup>3</sup>Sub-section (1-A) again substituted by new sub-sections (1-A) & (1-B) by the Sindh Ordinance No. XXXVII of 2001, the Sindh Govt. Gaz. Extr., Pt. I, P. No. 3455, dt. December 3, 2001.

### TABLE

for the areas mentioned in Category VI of the said valuation table.	50%
for the areas mentioned in Category V of the said valuation table.	75%
for the areas mentioned in Category IV of the said valuation table.	150%
for the areas mentioned in Category II & III of the said valuation table.	250%
for the areas mentioned in Category A1 & 1 of the said valuation table.	300%

(1-B) Notwithstanding the provisions of sub-section (1-A), no offence shall be compounded in respect of the buildings –

- (a) which have environmentally degrading activities such as manufacturing, storage of dangerous or inflammable materials, or cater to the service of transport sector until such activities are removed;
- (b) where parking space is used for other purposes until such space is restored to its original purpose;
- (c) which have been constructed in violation of the reservation of road widening scheme or property line, or are in any hazardous use.]]

\*[(1-C) The Authority or any person authorised by it in this behalf may compound any offence relating to the works com-

\*Sub-section (1-C) added by the Sindh Ord. No. XXXVII of 2001, the Sindh Govt. Gaz. Extr., Pt. I, P. No. 3455, dt. Dec. 3, 2001.

men-ced or carried out in violation of the regulations in respect of foot print, compulsory open space, excess covered area and projections of the building on payment of the existing composition fee enhanced by four hundred percent and other fees, if the deviation does not exceed beyond twenty percent of the permissible limits on the terms and conditions, as prescribed by the Authority.]

(2) No court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by the Authority or any person authorised by it.

**20. Indemnity.** – No suit or legal proceedings shall lie against Government or the Authority or any person in respect of anything done or intended to be done in good faith under this Ordinance.

\*[**20A. Notice for Institution of suit.** – No suit shall be filed against the Authority or any of its employees in respect of anything done or purported to be done by the Authority or such employee under this Ordinance except after expiration of sixty days next after notice in writing has been delivered to or left at the office of the Authority or employee as the case may be.]

**21. Power to make rules.** – Government may, make rules for the purpose of giving effect to provisions of this Ordinance.

\*[**21A. Regulations.** – (1) The Authority may, frame Regulations not in consistent with the provisions of this Ordinance and the rules made thereunder, for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for –

(a) the recruitment, tenure of office, terms and condi-

tions of service of the officers, advisers, experts, consultants and employees appointed by the Authority and disciplinary action against them;

- (b) the manner of approval, grant of no objection certificates to builders or developers and rates of fees therefor;
- (c) the manner of grant of occupancy certificate and fees therefor;
- (d) the manner of attestation of documents or information;
- (e) the manner of preparation, supervision and submission of building plans;
- (f) the qualifications, manner of grant and terms and conditions of and fees for licences to architects, building designers, inspecting engineers, inspecting architects, building supervisors, structural engineers or town planners and regulation of their functions and remuneration;
- (g) the manner of grant and terms and conditions of licence to builders or developers and fees for such licences;
- (h) procedure for cancellation of transfer or sale;
- (i) the details of the building or plot required to be mentioned in the advertisement for its sale by the builder or developer, as the case may be;
- (j) rates of fees for supplying copies of any document or information;
- (k) terms and conditions of compounding of offences;

<sup>1</sup>[(kk) framing of town plan regulations;]

(l) rates of interest payable under this Ordinance.

(3) The Karachi Building and Town Planning Regulations, 1979, in the case of the Authority of Karachi and the bye-laws of the council concerned in other cases, duly published shall until the regulations are framed under this section, be deemed to be the regulations, not framed; provided that they are not inconsistent with the provisions of this Ordinance and the rules framed thereunder.]

### SCHEDULE

<sup>2</sup>[ \* \* \* \* \* ]

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<sup>1</sup>Clause (kk) inserted by the Sindh Building Control (Amdt.) Act, 2014 (Sindh Act No. IX of 2014), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 82, dt. Karachi the 20th March, 2014.

<sup>2</sup>Schedule omitted by the Sindh Bldg. Control (Amdt.) Ord., 1982, (Sindh Ord., III of 1982), Sindh Govt. Gaz. Extr., Pt. I, P. No. 208, dated March 6, 1982.

