

PEOPLES LOCAL COUNCIL (LAND) RULES, 1975.

CONTENTS

RULES.

1. Short title, extent and Commencement.
2. Definition.
3. Land which shall vest in a Council.
4. Existing Leases.
5. Leases for Special Purposes.
6. Cultivation leases.
7. Lease for Building Sites.
8. Sale by Public Auction on payment of full occupancy value.
9.
10. Lease-hold right to Co-operative Housing Societies.
11. Sale of lease hold right on the payment of full occupancy value.
12. Letting for temporary occupation.
13. Regularization of un-authorized possession of the occupants.
14. Additions to Existing occupancies.
15. Rent and occupancy value how fixed.
16. The rates of rent.
17. No-sub-division or amalgamation of lease.
18. Approval of the Controlling Authority.
19. Intending lessee forfeits.
20. Constitution of a building.
21. Rules and terms and conditions.
22. Occupation of the Government or the Council.
23. Council allows construction of additional stories.
24. Renewal of leases.
25. Forms of leases agreement and transfer deed.
26. Mutation of names.
27. Registering names of the transferees.
28. Collection and payment of rent.

Separate paging is given to this Part in order that it may be filed as a separate compilation

- (1) Rules framed under the Acts of the Sind Assembly and the Acts of the National Assembly; and
- (2) Other Statutory rules framed by the Sind and National Assemblies.

PART-IV-A
GOVERNMENT OF SIND
HOUSING, TOWN PLANNING AND LOCAL GOVERNMENT
DEPARTMENT
Karachi, the 22nd March 1975.

PEOPLE'S LOCAL COUNCIL (LAND) RULES, 1975.
NOTIFICATION

NO.SO(VI)-10-20/70.- In exercise of the powers conferred by section 90 of the Sind People's Local Government Ordinance, 1972 (Ordinance-II of 1972), read with section 42 and section 67 thereof, the Government of Sind are pleased to make the following rules, namely:-

1. **Short title, extent and commencement:-** (1) These Rules may be called the Sind People's Local Councils (Land) Rules, 1975.

(2) They shall come into force at once.
2. **Definitions:-**In these rules, unless there is anything repugnant in the subject or context:-
 - (a) "land" means the land vesting in a People's Local Council;
 - (b) "Ordinance" means the Sind People's Local Government Ordinance, 1972 (Sind Ordinance-II) of 1972;
 - (c) "section" means a section of the Ordinance;
 - (d) "schedule" means a schedule to the Ordinance.
3. **Land which shall vest in a Council:-** Subject to any special reservations made, or any special conditions imposed by Government, the land specified below shall vest in a Council:-
 - (a) all lands which vested in the predecessor of the Council;
 - (b) all lands, open spaces, playgrounds, gardens, parks and other places of public resort belonging to this Council or

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

transferred to it by Government or reserved or acquired by it, by gift, purchase or otherwise; and

(c) any other lands, open spaces and such places which may vest in the Council under any law for the time being in force.

4. **Existing Leases:-** (1) A lease issued by Government or the predecessor of a Council in respect of the land shall be continued on the terms and conditions contained therein and the lease for all purposes be deemed to have been issued by the Council except in the case of land leased by government prior to 1873.

(2) If the Controlling Authority is satisfied that any area or any specified part of that area has been or is in the process of being laid out, with due attention to sanitary requirements and avoidance of over building or over-crowding, the lease in respect of any plot or plots in such area or specified parts of such area may be renewed for a period not exceeding 99 years.

5. **Lease for Special purposes:-** Subject to the provisions of sub-section (5) of section 42, and these rules a Council may grant the lease-hold right of any land for industrial or trade purposes or for any public purpose on such terms and conditions as it may determine.

6. **Cultivation leases:-** (1) Subject to these rules a Council may lease for cultivation any land in an undeveloped areas it not likely to be required for building proposes within the period for which the land is leased on such terms and conditions as it may determine and on payment of rent fixed under the rules.

