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11/11/2014

An Act to provide for establishment of a Board to be known as the Sindh Special Development Board;

WHEREAS it is expedient to establish a Board to be known as the Sindh Special Development Board, to facilitate and undertake low cost housing schemes, rehabilitation of katchi abadis, slums areas, gothabad schemes, mutli-stories and high rise buildings in the Province of Sindh, and to provide for matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Special Development Board Act, 2014.
- (2) It shall extend to the whole of Province of Sindh.
- (3) It shall come into force at once.

**Short title,
extent and
commencement.**

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

Definitions.

- (i) "Association" means the Association of Builders and Developers;
- (ii) "Board" means the Sindh Special Development Board constituted under section 3;
- (iii) "Chairperson" means the Chairperson of the Board;
- (iv) "Chief Executive" means a member of the Association nominated by the Chairman of the Association;
- (v) "Fund" means the fund established under this Act;
- (vi) "Government" means the Government of Sindh;
- (vii) "high rise building" means the construction of a building as determined by the Sindh Building Control Authority from time to time;

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- (viii) "Katchi Abadi" shall have the same meaning as assigned to it in the Sindh Katchi Abadis Act, 1987 (Act No.II of 1987);
- (ix) "Member" means a member of the Board;
- (x) "non-notified public land" means a building, land, place or premises vesting in or under the management or control of Government, local council, autonomous body or registered corporate society or such other authority set up or established by law or Government;
- (xi) "prescribed" means prescribed by rules or regulations made under this Act;
- (xii) "rules and regulations" means the rules and regulations respectively made under this Act;
- (xiii) "Secretary" means the Secretary of the Board;
- (xiv) "slum structure" includes a house or building unfit for human habitation;
- (xv) "unit" means an independent residential unit consisting of atleast one habitable room, bathroom, toilet and kitchen facilities;
- (xvi) "utility agency" means the K-Electric, Sui-Southern Gas Company, Karachi Water and Sewerage Board, Pakistan Telecommunication Authority;
- (xvii) "village" shall have the same meaning as assigned to it under the Sindh Gothabad (Housing Scheme) Act,1987.

3. (1) There shall be established a Board to be known as the Sindh Special Development Board, to carry out the purposes of this Act.

Constitution of Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

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(3) The headquarters of the Board shall be at Karachi and it may set-up its offices at such place or places in the Province as it may consider appropriate.

(4) The Board shall, in discharging its functions, act on sound principles to facilitate and undertake the housing schemes in the katchi abadis, slum areas, multi-storeys and high rise buildings in the Province of Sindh, and shall be guided by such directions as Government may give, from time to time.

4. The Board shall consist of the following:-

Composition of the Board.

(i) Chief Minister	Chairperson
(ii) Chief Secretary, Sindh	Member
(iii) Governor of State Bank of Pakistan or his nominee	Member
(iv) Senior Member, Board of Revenue, Sindh	Member
(v) Secretary Local Governments	Member
(vi) Secretary Finance	Member
(vii) Secretary Law	Member
(viii) Secretary Information	Member
(ix) concerned Divisional Commissioners	Member
(x) Director General Sindh Rangers	Member
(xi) Inspector General of Police, Sindh	Member
(xii) Director General, Sindh Building Control Authority	Member
(xiii) Mayor or Administrator, Karachi as the case may be.	Member
(xiv) Director General, Sindh Katchi Abadis Authority	Member
(xv) Chief Executive	Member
(xvi) Senior Director, Master Plan Department, Sindh Building Control Authority	Member
(xvii) Director General, Malir Development Authority	Member
(xviii) Director General, Lyari Development Authority	Member
(xix) Managing Director, K-Electric or his nominee	Member
(xx) Managing Director, Sui-Southern Gas Company or his nominee	Member
(xxi) Managing Director, Housing	Member

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- Building Finance Corporation
or his nominee
- (xxii) Managing Director, Karachi Water and Sewerage Board **Member**
- (xxiii) Managing Directors, Land Owning Agencies **Members**
- (xxiv) Chairmen, Pakistan Engineering Council, Association of Engineering Pakistan and Pakistan Council of Architect and Town Planner or their nominees **Members**
- (xxv) Chairman, Association Engineering Council or his nominee **Member**

(2) The Director General, Sindh Building Control Authority shall act as Secretary of the Board.