## THE KARACHI BUILDING CONTROL LICENCING REGULATIONS, 1982\*

[KARACHI BUILDING CONTROL AUTHORITY]

[Karachi, the 8th April, 1982]

(Master Plan & Environmental Control Department Authority  
under Sindh Building Control Ordinance, 1979)

**Notification No. 10.1/PLA/MP & EC/82.** – In exercise of the powers conferred under section 21(A), of the Sindh Building Control Ordinance No. V of 1979 (S.B.C.O. Amendment Ordinance of 1982) the Authority is pleased to make the following Regulations, namely : –

**1. Short title, commencement and extent.** – (1) These Regulations may be called the Karachi Building Control Licencing Regulations, 1982.

(2) These regulations shall come into force at once.

(3) These regulations shall extent to the whole Karachi Division.

**2. Definitions.** – In these regulations, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say : –

(a) “**Form**” means a form prescribed by the Authority for the grant of licence.

(b) “**Committee**” means a Committee or Committees appointed under these regulations for the grant of licence.

\*Published in the Sindh Govt. Gaz., Extr., Pt. I-A, P. 155, dt. April 8, 1982.

**THE KARACHI BUILDING CONTROL LICENCING  
REGULATIONS, 1982**

- (c) "Licence" means sanction granted to any person to act as an Architect, Building Designer, Inspecting Engineer, Inspecting Architect, Structural Engineer, Building Supervisor, Town Planner, Builder or Developer for the purposes of the Ordinance and the rules, regulations.
- (d) "Licencees" means a person to whom a licence is granted or is deemed to have been granted under these Regulations.
- (e) "Ordinance" means Sindh Building Control Ordinance, 1979.

3. **Eligibility to apply.** - Any person who holds the qualifications and experience as prescribed in Part-I of these regulations may apply for a licence on the prescribed form.

4. **Manner of grant of Licence.** - (1) Every application for licence shall be accompanied by such fee as prescribed in Part II, of these regulations

(2) If the application is rejected, the fee shall be refunded.

5. **Licencing Committees.** - (1) Application for Licences of Architects, Building Designers and others shall be considered by a Committee consisting of :-

- |   |           |
|---|-----------|
| (a) Director, MP & EC. ... ..   | Chairman. |
| (b) Controller of Buildings ... ..  | Member.   |
| (c) Representative of Deputy<br>Director, Military Lands &<br>Cantonments, Karachi ... .. | Member.   |
| (d) One representative each from :  |           |

**THE KARACHI BUILDING CONTROL LICENCING  
REGULATIONS, 1982**

- |  |            |
|--|------------|
| (i) Federation of Architects<br>& Engineers, Pakistan ... ..             | Member.    |
| (ii) Pakistan Engineering<br>Council. ... ..                             | Member.    |
| (iii) Institute of Architects,<br>Pakistan. ... ..                       | Member.    |
| (iv) Institute of Engineers,<br>Pakistan. ... ..                         | Member.    |
| (v) Institute of City &<br>Regional Planning<br>(Karachi Chapter)... ..  | Member.    |
| (vi) Deputy Controller of<br>Buildings, Incharge of<br>Licencing. ... .. | Secretary. |

(2) Applications for licences of Builders and Developers shall be considered by a Committee consisting of :-

- |   |            |
|---|------------|
| (1) Director, Land Manage-<br>ment, KDA ... ..                      | Convenor.  |
| (2) Controller of Buildings ... ..                                  | Member.    |
| (3) Director (P & UD) KDA ... ..                                    | Member.    |
| (4) Add. Director (HQ) Resettle-<br>ment Department, KDA. ... ..    | Member.    |
| (5) Superintending Engineer<br>(Dev). KDA ... ..                    | Member.    |
| (6) Deputy Controller of Buildings,<br>Incharge of Licencing ... .. | Secretary. |

(3) The Committee shall preferably hold its meetings once a month.

**6. Function of the Committee.** - (1) The Committee, shall Scrutinize all applications and inspect all documents and recommend to the Authority for the grant or reject of the licence in the light, of these regulations.

(2) The Committee, before recommending or rejecting a licence, shall also see besides prescribed qualifications and experience, the capability of supervision of construction work by the applicant and in case of builders and developers, the staff, equipment and other related matters.

(3) The Committee shall interview the applicants before the issue of a licence.

(4) On the recommendations of the Committee, Controller of Buildings or an officer authorized shall issue a licence or inform the applicant of the rejection with reasons.

