



THE CITY OF
KARACHI MUNICIPAL ACT,
1933

BOMBAY ACT No. XVII OF 1933

(As modified upto April, 1958)

KARACHI
(PAKISTAN)



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183. (1) If the Chief Officer is of the opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may give to the owner or occupier thereof previous notice of his intention and may take measures for having such hut or shed and the materials thereof destroyed.

Destruction of huts and sheets when necessary.

(2) Compensation as may be determined by the Chief Officer shall be paid to any person who will sustain loss by the destruction of any such hut or shed before such hut or shed is destroyed under sub-section (1).

(3) No civil court shall entertain any suit to recover compensation for any loss or damage caused by the destruction of any hut or shed under this section.

184. In any case in which the Chief Officer is empowered to cause the disinfection of clothing, bedding or other articles which have become infected with disease, he may direct the destruction of such clothing, bedding or other articles if he is of the opinion that despite the process of disinfection they are likely, still to retain infection, and may, in his discretion give compensation for any article so destroyed.

Power to destroy infected clothing, etc.

185. Whenever the Chief Officers takes any action under section 182, or 184, he shall immediately report to the Corporation the action he has taken, the reasons therefor, and the cost incurred thereby, and shall comply with any directions given to him by the Corporation in respect of such matter.

Action by Chief Officer to be reported.

CHAPTER XII.

BUILDINGS AND STREETS

Buildings

186. No person shall—

- (i) erect or re-erect any building; or
- (ii) make any material external alteration in or addition to any existing building; or
- (iii) construct or re-construct any projecting portion or of a building in respect of which the Chief Officer is empowered by section 206 to enforce alteration or demolition or is empowered to give permission to construct or re-construct it—

Prohibition of erection or re-erection of buildings without permission.

- (a) unless the Chief Officer has either by an order in writing granted permission or has

failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building, or

(b) after the expiry of one year from the date of the said permission or from the end of the prescribed period, as the case may be.

Completion
certificates
and permis-
sion to occu-
py or use
buildings.

187. (1) Every person who—

(i) erects or re-erects and building : or

(ii) makes any material external alternation in or addition to any existing building : or

(iii) constructs or re-constructs any projecting portion of a building in respect of which the Chief Officer is empowered under section 206 to enforce an alteration or demolition or is empowered to give permission to construct or reconstruct it ;

shall within one month of the completion of the work deliver to the Chief Officer at his office notice in writing of such completion and shall give to the Chief Officer all necessary facilities for the inspection of such work.

(2) Within seven days after the receipt of the said notice the Chief Officer shall depute an officer to commence the inspection of such work.

(3) Within seven days from the date of commencement of such inspection, the Chief Officer shall—

(a) give permission for the occupation of the building erected or for the use of the part of building re-erected, or

(b) refuse such permission in case such erection re-erection construction or re-construction is in contravention of any provision of this Act.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection, of such building—

(a) until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner, or

(b) unless the Chief Officer has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

188. (1) If any person contravenes any provision of section 187 or disobeys any direction of the Chief Officer made under that section the Chief Officer after giving twenty-four hours notice shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof or constructing or re-constructing any projecting portion thereof or occupying or using such building or part thereof to remove themselves and shall take such measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission :

Power of
Chief Officer
to direct re-
moval of per-
sons from
buildings in
which works
are being
unlawfully
carried on
or which are
unlawfully
occupied.

Provided that any person occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 187 shall not be so directed to remove himself unless one week's notice in writing requiring such person to vacate the same has been served on him by the Chief Officer :

Provided also that if in the opinion of the Chief Officer there is imminent danger to human life, the Chief Officer may require such building or part thereof to be vacated immediately.

(2) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

189. (1) If for any reason it shall appear to the Chief Officer that any building or part of a building intended or used for human habitation or human occupation for any purpose whatever is unfit for such habitation or occupation he shall give to the owner or occupier notice in writing, stating such reason and signifying his intention to prohibit the further use of such building or part of a building for such purpose, and calling upon the owner or occupier to state in writing his objections (if any) to such prohibition within seven days after the receipt of such notice. If no objection is raised by such owner or occupier within the prescribed period or if any objection which is raised appears to the Chief Officer to be invalid or insufficient, he may, with the previous approval of the Standing Committee, prohibit by an order in writing the further use of such building or part of a building for human habitation or occupation :

Provisions
regarding
buildings
unfit for
human habi-
tation.

Provided that, before such order is given, the owner or occupier of the building shall be given an opportunity of appearing before the Standing Committee in person or by agent in support of his objection.

(2) Notice of such prohibition shall be served upon the owner of any building or part of a building affected thereby and also upon every occupier or user thereof, stating

the fact of such prohibition and appointing a day, (not being less than fourteen days after the date of such notice) before which every such person shall remove himself and his property from the said building or part thereof; and if on the day so appointed any such person has failed to remove himself and his property as aforesaid, the Chief Officer may cause him and his property to be removed and may recover from him the cost of such removal.