(2) Where any such land is required for a garden, the land may be leased for twenty years subject to the condition that if such land is not developed for the purpose of a garden within three years of the date of handing over possession of the land or the garden is not maintained properly, the lease shall be cancelled and the lessee shall forfeit all rights thereunder and shall not be entitled to any compensation for any loss which he may sustain on cancellation of the lease.

7. **Lease for Building Sites:-** (1) Subject to these rules a council may lease out land for constructing buildings for residential and commercial purposes.

(2) The Council may from time to time cause such land to be marked it into suitable plots of such size as it considers best suited to the locality and the purpose for which the same are to be leased out.

(3) The Council shall prepare plans showing different plots

intended for different purposes and submit the same to the Controlling Authority for approval.

(4) Building sites, shall be leased out only in such areas in respect of which the Controlling Authority has notified to the Council that the area or any specified part thereof has been or is in the process of being laid out with due attention to sanitary requirements and avoidance of over building or over-crowding.

(5) Before plots are granted in developed areas the Council shall sanction the scheme for conservancy, water pipes, lighting and roads in such areas.

8. Sale by Public Auction on payment of full occupancy value:-

(1) Subject to these rules the plots reserved for sale on payment of full occupancy value shall be granted by public auction.

(2) Such plots shall be put to auction at such minimum occupancy price as may be fixed by the Council blunder these rules.

(3) The auction shall be conducted by an officer authorised in this behalf by the Council.

(4) The highest bid, at not less than the minimum price, shall, subject to the approval of the Council, be accepted.

(5) The highest bidder shall pay on the spot one-fourth of the price offered by him which shall be refundable if his bid not accepted.

(6) The Council may with the approval of the Controlling Authority reject the highest bid and accept any bid.

(7) The bidder whose bid is accepted shall within 30 days of the acceptance of the bid pay the price offered by him less the amount, if any, paid under sub-rule (5) in lumpsum or with the approval of the Council in three equated monthly installments.

(8) If the successful bidder fails to pay the price as aforesaid the bid shall be rejected and the amount, if any, paid by him forfeited.

(9) After the price has been paid an agreement for sale in the form prescribed in the bye-laws of the Council shall be executed whereupon the purchaser shall be handed over possession of the plot for the purpose of constructing the building in

accordance with these rules and the terms and conditions contained in the agreement and bye-laws of the Council.

10. **Lease-hold right to Co-operative Housing Societies:-** (1) A council shall prepare a general lay out of the areas to be granted to Co-operate, Housing Societies dividing the areas in blocks and the blocks in plots.

(2) Such lay out shall specify the purpose for which the plots shall be used, the class of buildings to be constructed on such plots and the order in which the construction of such buildings on different plots in each block shall commence.

(3) The Council shall, with the approval of Government, prepare a schedule showing the occupancy value per square yard for each block and for each plot in such block except the plots, if any reserved for providing amenities for the residents of the block.

(4) Subject to these rules such blocks shall be leased to the Co-Operative Housing Society on payment of a deposit equal to twenty percent of the occupancy value and ground rent for one year in advance for such blocks.

(5) The balance of the occupancy value and rent shall be paid by the Society in the manner as may be specified by the Council.

(6) The lease shall be for a period of ninety nine years, commencing from the date of the payment of full occupancy value of the plot.

(7) Where the Co-operative Housing Society has completed the buildings on all the residential plots in a block in accordance with the rules, terms and conditions of the lease and bye-laws, it shall, be entitled to a lease for the same period of the plots reserved, if any, for providing amenities for the residents of the block free of ground rent but where the Society has failed to commence or complete buildings as aforesaid the plots reserved for providing amenities shall not be leased out to the Society and the same for providing amenities shall not be leased out to the Society and the same shall be disposed of in any manner as the Council may deem fit.

(8) Where more than one and Society applies for any particular block or blocks, such block or blocks shall be leased by drawing lots.