(5) The Committee shall hear the appeals against the suspension of licence order issued by Controller of Buildings and submit its findings to Director General, KDA for final decision or other guidance in the matter.

**7. Period.** - The licence granted under these regulations shall be valid for a calendar year ending 31st December.

**8. Renewal.** - The application for renewal of licence granted under these regulations accompanied by such fee as prescribed shall be made to the Authority at least 30 days before expiry of the existing licence.

**9. Revocation.** - Without prejudice to any other action that may be authorized under the Ordinance or the Rules framed thereunder, the Authority may revoke or suspend the licence if the licensee violates any of the conditions of the grant of licence.

**10. Appeal.** - (1) Any person aggrieved by an Order of the Authority under these regulations, may within thirty days of such order prefer an appeal to Director General, KDA.

(2) Government in the case of the order made by the Director General KDA whose decision in the matter shall be final.

### **PART - I**

#### **A. - Architect : -**

(1) Five years degree or 5 years Diploma in Architecture or its equivalent from any recognized institution by the Government plus two years experience in Architectural Designing and supervision of building construction.

OR

(2) Four years Diploma Course from the Karachi Government School of Architecture, Government of Pakistan completed not later than 1974, with eight years practical experience in Architectural Designing and Supervision of building construction.

OR

(3) Twelve years of continuous professional practice as a licensed architect from any local Authority. No fresh licence under this category shall be granted after 12 months of the enforcement of these regulations.

OR

(4) A Civil Engineer who has a degree in Civil Engineering or its equivalent from institutions recognized by the Government and is registered with Pakistan Engineering Council, plus ten years experience in Architectural designing and supervision. No fresh licence under this category shall be granted after 12 months from the date of enforcement of these regulations.

OR

(5) Member of a National Institution or Association recognized by the Government or by an International Organization of Architects, as may be prescribed by the Government.

**B. - Building Designer :-**

(1) Degree in Architecture or 5 years Diploma from any recognized institution.

OR

(2) Degree in Civil Engineering or its equivalent qualifications recognized by Pakistan Engineering Council with two years experience in architectural Design and Supervision of Building Construction.

OR

(3) Ten years experience in Architectural Designing and supervision of building construction with a licenced Architect and five years practice under a licence granted by any local authority. No fresh licence shall be granted after 12 months of the enforcement of these regulations.

OR

(4) Diploma in Civil Engineering from any recognized institution plus five years minimum experience in Architectural designing and construction and have a licence of supervisor under the Ordinance.

**C. - Inspecting Engineer :-**

Degree in Civil Engineering or any other equivalent qualifications recognized by the Government of Pakistan and Pakistan Engineering Council, with two years practical experience in building designing and supervision of building construction and registered in the Civil Division of the Pakistan Engineering Council, as a Registered Engineer.

**D. - Inspecting Architect :-**

Same as A (1), (2), (3) and (4).

**E. - Building Supervisors :-**

(1) Three years Diploma in Civil Engineering from recognized institutions plus two years experience of supervision of building construction.

OR

(2) Three years certificate course in Civil Engineering from recognized institution plus three years experience of supervision of building construction.

OR

(3) Two years certificate course in Civil Engineering from recognized institutions plus four years experience of supervision of building construction.

OR

(4) One year certificate course in Civil Engineering from recognized institutions plus five years experience of supervision of building construction.

OR

(5) Practical experience of supervision of building construction for more than fifteen years. No fresh licence under this category shall be granted after 12 months of the enforcement of these regulations.

**F. - Structural Engineer :-**

(1) Recognized post-graduate degree or equivalent qualifications in Structural Engineering and registered as Consulting Engineer, in the Civil Division of Pakistan Engineering Council plus practical experience of two years in Structural designing of buildings.

OR

(2) Degree in Civil Engineering or its equivalent and registered in the Civil Division of Pakistan Engineering Council, as Consulting Engineer, plus practical experience of five years in Structural designing.

**G. - Town Planner : -**

(1) Post graduate degree or Diploma, of at least 2 years duration in City, Town or Regional Planning, from a foreign institution recognized by the Government plus one year practical experience and an Associate member of Institute of City & Regional Planning, recognized by the Government.

OR

(2) Degree in City, Town or Regional Planning from any recognized institution of Pakistan and an Associate member of Institute of City and Regional Planning as recognized by the Government, with 2 year's practical experience.