(3) When a building or part of a building has been vacated under sub-section (2), the Chief Officer shall mark it in the prescribed manner and no person, except with the permission in writing of the Chief Officer and in accordance with the terms and conditions of such permission, shall enter into or remain in such building or part of a building.

(4) At any time after a building or part of a building has been vacated under sub-section (2), if the Chief Officer considers that it can be rendered fit for human habitation by structural alterations or repairs, he may by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs, as he deems necessary and if at the expiration of the aforesaid period such alterations or repairs have not been executed to his satisfaction, he shall issue to the said owner a notice in writing ordering demolition of such building or part thereof within a period of thirty days from the date of receipt of such notice.

(5) If the Chief Officer considers it impracticable to render such building or part thereof fit for human habitation, he may, with the previous approval of the Standing Committee by notice in writing call upon the owner to demolish it within a period of thirty days from the receipt of such notice.

(6) If at the expiration of the period of thirty days an order to demolish a building or part of a building, issued under sub-section (4) or sub-section (5) has not been complied with, the Chief Officer may, with the previous approval of the Standing Committee, direct, by an order in writing, the demolition thereof by any municipal Officer or servant or contractor. The materials of the building or part of the building so destroyed shall thereupon be sold by public auction and the proceeds of the sale first be appropriated towards the cost of such destruction and sale. The balance if any of the cost of such destruction and sale after such appropriation, shall be recovered from the owner.

Provided that, before such order is given, the owner of the building shall have an opportunity of appearing before the Standing Committee in person or by agent, and of showing cause why such order should not be given.

(7) For sufficient cause, the Chief Officer may extend the time allowed under, or prescribed by sub-sections (4), (5) and (6).

(8) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease such lease shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

190. (1) If in the opinion of the Chief Officer, any building, wall, structure or any thing affixed thereto is in a ruinous or dangerous state, the Chief Officer may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made thereto as he considers necessary for the public safety; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

Removal of buildings in ruinous or dangerous state.

(2) Any expenses incurred by the Chief Officer under sub-section (1) shall be paid by the owner concerned.

(3) Except with the permission in writing of the Chief Officer no person shall enter into or remain in any building from which the occupier has been removed under sub-section (1).

191. (1) If for any reason it appears to the Chief Officer that the level of the site on which it is proposed to erect a building is so low that such building is likely to become insanitary or likely to create a nuisance, he shall give to the owner of the building proposed to be erected notice in writing, calling upon him to show cause in writing within thirty days after the receipt of such notice why the said site should not be reclaimed with such material and raised to such a height and within such period, not being less than six months from the date of the notice, as he shall think fit and in the said notice shall specify the cost at which, if so desired by the owner, the required work can be performed by the municipal agency.

Reclamation of low-lying sites.

(2) If no objection is raised within such period as aforesaid, or if any objection which is raised appears to the Chief Officer to be invalid or insufficient, he may, with the previous approval of the Standing Committee, by notice in writing direct such owner or occupier—

(a) to carry out such reclamation and raising of the height within the period prescribed; or

(b) within thirty days after the receipt of the said notice to pay to the Chief Officer the estimated cost of performing the work by municipal agency.

(3) In any case in which the estimated cost of the reclamation has not been paid to the Chief Officer, if the aforesaid owner fails to commence the work of reclamation within three months after the receipt by him of the notice under sub-section (2), or if he thereafter fails to carry out the reclamation to the specified height and with the specified materials within a reasonable period, the Chief Officer may recover from him the estimated cost of the work as stated in the notice issued under sub-section (1), or so much thereof as he may consider necessary to complete the work, and may carry out and complete the work by municipal agency.

Power to prohibit re-erection of building on insanitary site.

192. (1) If any building on a site in respect of which the Chief Officer may make an order under section 191 or any building which is situated in such a way as to be inaccessible to a fire-engine or to prevent a fire-engine from reaching other buildings is demolished or destroyed by fire or otherwise the Chief Officer with the previous approval of the Standing Committee by notice in writing addressed to the owner or occupier of such site or to the owner of such building may direct that no building shall be erected in its place until the said site has been raised to such height and with such materials as he may specify in such notice or that no building shall be erected which does not give a fire engine access to itself or other buildings as the case may be.

(2) No person shall erect or re-erect any building in contravention of such notice.

Public Streets.

Closing of public street.

193. (1) The Corporation may with the previous sanction of the [Provincial Government] permanently close the whole or any part of a public street:

Provided that no such street or part thereof shall be closed unless for one month at least before the meeting of the Corporation at which the matter is decided, a notice has been posted in the street or part thereof which it is proposed to close, informing the residents of the said proposal, and until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the Corporation.

(2) Whenever any public street or part thereof is permanently closed under sub-section (1), the site of such street or of the part thereof which has been closed, may be disposed of, subject to the provisions of section 55, as land vested in the Corporation.

