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PART I

GOVERNMENT OF SIND

LAW DEPARTMENT

NOTIFICATION

Karachi, the 3rd March, 1979.

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

THE SIND BUILDINGS CONTROL ORDINANCE, 1979.

SIND ORDINANCE NO. V OF 1979

AN

ORDINANCE

to provide for regulation of the planning, construction, control and demolition of buildings and disposal of buildings and plots in the Province of Sindh.

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; Preamble.

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 Sind is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Sind Buildings Control Ordinance, 1979.

(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. Nothing contained in any other law for the time being in force shall apply to any matter regulated by this Ordinance.

3. In this Ordinance, unless there is anything repugnant to the subject or context—

substituted see slip - 1

(a) "architect" means an architect who has been granted a licence under section 8;

(b) "Authority" means an authority appointed under section 4;

(c) "builder" means a person or body of persons, not engaged as mason or such other artisan, engaged in construction of a building on contract or, for hire or sale;

(d) "building" means a building or part thereof constructed or being constructed by a builder in accordance with the provisions of this Ordinance;

(e) "engineer" means an engineer who has been granted a licence under section 8;

(f) "Government" means the Government of Sind;

(g) "prescribed" means prescribed by rules made under this Ordinance;

(h) "society" means a housing society which has been formed primarily with the object of providing its members, plots for housing purpose;

(i) "surveyor" means a surveyor who has been granted a licence under section 8.]

subs. see slip - 2

4. Government may, by notification, appoint any body corporate, local council or, Government functionary or organization, to act as Authority for any area, as may be specified in the notification.]

subs. see slip - 3

5. (1) No society shall sell or make allotment of plots or advertise such sale or allotment without obtaining a 'no objection certificate' from the Authority in the prescribed manner.

1. S. 3 substituted by ord. III of 1982, S. 2.
 2. S. 4 substituted by ord. — ibid —, S. 3.
 3. S. 5 substituted by — ibid —, S. 4.

(2) Where the Authority is satisfied that the development of the land of the plots, which has been made or is 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).]

6. (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:

Approval of plan.

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 inserted see slip-1

Subs. see slip-2

2 [(2) No person shall occupy a building, before the Authority has, on application of the occupant or the owner of the building, issued occupancy certificate, in such manner, as may be prescribed.]

S. 6-A inserted see slip-3

4 [7. (1) A plan submitted to the Authority under section 6 shall be prepared by and under the supervision of an architect who shall sign such plan and be responsible for any defect therein.

Subs. see slip-4

Engagement of architect, engineer, etc.

(2) An engineer shall be engaged for supervision of construction of a building, other than a single or double storeyed building on an area not exceeding 400 square yards the construction whereof may, instead of engineer, be entrusted to the supervision of a surveyor who shall sign the plan of the building and be responsible for any defect in the construction thereof.

(3) The remuneration payable to an architect, engineer or surveyor shall be regulated in such manner, as may be prescribed and shall be subject to the maximum limit of six percent of the estimated cost of the building.]

S. 7A inserted see slip-5

6 [8. (1) No person or body of persons shall act as architect, engineer or surveyor except with a licence granted by the Authority in the prescribed manner:

Subs. see slip-6

Grant of licence to architect, engineer, etc.

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 this Ordinance.

(2) No licence under sub-section (1) shall be granted unless an architect, engineer or surveyor possesses qualifications specified in the First Part of the Schedule.]

7 [9. No builder shall engage in construction of buildings except with a licence granted by the Authority in the prescribed manner:

Subs. see slip-7

Grant of licence to builder.

Provided that a builder who is engaged in construction of buildings before coming into force of this Ordinance, shall obtain the licence not later than six months from the commencement thereof.]

- 1. Explanation inserted by ord. III of 1982, S. 5 (i).
- 2. Sub-section (2) Subs. by *ibid* — S. 5 (ii).
- 3. S. 6-A inserted by ord. *ibid* — S. 6.
- 4. S. 7 Subs. by *ibid* — S. 7.
- 5. S. 7-A inserted by *ibid* — S. 8.
- 6. S. 8 Subs. by *ibid* — S. 9.
- 7. S. 9 Subs. by *ibid* — S. 10.

*Added by ord. No. 2 of 90
29.5.90 and re-enacted
by Act. No. VII of 1990 (w.e.f.
27-8-90) (23-12-90).*

Fees.

10. The fees shall be paid at the rate mentioned in the Second Part of the Schedule for—

Substituted see slip-1

- (a) no objection certificate under section 5;
- (b) grant of licence to an architect, engineer or surveyor under section 8;
- (c) grant of licence to a builder under section 9.]