(9) Where the Society fails to fulfill the terms and conditions of the lease or fails to carry out development of the land the Council shall be competent to carry out the development and grant direct leases to the allottees/members of the Society; provided that such allottee/members have paid full occupancy value and development charges incurred by the Council.

11. **Sale of lease hold right on the payment of full occupancy value:-**

(1) Subject to sub-section (5) of section 42 the plots in the developed area may be granted on payment of market price of such plots likely to be fetched in auction, without resorting to open auction and the decision of the Council as to the market price shall be final.

(2) The purchaser shall deposit twenty five percent of the purchase money alongwith his application for lease under sub-rule (1).

(3) If the application is sanctioned the purchaser shall within ninety days from the date of sanction under sub-rule (2), deposit with the Council the balance of the purchase money in lumpsum together with the rent of the un-expired portion of the current financial year, counting from the date of sanction and of the whole year following and the amount sufficient to cover the expenses in connection with the execution and registration of lease.

(4) Where the purchaser fails to comply with the provisions of sub-rule (3), the deposit made by him under sub-rule (2) shall be forfeited to the Council.

(5) After payment required by this rule have been made an agreement for sale in the form prescribed in the bye-laws of the Council shall be executed whereupon the purchaser shall be handed over possession of the plot for the purposes of constructing the building in accordance with the rules and the terms and conditions contained in the agreement and bye-laws of the Council.

12. **Letting for temporary occupation:-** Subject to these rules a plot may be granted for temporary occupation for a period not exceeding three years on the following conditions:-

(a) that no building or structure of permanent nature shall be erected on the plot;

(b) that the Council shall have the powers to terminate the lease at any time by giving one month's written notice and the lessee shall, within thirty days of the receipt of such notice from the Chief Executive Officer or any

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

Officer of the Council authorised in this behalf, vacate and peacefully hand over the plot to the Council failing which the Council shall have rights to enter upon and take possession of the plot with all buildings and structures standing thereon and forfeit advance rent, if any paid by the lessee;

- (c) that the lessee shall on the termination of the lease, be entitled to remove any building, materials or the like which are his property; provided that he has duly paid all rent, charges and taxes in respect of the plot;
- (d) that in the event of giving peaceful possession to the Council, the lessee shall be entitled to the refund of the rent for the unexpired number of months, which he has paid in advance; provided that no charges or taxes in respect of the plot is outstanding against him;
- (e) that the lessee shall not, without previous consent of the Council, and payment of such fees as may be imposed in this behalf, transfer his right in the lease or any part thereof nor shall he let or sub-let the plot or the buildings constructed thereon or any part of the plot or buildings, nor shall be use the buildings thereon or any portion thereof for any purpose other than that for which it is leased.

13. Regularization of un-authorized possession of the occupants:- (1)

Where a large number of plots are under un-authorised occupation or are held without regular title, or structures are raised thereon in an un-planned manner and without lawful authority the Council may, and if required by the Controlling Authority shall prepare a layout plan marking out suitable plots of such size as it may consider best suited to the locality or areas.

(2) The layout plan shall distinctly show that plots—

- (i) reserved for residential purposes on payment of occupancy value and development charges;
- (ii) reserved for amenity purposes;
- (iii) or portions of plots referred to at (i) above falling in land reserved for street or for other amenity purposes.

(3) The Council shall submit the layout plan to the Controlling Authority for approval.

(4) If the Controlling Authority is satisfied that the area or any

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

specified part of the area has been or is in the process of being laid out with due attention to sanitary requirements and is fit for habitation it shall sanction the layout plan in its original form or with such additions or alternations as it may deem fit.

(5) The un-authorized occupation of plots may, subject to conditions prescribed in these rules and on payment of occupancy value and development charges in lumpsum, be regularized, by granting lease in respect of such plots to the extent and size as may be permitted by the sanctioned layout plan.

(6) No plot or portion thereof coming under road alignment or affected by street or land reserved for the amenity purposes shall be leased out and if any such plot is under un-authorized occupation the Council shall cause it to be vacated without payment of any compensation whatsoever.