1. Subs. by A. O. for "Commissioner in Sind".

(3) Whenever the site of any public street or part hereof is disposed of under sub-section (1), such site shall be liable to be assessed to land revenue in accordance with the provisions of any enactment for the time being in force or rule made thereunder.

194. (1) Without the previous permission of the Corporation no person shall lay on, under or above any public street any railway or tramway, or erect any electric or telephone poles or the like, or operate the same; and no such permission shall have validity until it is confirmed by the [Provincial Government].

Permission to lay tramways, railways, etc. on public street to need the sanction of the Corporation and confirmation by the provincial Government.

XIII of 1885.
XI of 1886.
IX of 1890.
IX of 1910.

(2) Nothing in this section shall be deemed to affect the railway lines of the North-Western Railway which were already laid in or upon any public street on the day on which this Act comes into force, or any provision of the Indian Telegraph Act, 1885, the Indian Tramways Act, 1886, the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

195. (1) Except with the previous permission of the Chief Officer and in accordance with such terms and conditions, including the payment of rent, as he may impose, no person shall erect, add to, set up or place against or in front of any premises any structure or fixture or obstruction, which will—

Prohibition of projections upon streets.

(a) overhang or project into or encroach upon or in any way obstruct the passage of the public along any street; or

(b) project into or encroach upon or cover over any drain or open channel in any street, so as to interfere in any way with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Chief Officer may, by written notice, require the owner or occupier of any premises to take such order as he may direct with any structure, fixture or covering which has been erected, set up or placed against or in front of the said premises in contravention of this section or of section 92 of the Bombay District Municipal Act, 1901.

Bom III of 1901.

(3) Any occupier of the said premises who complies with the said notice shall be entitled to credit in account with the owner thereof for all reasonable expenses of such compliance, unless the structure fixture, or covering in question was erected, set up, or placed by himself.

196. If any door, gate, bar or window on the ground floor of any premises opens outwards upon a street or upon any land required for the improvement of a street in such a manner as in the opinion of the Chief Officer to obstruct the safe or convenient passage of the public along

Ground-floor, door etc. not to open outwards on streets.

1. Subs. by A. O. by "Commissioner in Sind."

such street, the Chief Officer may at any time by written notice require the owner of the said premises to have the said door gate, bar or window altered so as not to open outwards.

Power to require removal of projection made before the Bombay District Municipal Act 1901 came into force.

197. (1) If any such structure, fixture or covering as is described in section 195 was erected, set up or placed against or in front on any premises at any time before the Bombay District Municipal Act, 1901, came into force, the Chief Officer may give notice under sub-section (2) of section 195 to the owner or occupier of the said premises.

(2) No compensation shall be paid to any person who sustains loss or damage by the removal or alteration of any such structure, fixture or covering which has been so erected set up or placed at any time after the first day of April 1901.

Private Streets.

Notice of intention to lay of new Private Street to be given to Chief Officer.

198. Every person who intends to make or lay out a new private street shall give written notice of his intention to the Chief Officer and along with such notice shall submit plans and sections showing the intended level, direction and width and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof.

Chief Officer can call for further particulars.

199. If any notice given under section 198 does not supply all the information which the Chief Officer deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written order require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely :—

(a) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet and a vertical scale of not less than one and a half inches to every ten feet, and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively :

(b) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths :

Bom. HI
1901.

(c) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(d) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Chief Officer shall consider necessary before applying to the Standing Committee for its approval thereto.

200. The level, direction, width, and means of drainage of every new private street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the Chief Officer with the previous approval of the Standing Committee.

Level of new private streets to be determined by Chief Officer.

201. (1) No person shall make or lay out any new private street or erect any building on either side thereof otherwise than in accordance with the directions of the Chief Officer under section 200.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with the direction or approval of Chief Officer

(2) If any such new private street be made or laid out, or of any building on either side of any such street be erected, by any person in contravention of this section the Chief Officer may, by written, notice, require the said person to make a statement in writing subscribed by him in that behalf and addressed to the Chief Officer to show cause on or before such date as shall be specified in such notice why such street or building should not be altered to the satisfaction of the Chief Officer, or, if that is impracticable, why the same should not be demolished or removed ; or may require the said person on such day and at such time and place as shall be specified in such notice to appear before the Chief Officer or the Standing Committee, as the case may be, either personally or by an agent, and to show cause as aforesaid.

(3) If such person shall fail to show sufficient cause as aforesaid, the Chief Officer may cause the street or building to be so altered, or demolished or removed and may recover the expenses thereof from the said person.

202. (1) If any private street be not metalled, paved, lighted, sewered, drained, channelled or flagged to the satisfaction of the Chief Officer, he may, with the previous sanction of the Standing Committee, by written notice require the owner of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street or which will benefit by works executed under this section, to metal, pave, light, sewer, drain, channel or flag the same in such manner as he shall direct.

Levelling and draining of private streets.