Inspection of buildings under construction.

11. (1) The Authority may, by notification, authorize one or more officers of suitable qualifications to inspect buildings under construction in any locality or localities as may be specified in the notification.]

Subs. see slip-2

(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.

Sale of buildings.

12. (1) No builder shall sell or advertise for sale any building 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.]

Subs. see slip-3

(2) The approval granted by the Authority under sub-section (1) shall be displayed at a conspicuous place in the office of 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.

(4) added see slip-4

Increase of sale price.

13. (1) The sale price of a building advertised under section 12, [shall not, after the advertisement] 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.

Subs. see slip-5

(2) Where a building cannot be completed by the date mentioned in the advertisement, 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 advertisement 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. *S. 13-A inserted see slip-7*

- 1. S. 10 subs. by ord. III of 1982, S. 11.
- 2. Subs. by *ibid* —
- 3. Subs. by *ibid* —
- 4. Added *ibid* —

- S. 12. (i)
- S. 13. (i)
- S. 13. (ii)

- 5. Subs. by ord. III of 1982 S. 14
- 6. Subs. by *ibid* —
- 7. S. 13A ins. *ibid* - S. 15

14. (1) Where the Authority is satisfied that the building is likely to collapse or is so dangerous as to cause harm to human life or property, it may, by notice, require the occupier or occupiers thereof to vacate the building within the period specified in the notice. *Substituted see slip-1*

Dangerous buildings.

(2) If the building in respect of which notice has been issued under sub-section (1) has not been vacated within the period specified in the notice, the Authority may order that the occupier or occupiers of the building be ejected, if necessary, by force.

(3) The Authority may, by notice, require the owner of the building vacated under sub-section (2) to demolish or cause to be demolished such building within the period specified in the notice and in the event of failure of the owner to do so, the Authority shall have the building demolished and the cost of demolition shall be recovered from the owner as arrears of land revenue.]

Proviso added see slip-4

15. 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.

Interest on un-paid instalments.

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

Appeal.

(a) Government in the case of the order made by the Authority; and

(b) the Authority, in other case.

17. An application or appeal made under this Ordinance shall be disposed 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:

Disposal of application or appeal.

Proviso added see slip-5

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

Delegation of powers.

19. (1) Whoever has contravened any provision of this Ordinance shall be punished with simple imprisonment for a term not exceeding six months or with fine not less than ten thousand rupees, or with both.

Penalty.

(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. 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. *S. 20-A inserted see slip-3*

Indemnity.

1. S. 14 subs. by ord. TU of 1982, S. 16.
2. Subs. by ord. ibid — S. 17.
3. S. 20-A inserted by ibid — S. 18.
4. Added by ord. XXXVII of 1984, S. 2.
5. Added by ord. ibid — S. 3.

Power to
make rules.

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

S.21-A inserted see slip - 1

2 [SCHEDULE

[See section 8 and 10]

PART I

Omitted by ord. IV of 1982

(A) QUALIFICATIONS OF ARCHITECTS

- (i) Degree in Architecture from any recognised institution or its equivalent plus 2 years experience in Architectural Designing and supervision of building construction OR
- (ii) 5 years Diploma Course in Architecture from recognised Institutions plus 5 years experience in Architectural Designing and supervision of building construction OR
- (iii) 4 years or more full time college level course in Architecture, the successful completion of which entitles a person to be elected to the National Institute or Association of Architects recognized by the International Union of Architects plus 3 years experience in Architectural Designing and supervision of building construction OR
- (iv) 3 years degree in Architecture from recognised Institutions plus a minimum experience of 10 years in Architectural Designing and supervision of building construction OR
- (v) Degree in Civil Engineering or its equivalent from institutions recognised by the Government plus a minimum experience of 10 years in Architectural Designing and supervision of building construction.

(B) QUALIFICATIONS OF ENGINEERS

- (i) Degree in Civil Engineering or its equivalent from a recognised Institutions plus 2 years practical experience in Structural Designing and supervision of building construction OR
- (ii) 3 years Diploma in Civil Engineering from recognised Institutions plus 10 years experience in Structural Designing and supervision of building construction.

(C) QUALIFICATIONS OF SURVEYORS.

- (i) 3 years Diploma in Civil Engineering from recognised Institutions plus 2 years experience in designing and supervision of building construction OR

*1. S.21-A ins. by ord. IV of 1982, s. 19.
2. Schedule Omitted by IV of 1982, s. 20*