OR

(3) Diploma in Ekistics from the centre of Ekistics, Athens with 8 year's practical experience in City, Town or Regional planning and an Associate member of Institute of City & Regional Planning, as recognized by the Government.

OR

(4) Post graduate degree in any Social Science with a post graduate diploma or certificate in City, Town or Regional Planning from any foreign institution recognized by the Government and a licenciate member of Institute of City & Regional Planning as recognized by the Government, with 15 years practical experience in City, Town or Regional Planning, and may plan upto 10 (ten) acres.

**PART - II**

The fees shall be paid at the following rates : -

(1) Licence to : -

- |  |  |
|--|--|
| (a) Architect/Inspecting Architect ..... | Rs. 250.00 and for renewals Rs. 100.00 per annum.    |
| (b) Building Designer .....              | Rs. 150.00 and for renewals Rs. 75.00 per annum.     |
| (c) Inspecting Engineer .....            | Rs. 250.00 and for renewals Rs. 100.00 per annum.    |
| (d) Building Supervisor .....            | Rs. 150.00 and for renewals Rs. 75.00 per annum.     |
| (e) Structural Engineer .....            | Rs. 250.00 and for renewals Rs. 100.00 per annum.    |
| (f) Town Planner .....                   | Rs. 250.00 and for renewals Rs. 100.00 per annum.    |
| (g) Developer .....                      | Rs. 2,500.00 and for renewals Rs. 1000.00 per annum. |
| (h) Builder .....                        | Rs. 2,500.00 and for renewals Rs. 1000.00 per annum. |

- (2) No objection certificate under section 5 of the Sindh Building Control Ordinance (Amending Ordinance) 1982 .....Rs. 1000.00 per acre of the gross area.

### **PART - III**

*(Architect/Inspecting Architect, Building Designer, Inspecting Engineer, Building Supervisor, Structural Engineer and Town Planner).*

The Authority may suspend or cancel the licence in addition to the action under the relevant statute in case the licence : -

- (1) Disobeys or fails to comply with any regulations or directions issued by the Authority from time to time or any rules framed under the S.B.C.O. 1979 and the provisions of the Ordinance.
- (2) Executes or supervises any unauthorized work or any work which is being raised without approval of building plan or is not in accordance with the plans approved therefor by the Authority.
- (3) Does not inform in time the Authority for any unauthorized work carried out by his client which is not in accordance with the plans approved therefor by the Authority.
- (4) Executes or supervises carelessly or negligently the work for which he has been employed.
- (5) Wilfully misrepresents any facts or makes any false statement to the Authority or suppresses information of any material fact relating to the work for which is employed.
- (6) Disturbs, defies or breaks the discipline of any office of the Authority.

- (7) Proves to be incompetent or frequently prepares plans which are liable to objection by the Authority, or prepares plans in grave disregard of the provisions of the relevant statute.
- (8) Shall not enter into a written contract with his client clearly specifying the work to be undertaken by him and fee and other charges for such works and approximate period for completion of such works.
- (9) Does not inform in writing the authority of his discontinuance of any works which were undertaken by him.
- (10) No Licence shall undertake "IN HOUSE CONSULTANCY" for the projects of his own and shall engage independent professionals for relevant works on such projects.

### **PART - IV**

#### **TERMS AND CONDITIONS OF LICENCE (BUILDERS/DEVELOPERS)**

The Authority may suspend or cancel the licence in addition to the action under the relevant statute in case the licensee do not fulfil the conditions mentioned hereinafter -

- (1) The licensee disobeys or fails to comply with any regulations & directions issued by the Authority or any rules framed under the S.B.C.O., 1979 and the provisions of the Ordinance.
- (2) The licensee willfully misrepresents any facts or makes any false statement to the Authority or suppresses the information of any material fact relating to the project.
- (3) The licensee either directly or through some agent advertises in any manner the sale of flats/houses/plots etc.

without prior approval of the Authority or increases the prices once approved by the Authority.