(2) If such requisition be not complied with on or before the date specified in such notice, the Chief Officer may, with the sanction of the Standing Committee, cause the work to be done by municipal or other agency under his orders, and the expenses incurred by him in so doing shall be paid by the owners of the premises aforesaid in such proportions as the Standing Committee shall think fit.

(3) Not less than fifteen days before the commencement of any work under sub-section (2) the Chief Officer shall give written notice to all the said owners of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(4) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the Standing Committee under sub-section (2) is incorrect or unjust may appeal against such order to the judge of the Karachi Small Causes Court.

(5) Effect shall be given by the Standing Committee to the decision of the said Judge under sub-section (4).

Conversion of Private into Public Streets.

Power to declare private streets when metalled, etc., public streets ;

203. When any private street has been metalled, paved, made good, lighted, sewered, drained, channelled and flagged to the satisfaction of the Chief Officer, he may, by notice put up in any part of such street, declare the same to be a public street with the consent of the owner or of the majority of the owners of such street ; and he shall be bound to make such declaration if so requested by the owner or by the majority of the owners of such street. The said street shall thereupon become a public street.

[Naming of streets and public places and numbering of houses

203-A. (1) *Power to name public places and streets and to number houses.*—The Chief Officer may—

(a) with the sanction of the Corporation determine the name by which any street, or a public place vested in the Corporation, shall be known ;

(b) cause to be put up or painted, in the case of a street, on a conspicuous part of any house at or near each

1. The heading and section 203-A were inserted by Sind Act I of 1944 s. 3.

end, corner or entrance of the street and, in the case of a public place, on a conspicuous part of the place, the name of such street or public place as so determined ;

(c) determine the number by which any premises shall be known ;

(d) by written notice require the owner of any premises, either to put up or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Chief Officer.

(2) No person shall, without the permission of the Chief Officer, or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Chief Officer.

(3) When a number is put up or painted on any premises under the orders of the Chief Officer in accordance with clause (d) of sub-section (1), the expense of such work shall be payable by the owner of the premises.

(4) The name by which any street, or public place vested in the Corporation, is known shall not be altered except with the previous sanction of the Provincial Government.

(5) The provisions of sub-section (4) shall be deemed to have had effect as from the 1st April 1943.]

Regulation of Buildings.

204. (1) The Chief Officer may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,

(a) that any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the Standing Committee may consider suitable to the locality ; or

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both, and that the land appurtenant to each building shall be of an area not less than that specified in such notice ; or

(c) that in any localities specified in the notice the construction of more than specified number of houses on each acre of land shall not be allowed ; or

Power to regulate future construction of certain classes of buildings in particular streets or localities.

(d) that in any streets, portions of streets, or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings of a specified architectural character, or buildings designed for particular uses shall not be allowed without the special permission of the Standing Committee.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (2), with or without a statement of its opinion thereon, to the ¹[Provincial Government].

(5) The ¹[Provincial Government] may pass such orders with respect to such declaration as he may think fit :

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration, as confirmed or modified by the ¹[Provincial Government], shall be published in the ²[Official Gazette] and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

205. (1) Subject to the previous approval of the Standing Committee, the Chief Officer shall prescribe a street line and a building line on each side of every public street within the City, and may from time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof :

Provided that—

(a) at least one month before prescribing such line or such fresh line, as the case may be, the Chief Officer shall give public notice of the proposal in this respect inviting objections or suggestions in writing thereto within a specified period, and shall put up a special notice thereof in the street or part of a street for which such line or fresh line is proposed to be prescribed ; and

1. Subs. by A. O. for "Commissioner in Sind."
2. Subs. by A.O. for "Sind Official Gazette."

(b) the Chief Officer shall comply with any orders that may be passed by the Corporation after considering any written objection or suggestion in regard to such proposal which has been delivered at the municipal office within the specified period.

(2) (a) No person shall construct or reconstruct any portion of any building within the street line without the permission of the Standing Committee under section 208.

(b) When the Standing Committee refuses permission to construct or reconstruct any building in any area within the street line, such area shall, with the approval of the Corporation be added to the street and shall thenceforth be deemed to be part of the public street and shall vest in the Corporation.

(c) Compensation shall be paid by the Corporation to the owner of any land added to a street under clause (b) for the loss of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken or order passed by the Chief Officer under this sub-section. In the case of dispute the amount of such compensation shall be ascertained and determined by the Collector or any officer specially authorised by him in this behalf in the manner prescribed :

Provided that no such compensation shall be payable in respect of buildings removed under section 190.

(3) The Chief Officer —

(a) may direct that the Construction or reconstruction of any building in contravention of the provisions of sub-section (2) be stopped, and

(b) with the previous sanction of the Standing Committee, may by written notice require such building or part thereof to be altered or demolished in accordance with the directions contained in such notice.

206. (1) No person shall erect or re-erect a building or part of a building so as to project beyond a street line fixed under section 205.