(3) The Board may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(4) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(5) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for such duration as Board may determine.

(6) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by the Board without assigning any reason.

(7) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

5. No person shall be or shall continue to be a member who -

Disqualification of member.

- (a) is not a citizen of Pakistan;
- (b) is found a lunatic or becomes of un-sound mind;
- (c) is or at any time has been convicted of an offence involving moral turpitude;

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- (d) is or has at any time been adjudicated insolvent;
- (e) is or has at any time been disqualified for employment in or dismissed from Government service;
- (f) is acting in contravention of the provisions of this Act;
- (g) has without permission of Government directly or indirectly any financial interest in any project or scheme or property of the Board.

6. (1) The meetings of the Board shall be regulated by regulations but until regulations are framed, the meetings shall be held as and when required by the Chairperson or in his absence, the members present shall elect from amongst themselves one of its Member to chair the meeting; provided that the meeting shall be held at least once in a quarter.

Meetings of the Board.

(2) Half of the total membership of the Board shall constitute a quorum for a meeting of the Board.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(4) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary.

7. The powers and functions of the Board shall be -

Powers and Functions of the Board.

- (i) to issue instruction to concerned utility agencies for provision of utility connections as one window solution and to provide infrastructure in accordance with international standards;
- (ii) to consider the proposals submitted by the Association through the Sindh Building Control Authority;
- (iii) to accept or reject the proposals for consideration within forty five days;

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- (iv) to issue instructions to the Sindh Building Control Authority to waive off fifty percent of all fees for low cost housing in the public interest;
- (v) to encourage the trust and welfare organizations for construction of the units;
- (vi) to provide units through open ballot system shall be not less than 600 square feet, and the units allocated shall be non-transferrable for a period of ten years from the date of allocation of such unit and no sale deed or power of attorney shall be registered for transfer of unit;
- (vii) to provide the units to Government employee and private person who is drawing salary less than thirty thousand rupees per month;
- (viii) to fix quota for Government employees at twenty five percent of the total number of allocated units and quota for media person at three percent of the total allocated units;
- (ix) to charge outer development charges at the rate of ten percent of the usual charges for low cost housing scheme;
- (x) to give priority to women or people moving from katchi abadis;
- (xi) to develop the existing katchi abadis and slum structure;
- (xii) to finance low cost unit on subsidized rates from Sindh Bank or Housing Building Finance Corporation or any other financial institute;
- (xiii) to encourage the private sector to bring its land for development on low cost housing scheme;
- (xiv) to approve the projects of low cost housing projects;
- (xv) to plan and recommend the issues related to

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the town planning and building control, to the Sindh Building Control Authority which shall deal with such issues in accordance with the Sindh Building Control Ordinance, 1979 and rules made thereunder;

- (xvi) to encourage the participation of a developer who is interested in low housing scheme either on public or private land who shall submit complete proposals to the Board for approval;
- (xvii) to recommend the utility agency and concerned department for utility connections and infrastructure in a low cost housing scheme as one window solution;
- (xviii) to provide low cost housing scheme consisting of units built vertically and horizontally and the price thereof shall be approved by the Board;
- (xix) to reserve for parking at twenty five percent out of which fifteen percent shall be for vehicles and eighty five percent for motor cycles in a low cost housing scheme;
- (xx) to fix ratio for building to be constructed for low cost housing scheme at 1:6 or more;
- (xxi) to propose lay out plans of the projects which are in conformity and according to the requirement of low cost and affordable housing scheme;
- (xxii) to issue instructions to Association to take over the project for completion in case the builder or developer fails to complete the project within specified time;
- (xxiii) to utilize the non-notified public land for low cost housing scheme in the interest of general public and encourage the participation of private sector for construction of housing schemes thereon;
- (xxiv) to establish Management Information System based on monitoring and evaluation as a primary source, and to develop and maintain

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a robust web portal for exchange of information and skill training activities in the Province;

(xxv) to plan, design and develop curricula for its range of employment based training courses including soft skills package of communication and discipline for trainees of various trades to facilitate them to gain employment;

(xxvi) to acquire land, buildings and other assets through donation or transfer of rights to the Board and to sell, lease, exchange or otherwise dispose of any property vested in the Board;

(xxvii) to hold and manage endowment fund non-lapsable consisting of its own budgeted resources, Government grants and other donations;

(xxviii) to create and abolish the posts, appoint the staff and define their duties and conditions of services;

(xxix) to enter into contracts and agreements or other instruments as the Board may consider necessary; and

(xxx) to do all other acts and things which are incidental or are required to further the objectives of the Board.

