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THE SINDH BUILDINGS CONTROL ORDINANCE, 1979

SINDH ORDINANCE NO. V OF 1979

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THE SINDH BUILDINGS CONTROL ORDINANCE, 1979

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[3rd March, 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[1].

Preamble.

WHEREAS it is expedient to regulate the [2][town] 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:—

Short title, commencement and extent.

1. (1) This Ordinance may be called the Sindh 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.

Non-application of a law.

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

Definitions.

[3][3. (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

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[1] Substituted word **Sind** by **Sindh** wherever occurring by Sindh Act. No. XVIII of 2013, dated 19th March, 2013.
[2] Inserted word by Sindh Act No. IX of 2014, dated 20th March, 2014.
[3] Substituted section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.

does not include a person or persons engaged as mason 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;

(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

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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;

[1][(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.]

Authority.

[2][4. (1) Government may, by notification, appoint any body corporate 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 the notification.

[1] Inserted new clause by Sindh Act No. XLVII of 2013, dated 1st November, 2013.
[2] Substituted section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.

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(2) Where a body corporate, 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.

Officers and Servants of the Authority.

4-A. 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 prescribed.

Supervision over the Authority.

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

Fund.

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

(2) The fund shall consist of-

(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 utilized for carrying out the purposes of this Ordinance.

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(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.]

[1][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).

(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 subsection (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.

[1] Substituted section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.

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

[3][(5) At any time after a no objection certificate has been issued under sub-section (1) but before the completion of building [4][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 in-expedient, 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 whereof occupancy certificate has been issued.

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

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[1] Inserted explanation by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Substituted sub-section by *ibid*.
[3] Added new sub-sections and explanation by Sindh Act No. VII of 1990, dated 23rd December, 1990.
[4] Substituted word by Sindh Act No. XLVII of 2013, dated 1st November, 2013.
[5] Substituted sub-section by *ibid*.

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Information for no objection certificate.

[1][6-A. 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.]

Preparation of plans.

[2][7. (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;

(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:

[1] Inserted new section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Substituted section by *ibid*.

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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 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.]

Violation of certain provisions.

[1][7-A. 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 ejectment 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.]

Town Planning.

[2][7-B. 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;

[1] Inserted new section 7-A by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Inserted new sections 7-B, 7-C, 7-D, 7-E & 7-F by Sindh Act No. IX of 2014, dated 20th March, 2014.

(c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and erection and re-erection 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:

Site Development Scheme.

7-C. (1) Where a master plan 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 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.

Execution of Site Development Scheme.

7-D. (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

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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.

Erection and re-erection of buildings.

7-D. (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.

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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 neighboring 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.]

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Grant of licence.

[1][8. (1) No person or body of persons shall act as architect, building designer, inspecting engineer inspecting architect, building supervisor, structural engineer or town planner except with a licence granted by the Authority in manner, and on the terms and conditions as may be prescribed;

Provided that nay 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 Sindh Buildings Control (Amendment) Ordinance, 1982.

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

Grant of licence to builder or developer.

[2][9. 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 prescribed.]

Licensing Board.

[3][10. (1) Notwithstanding any other provision of this Ordinance, Government may be notification constitute a Licensing Board for the whole Province to grant licences to the persons referred to in subsection (1) of section (8).

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

Appointment of Committees and Sub Committees.

10-A. 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.]

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[1] Substituted section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Substituted section by *ibid*.
[3] Substituted section by *ibid*.

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11. **Inspection of building or plot.**

[1][(1) The Authority may authorized 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.**

[2][(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 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.

[3][(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, interalia, 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:

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[1] Substituted sub-section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Substituted sub-section by *ibid*.
[3] Added new sub-sections by *ibid*.

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Provided that the payment if any made by the 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 subsection (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 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 as to the defect or change or quantum of compensation the decision of the Authority shall be final.]

Increase of sale price.

13. (1) The sale price of a building advertised under section 12, [1][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.