(2) Any owner of land who is prevented by the provisions of this section from erecting or re-erecting any building on his land may require the Corporation to make compensation for any damage which he may sustain by reason of such prevention and, upon the payment of compensa-

Erection or re-erection of building beyond street line prohibited.

Chief Officer to prescribe street line and building line.

tion in respect of any land situated within such street line, such land shall become part of the said street and shall vest in the Corporation.

(3) The Chief Officer may require the alteration or demolition of any building or part of a building which may have been erected or re-erected in contravention of sub-section (1).

Setting back
projecting
buildings,

207. (1) If any part of a building other than a building used for religious worship projects beyond the street line of a public street as prescribed under section 205 or beyond the front of the building on either side thereof, the Corporation may—

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or any material portion of such projecting part has been demolished or destroyed by fire or has fallen.

require by written notice that the part so projecting shall be removed or that such building when being re-built shall be set back to or towards the said line. The portion of the land added to the street by such removal or setting back shall thenceforth be deemed to be part of the public street and shall vest in the Corporation.

Acquisition
of land
which is
with in the
street line
and open or
occupied by
platforms,
etc.

(2) If any land not vested in the Corporation, whether open or enclosed, lies within the street line and is not occupied by a building, or if a platform, verandah, step or such other external structure or portion thereof is within the street line, the Chief Officer may take possession on behalf of the Corporation of the said land (together with its enclosing wall, hedge or fence) or of the said structure or any portion thereof, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, if necessary, may clear the same; and the land so taken possession of shall thenceforward be deemed to be part of the public street and vest in the Corporation.

(2) Notwithstanding the provisions of the sub-sections (1) and (2) no land or building vested in His Majesty or in any Corporation incorporated by Royal Charter or by an Act or Parliament or by [any Indian Law] shall be taken, possession of as aforesaid without the previous sanction of [the Provincial Government].

1. Subs. by A.O. for the words "any Act of the Indian or Local Legislature."

2. Subs. by A. O. for "Government."

(4) Compensation, the amount of which in case of dispute shall be ascertained and determined by the Collector or any officer specially authorised by him in this behalf, in the prescribed manner shall be paid by the Corporation to the owner of any land added to a public street under sub-section (1) or taken possession of under sub-section (2) and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Corporation under either of the said sub-sections.

Compensa-
tion payable
by the
Corporation.

Provided that no such compensation shall be payable in respect of buildings removed under section 190.

(5) When the amount of the compensation payable under sub-section (4) has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 190, the Corporation, after tendering the amount of the compensation, if any be payable, may take possession of the land so added to the street, and, if necessary, may clear the same.

208. (1) If the front of any building other than a building used for religious worship which abuts on a public street is behind a building line fixed under section 205 and it is proposed to erect or re-erect such building in any manner involving the removal of such building or of the front portion thereof to an extent exceeding on-half of such building or portion thereof above the ground level (such half to be measured in cubic feet), the Standing Committee may, in any order relating to the erection or re-erection of such building, permit or require the front of such building to be set forward to the building line.

Setting
forward of
front to
building
line.

(2) Except with the permission of the Standing Committee, no person shall erect or re-erect any building or any part of a building between a street line and a building line fixed under section 205.

209. (1) The Standing Committee may, upon such terms as it thinks fit, allow any building to be set forward if the street line of the street in which such building is situated will be thereby improved.

Setting
forward to
the street
line.

(2) If any land which will be included in the premises of any person permitted to set forward a building under sub-section (1), vests in the Corporation the permission of the Standing Committee to set forward the building shall be a sufficient conveyance subject to the provisions of section 55, to the owner of the said building; and the price to be paid to the Corporation by the said owner for such land and any other terms and conditions of the conveyance shall be set forth in the said permission.

Buildings at
corner of
streets.

210. (1) The Standing Committee may require any building intended to be erected at the corner of two streets to be rounded or splayed off to such height and in such manner as it may determine.

(2) The owners of the site of such building may require the Corporation to compensate him for the loss or any portion of such site resulting from any requirement under sub-section (1), and on payment of compensation therefor such portion of the site shall vest in the Corporation.

Preparation
of standard
plans for
division of
lands into
building
sites.

211. (1) The Chief Officer, by notice in writing, may require the owner of any land which is intended for division into building sites to prepare and submit for his approval, within a period to be specified in such notice, a plan, drawn to some convenient scale to be specified in such notice, and signed in token of having been prepared by him or under his supervision by a licensed surveyor, and showing the streets which such owner proposes to construct on such land the position and boundaries of the building sites into which he purposes to divide such land.

(2) On receipt of any plan prepared as aforesaid, the Chief Officer shall submit it to the Standing Committee for approval thereof or for the direction of such alterations and amendments to be made therein as it shall think fit.

(3) If the said owner fails to submit the aforesaid plan within period specified, the Chief Officer may cause such a plan as is prescribed in sub-section (1) to be prepared in accordance with the instructions of the Standing Committee, and shall cause a copy thereof to be delivered at the last known place of abode of such owner and to be affixed to some conspicuous position on the land.