8. (1) Every katchi abadi and slum structure shall be rehabilitated by providing an alternative tenement admeasuring 600 squre feet, preferably in the same area of slum structure or the size alternative tenement decided by the Board.

**Rehabilitation
Program of katchi
abadis and slum
structure.**

(2) The katchi abadi or slum structure being used for commercial purpose shall be granted an alternative tenement having equal area of 300 square feet or the size of alternative tenement decided by the Board.

(3) The Board shall appoint a developer from amongst the members of Association to execute the project who shall put his resources in form of money, men and material for construction of free units in such katchi abadis or slum structure.

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(4) The developer shall be compensated for his efforts and investment in the form of free land out of the katchi abadis or slum area where he may build a commercial project for public sale.

(5) The land allowed to be sold in the open market shall be maximum twenty five percent of the total land depending on locality to locality basis or and shall be finalized by Board on the merit of the case after the presentation by the developer on the feasibility of the project.

(6) The floor area ratio for the building to be constructed in slum areas shall be 1:6 or more if required for new developments.

(7) The land reserved for public purposes and is encroached without lawful authority in katchi abadis and slum structure shall also be taken up by the Board for implementation of the scheme.

(8) The land or plot reserved for unbuildable reservation such as utility conduits, railway reservations, high tension wire, shall be developed as per master plan.

(9) The developer shall provide space for amenities such as playground, park, school, mosque, hospitals and the maximum area for amenities shall be at twenty five of the land retrieved.

(10) The developer may be facilitated in the form of additional incentive of 12.5% commercial area available in the project.

(11) The developer shall ensure free education for residents of slums up to graduation level through use of insurance coverage and the maximum number of children to be educated through the scheme shall be five per unit.

(12) The developer shall ensure free basic health insurance for the period of ten years for the families who have been shifted in the new development from Katchi Abadis.

(13) The Law Enforcement Agencies shall provide maximum support to the Board for removal of Katchi Abadis, slums structure and encroachments. The developer shall also be provided protection and safe working environment to carry out their business activities.

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(14) The settlement projects of the slums may either be horizontal or vertical.

(15) Parking requirements for the area which shall be allowed to be sold in open market shall be as per the Sindh Building Control Authority rules.

(16) The plot which shall be retrieved by removing the slums shall vest with the Board.

(17) A vertical development for rehabilitation of slum developers shall be in accordance with plot ratio.

(18) The land retrieved as a result of development shall stand acquired by the Board and transferred to the Board.

9. (1) The multi-storeys or high rise buildings areas shall be set up as per international practice and the provision of external infrastructure should be compatible with international standards.

High density zones.

(2) The Board shall identify and earmark the areas for high-density zones in the urban centers of the city, in consultation with the respective departments or authorities.

(3) The lands in high density zones shall be allotted to those developers who are members of Association only. Applications in this regard shall be only considered if the required criteria are met. This may include relevant experience in high-rise construction and availability of the requisite technology and manpower with applicant and shall -

- (a) promote the establishment and maintenance of residential or commercial skyscrapers in those areas where infrastructure is developed and means of public transport are easily available;
- (b) provide opportunities for redevelopment by enabling changes to the original pattern of area;
- (c) promote wide range of affordable and sustainable housing or commercial choices that meet changing business or household and

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commercial needs;

- (d) ensure development and redevelopment is carefully managed so that it achieves a high standard of residential or commercial units;
- (e) make a positive contribution to the neighbourhood and landscape character of the area;
- (f) promote opportunities for home based employment consistent with business or residential units;
- (g) promote energy efficiency, conservation and generation;
- (h) promote sustainable water use;
- (i) to develop the skyscrapers in such a way that it gives a soft image of Sindh and Pakistan;

(4) The development should promote employment generation and increase in the production of allied industries thereby increasing the revenue of Government.

