
The Sindh Master Plan Authority Act - 2020

“DRAFT”

An Act to provide for making and execution of town planning and urban and regional master planning at micro and macro level in the province of Sindh.

Whereas it is expedient to increase urban effective policy efficiency and development strategies for upgrading integrated neighborhood and to reformulate urban and regional land and housing standards & programs and to provide improved conditions for the equitable access to urban services to prevent urban decay;

And whereas it is expedient that development and improvement in the province of Sindh for the acquisition of land for such development or improvement including, housing schemes, rehabilitation of unplanned areas, re-housing & rehabilitation of affected persons thereby and for the preparation and execution of strategic plans to develop land management strategies, regulations at micro and macro level and the matters connected therewith or incidental thereto;

Part I

It is hereby enacted as follows;

- (1) This act may be called “**The Sindh Master Plan Authority Act – 2020**”.
- (2) It shall extend to the whole province.
- (3) It shall come into force within the entire province of Sindh from such date as Government may, by notification, specify.
- (4) The areas of Cantonment Boards essentially required for the defense purposes shall be excluded from the operation of this act. The macro and micro development plans of all land owning agencies including the Cantonments shall be incorporated in the master planning process of such area.
- (5) Nothing contained in any other law for the time being in force shall apply to any matter regulated by this Act.

This Act applies to:

- (a) public institutions and private institutions which are responsible for human settlement, spatial planning and use of land;
- (b) a person who is responsible for
 - (i) the development of land;
 - (ii) the development of an area;

- (iii) spatial planning matters;
 - (iv) planning matters related to a region, division, a district, part of a district or a defined area;
 - (v) development framework, structure plans, local plans, joint development schemes and their strategic guidelines; and
 - (vi) formulating zoning regulations, planning standards and processing of land use permit;
- (c) sub-divisions of land for purposes of development and its resiting
 - (d) the creation and delineation of districts, special towns and special development, special planning areas or any matter relating to the spatial planning or development control function;
 - (e) the development of land by private institutions or public institutions including physical development by entities;
 - (f) planning and physical development issues related to preparation of plans including
 - (i) Provincial spatial development plans;
 - (ii) regional development plans which comprise among others the co-ordination of the spatial aspects of district development plans where applicable;
 - (iii) district spatial development plans;
 - (iv) joint spatial development plans;
 - (v) special spatial development plans;
 - (g) matters related to land use including enforcement, appeals, complaints and administrative processes as connected to land use within the province.

Part II

Definitions.

- (a) “**Affected persons**” means persons affected by the development or improvement carried out in accordance with the provisions of this Act;
- (b) “**Architect**” means a person who holds any of the architectural qualification specified by the PCATP and is registered as an architect with the Council;
- (c) “**Betterment fee**” means the fee prescribed by this Act *for the infrastructure development* in respect of land resulting from the execution of any improvement scheme ;
- (d) “**Building supervisor**” means a building supervisor who has been granted a license under the provisions of relevant statutory regulatory authority;
- (e) “**Chairman**” means the Chairman of the Governing Body, appointed under this Act;
- (f) “**City**” means the city as defined in the Municipal Act ;
- (g) “**Constituent body**” means any one of the following namely :-
- (h) “**Controlled area**” means an area declared to be a controlled area under this Act;
- (i) “**Developer**” means a person or body of persons *having been registered with concerned Authority and has valid License of DEVELOPER* 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 by sale;

- (j) “**Engineer**” means a person who holds an accredited engineering qualification and registered as an engineer with the Pakistan Engineering Council;
- (k) “**Fund**” means the fund of the Authority, constituted under this Act.
- (l) “**Regulations**” means the regulations made under this Act;
- (m) “**Rules**” means rules made under this Act;
- (n) “**Society**” means a society which directly or indirectly deals with providing plots to its members for housing, commercial or industrial purposes;
- (o) “**Town planner**” means a person who holds any of the town planning qualifications specified by the PCATP and is registered as a town planner with the Council;
 - (i) the Municipal Corporation;
 - (ii) the Karachi Port Trust ;
 - (iii) the Ministry of Defence ;
 - (iv) the Cantonment Boards ;
 - (v) the Pakistan Railway ;
 - (vi) the Industrial Trading Estates, and
 - (vii) any such local authority *or the concerned Authority* or Department of Government as the Government may, by notification, declare to be a constituent body.
- (p) “**Concerned Office**” means Sindh Building Control Authority, Municipal Corporation, Town Committee, Cantonment Board, District Council, Housing Society, Development Authority, Land Owning Agency or Local Authority etc.
- (q) “**Corporation**” means the Municipal Corporations *within the province of Sindh*.
- (r) “**Governing Body**” means the Governing Body constituted under this Act;
- (s) “**Government**” means Government of Sindh.
- (t) “**Heritage**” The word Heritage shall have the meaning as defined under The Sindh Cultural Heritage Protection Act-1994;
- (u) “**House**” means any building intended for single family dwelling and human habitation, together with the land upon which it is situated, comprising one or more family housing units and structures appurtenant thereto ;
- (v) “**Improved area**” means any area which is under an improvement scheme and “**scheme**” means a scheme connected with housing, improvement, development, construction, sewerage, water supply, resettlement, financing and research and matters incidental thereto ;
- (w) “**Industrial Trading Estate**” means Sind Industrial Trading Estate Ltd., Landhi Industrial Trading Estate Ltd., or any other Estate which may be established;
- (x) “**Land management strategies**” includes:
- (y) “**Land**” has the meaning assigned to it by clause (a) of the Land Acquisition Act, 1894 (I of 1894);
 - (i) Land acquisition.
 - (ii) Sub-division regulations and land use conversion.
 - (iii) Land banking and their applications to low cost housing.
 - (iv) The theory and practice of large-scale urban land development.