(4) When a plan has been approved by the Standing Committee under sub-section (2) or has been prepared under the instructions of the Standing Committee under sub-section (3), it shall be known as the "standard plan." of such land and a copy thereof, signed by such person as may be authorised in this behalf, shall be deposited in the Municipal office and another copy similarly signed shall be supplied on application to the owner of such land.

(5) Except with the permission of the Standing Committee and in accordance with the terms and conditions of such permission, no person shall construct any street or erect any building on such land otherwise than in accordance with such "standard plan."

CHAPTER XIII.

IMPROVEMENT SCHEMES.

212. When, as hereinafter provided, a representation is made by the Chief Officer or by the Standing Committee or by one-fourth of the total number of councillors to the Corporation

Corporation
to take into
considera-
tion repre-
sentations
for improve-
ment
schemes.

(a) that in any part of the City—

(i) any area is insanitary, or

(ii) any buildings used or intended or likely to be used for human habitation are unfit for such use, or

(iii) the construction of new streets or widening of existing streets or the laying out of new open spaces is necessary, or

(iv) accommodation is required for the poor and working classes, and

(b) that there is no other remedy except the framing of an improvement scheme,

the Corporation may, if it is satisfied of the correctness of the representation made and that an improvement scheme ought to be made in respect of such area, buildings, streets, open spaces or accommodation, as the case may be, pass resolution directing that an inquiry be made by one or more of its officers or by a committee of councillors appointed for the purpose.

213. (1) An official representation for the purposes of this Act shall mean a representation made to the Corporation under section 212.

Official re-
presentation.

(2) An official representation may be made by the Chief Officer either of his own motion or in the following cases :—

How to be
made.

(i) in the case of the improvement of insanitary areas, or of buildings deemed unfit for human habitation.

(a) on the written complaint of twelve or more persons liable to pay any property-tax and residing within the ward comprising the area in respect of which the complaint is made, or

(b) on the written application of the Municipal Health Officer appointed under section 42 or on a resolution of the Standing Committee;

(ii) in the case of any improvement necessitating the construction of new streets or the laying out of open spaces, on the application of any public authority body, or association in the City; and

(iii) in the case of accommodation to be provided for the poor and working classes, on the resolution passed at any public meeting held in that behalf or on the application of any association of labour or of any person employing members of the poor or working classes:

Provided that before making an official representation the Chief Officer may make such local inquiries as he may deem necessary.

The Corporation may pass a resolution declaring that an improvement scheme is necessary.

214. (1) On receipt of a report from the officer or officers or committee appointed under section 212 the Corporation may pass a resolution declaring that any specified area is insanitary; or that any specified building is unfit for human habitation, or that the construction of new streets or the laying out of open spaces or the widening of existing streets required, or that dwellings for the poor and working classes should be constructed.

(2) The Corporation may at any time after such declaration proceed with the carrying out of an improvement scheme for the carrying out of any of the said purposes:

Provided that any number of insanitary areas or buildings may be included in one improvement scheme and that a street scheme or an accommodation scheme may be included in any scheme for the improvement of insanitary areas or buildings.

Such scheme shall be called the preliminary improvement scheme.

Area which may be excluded from or included in a preliminary scheme.

215. A preliminary improvement scheme made by the Corporation may exclude any part of the area in respect of which any official representation was made or may include any neighbouring land, if the Corporation consider that such exclusion or inclusion is expedient.

Provision to be made in preliminary improvement scheme.

216. Every preliminary improvement scheme shall provide for all or any of the following matters namely:—

(1) the laying out of all or any of the lands affected including the construction or re-construction of buildings and streets,

(2) the draining and lighting of the streets so formed or altered,

(3) the construction of new streets or the widening of the existing street or the laying out of new open spaces,

(4) the erection of dwelling (including shops) for the accommodation of the poor and working classes,

(5) the acquisition of any land which in the opinion of the Corporation may be necessary for or affected by the carrying out of the scheme.

217. In making a preliminary improvement scheme for any area regard shall be had to the conditions of neighbouring parts of the City and of the requirements of the City as a whole and to the likelihood of improvement schemes or street schemes or accommodation schemes being required for other parts of the City.

Regard to be had to future needs of the City.

218. (1) Upon the completion of a preliminary improvement scheme, it shall be submitted for approval before a meeting of the Corporation at which not less than half the total number of councillors shall be present throughout. If a majority of the councillors present throughout the meeting vote for such scheme, the Chief Officer shall prepare a notification reciting the reasons for the making of the scheme and the exact limits of the area comprised therein and stating that all particulars of the scheme (including a map of the area affected and a statement specifying the land proposed to be acquired) may be seen at the Municipal office during stated hours.

Schemes to be publicly notified at the Municipal office.

(2) The preliminary improvement scheme together with a copy of the said notification shall thereupon be submitted to the [Provincial Government] for approval.