14. **Additions to Existing occupancies:-** (1) Where any plot or portion thereof cannot, in the opinion of the Council, be disposed of under rule 13, without causing inconvenience to one or more of the occupants of land adjoining it, such plot or portion thereof may subject to these rules and on payment of occupancy price and rent be leased to any one of such occupants; provided he satisfies the Council that he is the occupant of the adjoining land:

Provided that where the occupancy is temporary, no occupancy price shall be charged.

Explanation.- The occupancy price shall be the market price likely to be fetched in auction.

(2) Such occupant shall, within seven days of the receipt of the allocation order deposit twenty five per cent of the occupancy price fixed under these rules failing which the allocation order shall be liable to be cancelled.

(3) The allocation order shall be subject to approval of the Controlling Authority to be obtained by the Council on receipt of the payment under sub-rule (3).

(4) If the Controlling Authority approves the allocation, the occupant shall pay the balance of the occupancy price together with other charges, fees within two weeks from receipt of notice in this behalf.

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

(5) If the occupant fails to pay the balance of the price or other charges, the allocation order shall be cancelled and the payments made by him shall be forfeited.

(6) If the Controlling Authority does not confirm the allocation order, the amount paid by the occupant shall be refunded to him.

(7) On receipt of full occupancy price and other charges, if any, the plot shall be leased out to the occupant.

15. **Rent and occupancy values how fixed:-** (1) The Council shall, not less than thirty days before its budget meeting every fifth year, fix the rate of the rent payable in respect of the land/plots leased out under these conditions during the next five years commencing from 1st July next following.

(2) The Council shall also fix the minimum occupancy price in respect of different plots deposited under these rules.

(3) The rent and minimum occupancy price shall be fixed on the recommendation of the Committee constituted by the Council.

(4) The Committee shall select thirty plots of average quality and description owned by private individuals in each quarter or area, find out the total area and gross annual rent of such plots, then work out gross annual rent per square yard and base the rent of the quarter at ten percent of the rental.

(5) The Committee shall base the rates of minimum occupancy prices according to the general valuation of lands in different quarters or areas by such method as it thinks fit.

(6) The rates of rent and minimum occupancy price fixed by the Council shall be subject to the approval of the Controlling Authority.

16. The Council shall be entitled to:-

(a) fix the number of buildings to be constructed on each plot;

(b) fix the maximum area to be occupied by a building or buildings; and

(c) specify the style, class and nature of such building or buildings;

(d) specify the space, if any, to be reserved for road; and

(e) other particulars which it may deem necessary.

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

17. (1) No sub-division or amalgamation of lease hold plots shall be permitted except with the sanction of the Council and on such terms and conditions as it may impose.
- (2) Where any sub-division or amalgamation of plots is sanctioned fresh leases shall be issued on the terms and conditions determined by the Council on payment of fees-
- (i) in case of non-agricultural plot at the rate of two rupee per square yard for sub-division land rupees two hundred for amalgamation; and
 - (ii) in case of agricultural plot rupees one hundred for sub-division or amalgamation.
18. No land or part thereof shall be used for any purpose other than that for which it has been granted; provided that the Council may with the prior, approval of the Controlling Authority sanctioned conversion of--
- (i) any land or part thereof, not less than one thousand square yard reserved or mean for the purpose of garden or ordinary cultivation for building purposes;
 - (ii) any land or part thereof reserved or mean for residential purposes for commercial purposes on—
 - (a) payment of conversion charges at the average rate of half of the market price obtained in last three auctions of similar properties in the area or depending upon the situation, locality, adjoining properties and other amenities available in the areas, and the conversion charges fixed by the Council shall be final;
 - (b) furnishing No Objection Certificate in case of property situated within the limits of Corporation from the Karachi Development Authority and in any other case from the Director Town Planning, Hyderabad.
19. Where an intending lessee forfeits his rights to get a lease under these rules for breach of any rules he shall not be entitled to refund of any payment whatever made by him.
20. (1) The construction of a building shall from the date of delivery of the possession of the plot be completed within a period of-
- (a) thirty months in case the building of five stories or more including ground floor; and