10. (1) There shall be a full time Secretary of the Board to be appointed by Government on such terms and conditions as it may determine.

Appointment of the Secretary.

(2) The Secretary shall be an eminent professional of known integrity and competence having experience in human resource development, skill and vocational training of both public and private sectors, especially in the context of managing human resources, financial management and program implementation in terms of manpower skills and competence.

(3) The Secretary shall be paid such salary and allowances as may be determined by Government but his salary and allowances shall not be varied to his disadvantage during the term of his office.

11. The Secretary shall have the powers to –

Powers of Secretary.

- (a) exercise administrative control over the day to day functioning of the Board including management, financial management,

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human resource management and management of academic affairs;

- (b) conduct the official correspondence of the Board for implementation of all the decisions and other business of the Board;
- (c) run the affairs of the Board for attaining its objectives through the executive tier;
- (d) perform such functions and exercise such power as the Board may delegate to him;
- (e) ensure that all grants, donations and contributions are to be deposited in endowment fund;
- (f) act on behalf of the Board in any emergency, subject to the obligation to report such action to the Board at its next meeting; and
- (g) shall exercise such other power and perform such other function as may be assigned to him by the Board.

12. There shall be established a full-fledged organizational tier of the Board, under the Secretary in such manner and with such functions as may be prescribed.

Organizational Tier.

13. The Board may set up such administrative, financial and technical committees for the efficient performance of its functions as may be necessary and entrust to the committees such functions as it may consider necessary.

Committees.

14. (1) The Board may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed.

Appointment of officers and staff.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed.

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15. (1) There shall be established a Fund to be Special Development Board Fund which shall vest in the Board with powers to manage and operate it. **Fund.**

(2) All receipts of the Board from any source whatsoever including endowments, contribution and annual grants from Government, shall be credited to the Fund.

(3) Government shall provide annual grants to the Board for carrying out the purposes of this Act.

(4) The Board may receive grants from other sources including private sector.

(5) The Board may invest its funds in investment schemes including Government securities for raising funds.

(6) The Fund shall be managed and operated in the manner as may be prescribed.

16. (1) The Board shall maintain accounts of receipts and expenditure in accordance with the rules. **Audit and accounts.**

(2) The Board shall maintain an internal Audit Division which shall regularly undertake institutional internal check and control.

(3) The accounts of the Board shall be annually audited through a firm of external Chartered Accountants approved by the Board and the report of the Chartered Accountant along with audited account shall be presented to Government.

17. The Board shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year. **Budget and accounts.**

18. The Board shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Board which shall include a balance sheet and an account of receipt and expenditure. **Maintenance of accounts.**

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19. (1) The Board shall submit an annual report to Government in respect of any of its activities and furnish such information as and when required by Government.

Submission of Reports.

(2) The Board shall post all relevant information in a user-friendly manner on its website.

20. The Board may, by general or special order, delegate any of its powers, functions and duties, to the Chairperson, member or any officer of the Board.

Delegation of powers.

21. Every employee of the Board including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Panel Code, 1860.

Public Servant.

22. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

Validity of proceedings.

23. No suit, prosecution, or other legal proceedings shall lie against the Board, the Chairperson or any member, officer, servants, advisers or consultants of the Board in respect of anything in good faith done or intended to be done under this Act or the rules and regulations made thereunder.

Indemnity.

24. The Board may, with the approval of Government, make rules consistent with this Act for all or any of the following matters, namely:-

Powers to make rules.

- (i) the constitution, powers and functions of Committees;
- (ii) powers and duties of the officers, advisers, consultants and employees of the Board;
- (iii) service matters including rules regulating disciplinary action, grant of leave and retirement of the employees of the Board;
- (iv) constitution of pension or Provident Fund for the benefit of the officers and other employees of the Board; and

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- (v) such other matters as may appear to it necessary for giving effect to the provisions of this Act.

25. The Board may make regulations, not inconsistent with the provisions of this Act and the rules made there under, for carrying out the purposes of this Act. **Power to make regulations.**

26. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty. **Removal of difficulty.**