(3) If the [Provincial Government] approves such scheme, it shall publish the said notification for four consecutive weeks in the [Official Gazette] and in two or more of the English and vernacular newspapers circulating within the City and selected for the purpose.

(4) Within the thirty days next following the first publication of the said notification the Chief Officer shall serve a notice on every person whose name appears in the Municipal assessment book as primarily liable for the payment of the property-taxes in respect of any land or building proposed to be acquired for the purpose of said scheme.

(5) The notice shall require the said person to state within thirty days of the receipt thereof whether he assents to or dissents from the proposed acquisition and, if he does not assent, to give reasons for his dissent.

(6) Every such notice shall be signed by the Chief Officer and shall be served—

1. Subs. by A.O. for "Commissioner in Sind."

2. Subs. by A. O. for "Sind Official Gazette."

- (i) by delivery to the person or to his agent ; or
- (ii) by leaving the same at the usual or last known place of abode or business or the person aforesaid ; or
- (iii) If such person cannot be found after reasonable diligence, then by affixing the same to a conspicuous part of the land or building proposed to be acquired ; or
- (iv) by registered post, addressed to the usual or last known place of abode or business of such person.

Corporation
apply for
the sanction
of the Pro-
vincial
Government
the final
scheme.

219. (1) After compliance with the foregoing provisions with respect to the publication and service of notices and after considering any representations received and making such modifications in the preliminary improvement scheme as it may think fit, the Corporation shall consider the matter at a meeting at which not less than half the total number of councillors shall be present throughout. If a majority of the councillors present throughout the meeting are in favour of proceeding with scheme, the Corporation shall apply to the [Provincial Government] for sanction to the scheme.

Particulars
be sup-
plied with
the appli-
cation for
action.

(2) The application for sanction shall be accompanied by:—

(a) a full description of the scheme, including the reasons for any modifications made therein ;

(b) complete plans and estimates of the cost of executing the scheme ;

(c) a statement specifying the land to be acquired ;

(d) any representations received for or against the scheme ; and

(e) such other particulars as may be prescribed by the [Provincial Government] by rules made in this behalf.

(3) After receiving such application the [Provincial Government], if it considers that the variations from the preliminary scheme notified under section 218 are material, may order a re-notification thereof under sub-section (3) of section 218 ; otherwise, the [Provincial Government] may sanction the scheme with or without modification or subject to such conditions as it may think fit to impose, or may refuse sanction.

(4) When the [Provincial Government] has given its sanction under sub-section (3), the preliminary improvement scheme shall become the final improvement scheme.

1. Subs. by A. O. for "Commissioner in Sind."

(5) When the [Provincial Government] orders a re-notification under sub-section (3), the provisions of sub-sections (4), (5) and (6) of section 218 shall, so far as may be, apply to such revised scheme or portion thereof.

220. On receipt of the sanction of the [Provincial Government] under section 219 the Corporation shall, as soon as practicable, take steps for the acquisition of the land proposed to be acquired for the purposes of the final improvement scheme and apply to the [Provincial Government] for the issue of a direction to the Collector to take order for the acquisition of the land under section 7 of the Land Acquisition Act, 1894, and the provisions of the said Act shall thereupon apply as if the notification issued under section 218 had been a declaration issued under section 6 of the Land Acquisition Act, 1894.

1 of 1894.

1 of 1894.

221. If the owner of any land included in any such scheme proves to the satisfaction of the Chief Officer that at the date of the notification issued under section 218 building operations were in progress on such land or on any part thereof and that the construction of the building was completed up to the first floor, the Corporation may, and on the requisition of the owner shall, take steps for the acquisition of the said land in the manner provided in section 220.

On receipt
of sanction
Corporation
to take steps
for acquisition
of land.

Right of
owner to
demand ac-
quisition on
issue of
notification
when build-
ing opera-
tions are in
progress.

222. (1) At any time after the expiry of one year from the date of the notification published under section 218 the owner of any land proposed to be acquired for the purposes of any scheme under this Act may by written notice require the Corporation to acquire such land.

(2) On receipt of such notice the Corporation shall either decide to acquire such land or shall give the owner written notice that it has withdrawn from the proposed acquisition.

(3) If the Corporation decides to acquire the land, it shall forthwith take steps for the acquisition of the land, in the manner provided in section 220 as if a declaration had been made under section 6 of the Land Acquisition Act, 1894, and the date of publication of the notification under section 218 shall be deemed to be the date of a declaration made under section 6 of the Land Acquisition Act, 1894.

1 of 1894.

1 of 1894.

Provided that, when the Corporation has by written notice withdrawn from the proposed acquisition of any land under sub-section (2), such land shall not be included in any improvement scheme for acquisition until the expiry of two years from the date of the issue of written notice as aforesaid to the owner

Right of
owner to
demand ac-
quisition or
withdrawal
by the Cor-
poration
after the
lapse of one
year from
the date of
the noti-
fication.