- (4) The licensee shall be responsible for safe and sound construction of Building and development of the project in addition to other professionals.
- (5) The licensee shall not engage in any "IN HOUSE CONSULTANCY" for the projects of his own and shall engage for the planning and execution of work(s) an independent licenced Architect/Structural Engineer/Inspecting Engineer/Building Supervisor or Town Planner, as the case may be.
- (6) The licensee shall carry out the work(s) strictly according to the approved specifications and designs by the Authority.
- (7) The licensee in case of individual and in the case of a Registered company or a Co-operative Housing Society, its Directors shall be personally and severally be held responsible for the breach of any provision of the Ordinance and rules and regulations framed thereunder.
- (8) The licensee shall provide all assistance to the Authority and its Officers in carrying out their duties and provide all facilities in inspecting the building/site and shall furnish the required information from time to time.
- (9) The licensee shall follow all other terms and conditions imposed with the approved building or layout plans.
- (10) The licensee shall inform the Authority, change of any status in the project, undertaken by him after its approval.

## THE SINDH REGULATION AND CONTROL (USE OF PLOTS AND CONSTRUCTION OF BUILDINGS) ORDINANCE, 2002\*

(SINDH ORDINANCE NO. VIII OF 2002)

[Karachi, the 19th March, 2002]

Notification No. S.Legis : 1(8)/2002. – The following Ordinance made by the Governor of Sindh is hereby published for general information : –

*An Ordinance  
to provide for the regulation and control of the  
use of plots and construction of buildings  
in the Province of Sindh*

**Preamble. –**

AND WHEREAS it is expedient to provide for the regulation and control of the use of plots and construction of buildings in the Province of Sindh and to provide for the matters ancillary thereto;

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999 and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

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\*Published in the Sindh Govt. Gaz., Pt. I, No, 343A, dt. March 19, 2002.

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance : -

**1. Short title and commencement.** - (1) This Ordinance may be called the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance, 2002.

(2) It shall come into force on such date as Government may, by notification, in the Official Gazette appoint.

(3) It shall remain in force for a period of one year from its commencement.

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

- (a) "autonomous body" means an autonomous body under the control of Government and established under a law and includes an authority, a council or a housing society;
- (b) "building" means a building or portion thereof constructed on a plot;
- (c) "Government" means the Government of Sindh;
- (d) "Ordinance" means the Sindh Buildings Control Ordinance, 1979;
- (e) "plot" includes a residential plot, industrial plot, commercial plot or flat site in a scheme or otherwise but excludes an amenity plot;
- (f) "prescribed" means prescribed by rules;

- (g) "residential plot" means a plot reserved for construction of residential building in a scheme or otherwise;
- (h) "rules" means rules made under this Ordinance; and
- (i) "scheme" means a housing scheme sponsored by Government, an authority or an autonomous body for providing plots to the public for housing, commercial or industrial purpose.

**3. Over riding effect.** - The provisions of this Ordinance shall have effect, notwithstanding anything contained in any law for the time being in force.

**4. Conversion of plots.** - No plot shall be used for any purpose other than the purpose for which it was granted except with the approval of the authority which granted the plot on the conditions and on payment of the fees as may be prescribed.

**5. Regularization.** - Notwithstanding anything contained in any law for the time being in force or judgment, order or decree of any court, any building constructed before the commencement of this Ordinance in violation of the provisions of the Ordinance or regulations made thereunder, may be regularized by the authority appointed under the Ordinance on the conditions and on payment of the fees as may be prescribed :

Provided that no building shall be regularized if such building -

- (a) is constructed on a plot reserved for any other purpose until its unauthorized use is approved under this Ordinance;
- (b) has environmentally degrading activities such as manufacturing, storage of dangerous or inflammable materials or cater to the service of transport sector until such activities are removed;

**THE SINDH REGULATION AND CONTROL (USE OF PLOTS AND CONSTRUCTION OF BUILDINGS) ORD., 2002**

- (c) uses parking space for other purpose until such space is restored to its original purpose;
- (d) has been constructed in violation of the reservation of road widening scheme or property line, is are in any hazardous use; and
- (e) has been constructed within 3/4 mile (1.2 km) radius of Quaid-e-Azam's Mausoleum above a podium level of 91 feet (27.72 m) from the mean sea level.

**6. Rules.** – Government may make rules for carrying out the purposes of this Ordinance.

**THE SINDH  
Regulation and Control  
(Use of Plots and Construction  
of Buildings) Rules, 2002\***

*[Karachi, the 13th April, 2002]*

**No. SO(LAND)HTP/KDA/6-41/99.** – In exercise of the powers conferred by section 6 of the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance, 2002, the Government of Sindh are pleased to make the following rules : –

**1. Short title and commencement.** – (1) These rules may be called the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Rules, 2002.