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

- (b) twenty eight months, in case of building other than at (a) above.
- (2) The period under sub-rule (1) shall be extendable by six months on payment of a fee equal to one year's rent of the plot and in exceptional circumstances may further be extended to one year on payment of a further fee equal to two years rent; provided that the total period of the construction of the building shall in no case exceed four years.
21. (1) It shall be lawful for the Council or any Officer Authorised by it in this behalf to enter upon any land leased or granted by it and to inspect any building erected on such land to ascertain whether such building is in accordance with the rules and terms and conditions of the lease and bye-laws of the Council, and where in the opinion of the Council, the building is not in accordance with such rules or terms and conditions it may order alteration or demolition and such directions shall be complied with by the lessee or as the case may be, grantee within specified time.
- (2) Where such order is not complied with the Council may cause such alteration or demolition to be effected and recover the cost thereof from the lessee or the grantee or cancel lease or agreement and resume the land in accordance with these rules.
- (3) No building or part of the building shall be occupied unless the Municipal Engineer and Health officers have given certificates with a fortnight after the completion of the building to the effect that such building or part of building is fit for occupation/habitation.
22. Where any plot leased out or adjoins land which is the property or is in the occupation of the Government or the Council, no windows or doors adjacent to or looking on to such land or any projections over it shall be opened without first obtaining the consent in writing of the Collector in case of the Government land and the Council in case of Councils' land.
23. The Council may allow construction of additional stories on the plots on such terms and conditions and payment of such charges as may be fixed by the Council.
24. **Removal of leases:-** The Council may in its discretion renew the lease for a period of ninety nine years in the certified developed quarters on further conditions that the lessee shall pay such premium and such revised land rent as may be fixed under these rules.

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

25. **Forms of leases agreement and transfer deed:-** (1) The lease, agreement for sale and transfer deed shall be issued in the form as may be prescribed in the bye-laws.

(2) Every lease and documents referred to therein shall be signed by the Chief Executive Officer of the Council and sealed with common seal of the Council.

(3) All expenses connected with the lease including the stamp duty, registration fee and other miscellaneous charges together with lease money shall be paid by the lessee.

(4) Survey fee in respect of the land or plot mentioned in column 1 of the table below shall be paid at the rate mentioned against each in column 2 thereof:

TABLE

Area of Plot 1	Rate 2
Upto 500, Sq. Yds.Rs. 10.00
Above 501 to 1000 Sq. Yards. Rs. 20.00
Above 1001 to 1500 Sq. Yards. Rs. 30.00
Above 1501 to 2000 Sq. Yards. Rs. 40.00
Above 2001 to 3500 Sq. Yards. Rs. 50.00
Above 3501 and above Sq. Yards. Rs.100.00

26. **Mutation of names:-** The Council shall keep land register showing the name of the lessees, transferees or other persons who may acquire any right over the land or plot under these rules.

27. In registering names of the transferees in such registers, the Council shall, as far as possible adopt the procedure laid-down in the West Pakistan Land Revenue Act, 1967 (West Pakistan Act XVII of 1967) for mutation of names in respect of plots leased out by Government and any entry made in such register shall be rectified by the Council on furnishing of such proof and a mutation fee at 2 per cent of the initial sale price.

28. **Collection and payment of rent:-** (1) The rent payable under these rules, shall be deposited for each financial year in advance in accordance with the bills issued in this behalf by the Council.

(2) Such bills shall state the name of the person liable to pay the rent, amount payable and the period and plot for which such rent is payable.

(3) If the amount is not paid within the prescribed time

**THE SINDH GOVERNMENT GAZETTE
KARACHI, THURSDAY, APRIL 10, 1975.**

proceedings shall be taken for the recovery thereof under the Ordinance.

MAZHAR RAFI

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