[1] Substituted words by Sindh Ordinance No. III or 1982, dated 6th March, 1982.

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(2) Where a building cannot be completed by the date mentioned in the [1][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 [2][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.

Formation of Co-operative Societies.

[3][13-A. Where a building, after its completion, is transferred to such number of persons who can form a co-operative society under the Sindh Cooperative Societies Act, 1925, all such persons shall, for the purpose of maintenance of building, form such society.]

Dangerous Buildings.

[4][14. (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 occupier's of the building be ejected, if necessary, by force[5][:]]

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[1] Substituted words by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Substituted words by *ibid*.
[3] Added new section by *ibid*.
[4] Substituted section by *ibid*.
[5] Replace fullstop by colon by Sindh Ordinance No. XXXVII of 1984, dated 1st November, 1984.

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[1][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.]

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

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[2][:] **Disposal of application or appeal.**

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

[4][18-A.(1) Government 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. **Establishment of Special Court.**

(2) A Judge of Special Court shall be appointed by Government after consultation with the Chief Justice of the High Court of

[1] Added proviso by Sindh Ordinance No. XXXVII of 1984, dated 1st November, 1984.
[2] Replace fullstop by colon by *ibid*.
[3] Added proviso by *ibid*.
[4] Inserted new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F & 18-G by Sindh Act No. XLVII of 2013, dated 1st November, 2013.

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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 virture 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.

Conferment of powers upon officers and officials.

18-B. 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.

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Notification of Police Stations.

18-C. 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.

Procedure of Special Court.

18-D. (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.

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

18-F. 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. **Appeal.**

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

(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. [1][(1) Whoever contravenes any provision of this Ordinance, shall be punished with simple imprisonment for a term not exceeding [2][three years] or with fine not less than [3][fifty thousand] rupees or with both and if the offence is a continuing one, further line not exceeding five hundred rupees for each day after the date of the first commission of the offence. **Penalty.**

(1-A) The Authority or any person authorized by it in this behalf may compound any offence under this Ordinance on such terms and conditions as may be prescribed[:][4]]

[5][Provided that no offence relating to building works commenced or carried out in violation of the regulations framed or deemed to be framed under section 21-A, shall be compounded.]

(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.

[6][(1-B) *Repealed****]

[1] Substituted sub-section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[2] Substituted words by Sindh Act No. XLVII of 2013, dated 1st November, 2013.
[3] Substituted words by *ibid*.
[4] Replace full-stop by colon by Sindh Act No. III of 1994, dated 4th October, 1994.
[5] Substituted proviso by Sindh Act No. III of 1998, dated 30th May, 1998.
[6] Sub-section (1-B) was enforced for a period of one year by Sindh Ordinance No. XXXVII of 2001, dated 3rd December, 2001.

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[1][(1-C) The Authority or any person authorized by it in this behalf may compound any offence relating to the works commenced 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.]

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. **Indemnity.**

[2][20-A. 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.] **Notice for Institution of sent.**

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

[3][21-A. (1) The Authority may, frame Regulations not inconsistent with the provisions of this Ordinance and the rules made thereunder, for carrying out the purposes of this Ordinance. **Regulations.**

(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 conditions 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;

[1] Added new sub-section by Sindh Ordinance No. XXXVII of 2001, dated 3rd December, 2001.
[2] Inserted new section by Sindh Ordinance No. III or 1982, dated 6th March, 1982.
[3] Inserted new section by *ibid*.

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(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;

[1][(kk) framing of town plan regulations;]

(l) rates of interest payable under this Ordinance.

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(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, no framed; provided that they are not inconsistent with the provisions of this Ordinance and the rules framed thereunder.]

[2][**SCHEDULE** *Omitted****]

[1] Inserted new clause by Sindh Act No. IX of 2014, dated 20th March, 2014.
[2] Omitted schedule by Sindh Ordinance No. III or 1982, dated 6th March, 1982.