1 Subs. by A.O. for "Commissioner in Sind."

223. In a determination of the amount of compensation to be awarded for any land or building acquired under this chapter the following principles shall be followed in addition to those provided in the Land Acquisition Act, 1894, namely :—

I of 1894.

(1) The Collector or Court shall take into consideration any increase in the value of any other land or building belonging to the person interested which is likely to accrue from the acquisition of the land or from the acquisition or alteration or demolition of the building ;

(2) When any addition to, or improvement of the land or building has been made after the date of the publication of a notification under section 218 relating to the land or building, such addition or improvement shall not be taken into consideration unless it was necessary for the maintenance of the building in a proper state of repair; and when any interest has been acquired after the said date, a separate estimate of the value thereof shall not be made so as to increase the amount of compensation to be paid for the said land or building ;

(3) The rent of the said land or building shall not ordinarily be deemed to be greater than the rent declared in the last return made under rule 2 in Chapter II of Schedule VIII by the owner thereof within the twenty-four months next preceding the date of the publication of a notification under section 218 relating to the said land or building ;

Provided that, where any addition to or improvement of the said land or building has been made between the date of such last return and the date of the said publication, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement ;

(4) If in the opinion of the Collector or Court the rental of the land or building has been enhanced by reason of its being used for an illegal or immoral purpose or of its being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable without such illegal or immoral use or overcrowding ;

(5) If in the opinion of the Collector or Court the building is in a state of defective sanitation or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building on its being put into a sanitary conditions or reasonably good repair, less the estimated expense of putting it into such condition or repair ;

(6) If in the opinion of the Collector or Court a building used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation therefor shall not exceed the value of the materials thereof less the cost of demolition.

224. When any improvement scheme includes provision for the construction of dwellings for the poor & working classes, the Corporation shall forthwith submit the plans and estimates thereof for the sanction of the [Provincial Government]. When the said sanction has been received, the provisions of the chapter shall thereupon apply with all necessary modifications to the said construction as if that part of the scheme which deals with the said construction were the scheme itself.

Procedure when scheme provides for construction of dwellings for the labouring classes.

225. Subject to the provisions contained in section 55 any surplus land remaining with the Corporation on completion of any improvement scheme (except a scheme for the accommodation of the poor) may be sold or otherwise disposed of by the Corporation, with such stipulations as to the class and description of houses, or buildings to be erected thereon as it may think fit.

Disposal of surplus land

226. Schemes for the accommodation of the poor may provide for the construction by the Corporation, of dwellings on land—

Provision be made in an accommodation scheme.

(a) acquired by the Corporation or vesting in the Corporation absolutely or for not less than fifty years ; or

(b) vesting in an employer or in an association, either absolutely or for a period of not less than fifty years ;

Provided that the scheme shall not provide for the construction of dwellings on land alleged to vest in an employer or in an association until such employer or association, as the case may be, has proved to the satisfaction of the Corporation that the title to the land is good and sufficient for the purposes of the scheme.

227. (1) In cases falling under clause (b) of section 226 the construction of dwellings shall not be commenced until the employer or association concerned :

Deposit and notice.

(a) has deposited with the Corporation a sum of money equal to the estimated market value of the land or twenty-five per cent. of the estimated cost of the scheme, whichever is greater ; or

(b) has submitted to the Corporation a proposal in writing that the land shall be transferred to the Corpora-

tion for the purpose of the scheme and until the Corporation shall have served a notice in writing, upon the employer or association, as the case may be, signifying its acceptance of such proposal.

(2) On the service of the notice referred to in clause (b) of sub-section (1), all the estate, right, title and interest of the employer or association, as the case may be, in and to the land referred to in the proposal shall forthwith vest in the Corporation.

Procedure
on comple-
tion of
scheme.

228. (1) On the completion of an accommodation scheme the dwellings constructed by the Corporation shall either be rented by the Corporation to members of the poor or labouring classes or shall be leased by the Corporation for a period of not less than thirty years to the employer or association on whose motion the scheme has been executed or to any other employer or association.

(2) When the dwellings are rented to members of the poor and labouring classes by the Corporation, the Corporation, shall refund, in the manner prescribed in sub-section (3) to the employer or association concerned any deposit made by such employer or association under section 227 or the value of any land transferred to it under that section.

(3) The deposit shall be refunded gradually by annual payments equal to the annual sinking fund charges on all moneys spent by the Corporation on the scheme in such manner as may be prescribed in rules made by the Corporation in this behalf.

(4) When the dwellings are leased to the employer or association on whose motion the scheme has been executed, the annual rental payable to the Corporation by the said employer or association shall be so calculated as to cover on the expiry of the lease the capital cost of the scheme together with interest and sinking fund charges less the amount of the deposit distributed over the period of the lease.

(5) The conditions of the lease shall be such as may be prescribed by rules made in this behalf by the Corporation with the sanction of the ¹[Provincial Government].

1. Subs. by A. O. for "Commissioner in Sind."