(2) They shall come into force at once.

**2. Definitions.** – In these rules, unless there is anything repugnant in the subject or context, –

- (a) "competent authority" means the authority which granted the plot;
- (b) "owner" means the owner of the plot or building;
- (c) "Schedule" means a Schedule to these rules;
- (d) "Valuation table" means the property valuation table notified by the Board of Revenue for the purpose of the Stamp Act, 1899.

**3.** The competent authority may on application of the owner allow the plot to be used for any purpose other than the purpose for which it was granted on payment of fees mentioned Schedule - I.

\*Published in the Sindh Govt. Gaz., Pt. I, P. No. 616, dt. 2nd May, 2002.

4. Any building constructed in violation of the provisions of the Sindh Building Control Ordinance, 1979 or regulations made hereunder may on application of the owner and production of a certificate of structural stability duly verified by the licenced Structural Engineer be regularized by the authority appointed under the said Ordinance on payment of fees mentioned in Schedule - II.

### SCHEDULE - I

1. Fee for conversion of residential plot in the areas mentioned in column 1 of the Table below to commercial plot shall be charged at rate mentioned against it in column 2 thereof :

<u>S. NO.</u>	<u>COLUMN - 1</u>	<u>COLUMN - 2</u>
1.	For the area mentioned in Category VI of the valuation table	Rs. 550/- per sq. yds.
2.	For the area mentioned in Category V of the valuation table	Rs. 850/- per sq. yds.
3.	For the area mentioned in Category IV of the valuation table	Rs. 1800/- per sq. yds.
4.	For the area mentioned in Category III and II of the valuation table	Rs. 3500/- per sq. yds.
5.	For the area mentioned in Category I and A-I of the valuation table	Rs. 4000/- per sq. yds.

2. Fee for conversion of residential plot in the areas mentioned in column 1 of the Table below to industrial plot shall be charged at the rate mentioned against it in column 2 :

<u>S. NO.</u>	<u>COLUMN - 1</u>	<u>COLUMN - 2</u>
1.	For the area mentioned in Category VI of the valuation table	Rs. 275/- per sq. yds.
2.	For the area mentioned in Category V of the valuation table	Rs. 425/- per sq. yds.
3.	For the area mentioned in Category IV of the valuation table	Rs. 900/- per sq. yds.
4.	For the area mentioned in Category III and II of the valuation table	Rs. 1750/- per sq. yds.
5.	For the area mentioned in Category I and A-I of the valuation table	Rs. 2000/- per sq. yds.

3. Fee for conversion of industrial plot in the areas mentioned in column 1 of the Table below to commercial plot shall be charged at the rate mentioned against it in column 2 thereof :

<u>S. NO.</u>	<u>COLUMN - 1</u>	<u>COLUMN - 2</u>
1.	For the area mentioned in Category VI of the valuation table	Rs. 413/- per sq. yds.
2.	For the area mentioned in Category V of the valuation table	Rs. 638/- per sq. yds.
3.	For the area mentioned in Category IV of the valuation table	Rs. 1350/- per sq. yds.
4.	For the area mentioned in Category III and II of the valuation table	Rs. 2625/- per sq. yds.
5.	For the area mentioned in Category I and A-I of the valuation table	Rs. 3000/- per sq. yds.

5. In addition to the above, hundred percent penalty for un-authorized use of plot for the purpose other than the purpose it was granted shall be charged.

### **SCHEDULE - II**

1. Fee for regularization of a building constructed in violation of the provisions of the Sindh Building Control Ordinance, 1979, or regulations made hereunder : -

The composition fee payable immediately before the commencement of the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance, 2002, enhanced by fifty percent to three hundred percent for the areas as categorized in the valuation table and reproduced below : -

<u>S. NO.</u>	<u>COLUMN - 1</u>	<u>COLUMN - 2</u>
1.	For the area mentioned in Category VI of the valuation table	50%
2.	For the area mentioned in Category V of the valuation table	75%
3.	For the area mentioned in Category IV of the valuation table	150%
4.	For the area mentioned in Category III and II of the valuation table	250%
5.	For the area mentioned in Category I and A-I of the said valuation table	300%

2. In addition to the above, where regularization of additional floor is involved, fee at the rate of Rs. 50.00 per sq. ft. for the total areas of the floors to be regularized shall be charged.