

SINDH ACT NO.XLVII

THE SINDH BUILDING CONTROL (AMENDMENT) ACT, 2013

[1s' November, 2013]

An

Act to amend the = Sindh Building Control

Ordinance,1979.

WHEREAS it is expedient to amend the Sindh Building Preamble.
Control Ordinance,1979, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Building Control
(Amendment) Act, 2014.

(2) It shall come into force at once.

2. In

the Sindh Building Control Ordinance,1979,

hereinafter referred to as the said Ordinance, in the Preamble
before the word “planning”, the word “town” shall be inserted.

3. In the said Ordinance, after section 7-A, the following
shall be inserted:

“7-B. Town Planning. The Authority shall draw up a Master
plan for all Districts of the Province which shall, among
other matters provide for —

(a)

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(c)

a survey of the District including its history, statistics,
public services and other prescribed particulars;

development, expansion and improvement of any
part of the District;

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:

7-C. Site Development Scheme. (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.

Short title and commencement.

Amendment of
Preamble of Sind
Ordinance No.V
of 1979.

Insertion of new

sections 7-B, 7-C
and 7-D, 7-E and 7-F
in the Sind
Ordinance No.V

of 1979.

SINDH ACT NO.XLVII
THE SINDH BUILDING CONTROL (AMENDMENT) ACT, 2013

(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.

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

(2) If any area is developed in contravention of the provisions of approved site development scheme, the Authority may, by notice in writing, require the owner of such area or the person who has contravened the provisions by making alteration in the site as may be specified in the notice, and where such alteration is not made or notwithstanding anything to the contrary contained in any law be carried out or caused to be carried out by the Authority in the prescribed manner, or the Authority may require and enforce the demolition of the offending structure and no compensation shall be payable therefore, to such owner or person.

(3) If an area for which a site development scheme has been approved, is not developed within the period provided in the site development scheme and further extension is not allowed by the Authority or if the development is not in conformity with the Site Development Scheme, the Authority may in the prescribed manner take over the development of the site and execute the necessary works and the cost

incurred thereon by the Authority shall be deemed to be
tax levied on the owner under this Ordinance.

SINDH ACT NO.XLVII
THE SINDH BUILDING CONTROL (AMENDMENT) ACT, 2013

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

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

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

(4) The Authority may for reasons to be stated in writing reject a site plan or a building plan, but any person aggrieved thereby may appeal to Government within thirty days of the order of rejection, and the order passed by Government in appeal shall be final.

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

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

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

(2) The Authority shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of any provisions of this Ordinance, if any, the Authority may require the alterations of the buildings so as to be in compliance therewith, and where such an alteration is not possible, the Authority may require the building or

SINDH ACT NO.XLVII

THE SINDH BUILDING CONTROL (AMENDMENT) ACT, 2013

any part thereof to be demolished or, on the application of the owner of such building, compound, the offence of such contravention; provided that no offence shall be so compounded if it involves any violation or contravention of the provisions of a master plan or of a sanctioned Site Development Scheme.

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

Provided that no action shall be taken under this paragraph unless the person likely to be affected thereby is given an opportunity of being heard.

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

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

In the said Ordinance, in section 21-A, in sub-section (2),

after clause (k), the following shall be substituted:-

5.

“(kk) framing of town plan regulations;”.

The provisions of Bombay Act, 1915 relating to the master plan and all existing resolutions, standing operating procedure,

rules and notifications relating to the master plan and town planning shall stand repealed.

Amendment of
section 21 of Sind
Ordinance No.V
of1979

Repeal.