- (v) Land sharing technique.
 - (vi) Urban land pooling / readjustment technique.
 - (vii) Revolving fund as a technique for land and infrastructure development.
 - (viii) Sites and services scheme.
 - (ix) Land supply for low income housing.
 - (x) Incremental housing scheme.
 - (xi) Land regeneration.
 - (xii) Land tenure.
 - (xiii) Urban transportation.
- (z) **“Prescribed”** means prescribed by rules or regulations made under this Act ;
- (aa) **“Region”** means an administrative area, division, district or an area distinguished by similar features and notified as such;
- (bb) “Rural area”**
- (cc) **“Tribunal”** means the Tribunal constituted under this Act ;
- (dd) **“Unauthorized” building”** means a building declared by the Authority to be unauthorized under the provisions of relevant laws;
- (ee) “Urban area”**

Public Amenities Land classified for the purpose of public use mentioned in clause 47(i) of this Act.

CHAPTER – II
CONSTITUTION AND FUNCTIONS OF THE AUTHORITY

1. Establishment and incorporation:–

- (1) As soon as may be after the commencement of this Act, the Government shall establish an Authority for the purposes of this Act.
- (2) The Authority established under clause (1) shall be a body corporate, by the name of **The Sindh Master Plan Authority**, having perpetual succession and a common seal, with power, subject to the provision of this Act, to acquire and hold property, both movable and immovable and shall by the said name sue and be sued.

2. Management:–

- (1) The general direction and administration of the Authority and its affairs shall vest in the Governing Body which may exercise all powers and do all acts and things which may be exercised or done by the Authority.
- (2) The Governing Body in discharging its functions shall act on sound principles of development, town planning and housing with special regard to the re-housing of affected persons and shall be guided on question of policy by such direction as Government may from time to time give.
- (3) The Governing body shall guide the working of the authority by outlining the framework of planning process for different urban and regional locations of Sindh. In doing so, the Governing Body shall take into account broad principles of urban and regional master planning, issues related to public interest, sustainability of environmental resources, livelihoods and needs of women, youth and differently abled persons.
- (4) If a question arises as to whether any matter of policy or not, the decision of the Government shall be final.

3. Constitution of the Governing Body:–

- (1) The Government shall constitute a Governing Body.
- (2) The Governing Body shall consist of a Chairman, a Director-General, and 11 other Members to be appointed by the Government, out of which Six members shall be from the technical cadre / professional bodies / academia / civil society.
- (3) Not less than two of the Members, other than the Director-General, shall be whole-time Members.
- (4) The Chairman shall be from the Government or private sector.
- (5) The Chairman and the Director-General shall be appointed by the Government on such terms and conditions as Government may determine.
- (6) The Director General shall exercise such power and perform such functions as may be prescribed.

- (7) The Governing Body may coopt members as deem fit.
- (8) When the Director General is on leave or is absent outside Pakistan on the business of us Authority, the senior most whole-time Member shall exercise the functions of the Director-General.
- (9) Every Member, other than the Director-General, shall:
 - (a) hold office for a period of three years unless sooner removed, and may be re-appointed thereafter for such period or periods, not exceeding three years at a time, as the Provincial Government may in each case determine;
 - (b) No private member shall hold office as Member more than 2 terms.
 - (c) receive such remuneration, fees or allowances as may be prescribed by rules or as the Government may determine;
 - (d) perform such functions and duties as may be prescribed by the Regulations or as the Authority may assign to him.
- (10) A casual vacancy in the office of a Member shall be filled by the Government, and the person appointed in such vacancy shall hold office for the unexpired period of the term of his predecessor.

Explanation – For the purposes of this Article, the seniority of a Member shall be computed with reference to the date of his appointment as Member.

4. Disqualification of the members of the Governing Body:–

- (1) No person shall be or shall continue to be a member of the Governing Body who:
 - (a) is or, at any time, has been convicted of an offence involving moral turpitude; or
 - (b) is or, at any time, has been adjudicated insolvent: or
 - (c) is found to be a lunatic or of unsound mind; or
 - (d) is a minor ; or
 - (e) has a financial interest in any scheme or a conflicting interest directly or indirectly between his interests as a member of the Governing Body and his private interests and has failed to disclose such interest in writing to the Government.

- 5.**
- (1) The meeting of the Governing Body shall be held at last once in every two months.
 - (2) To constitute a quorum at a meeting of the Governing Body, not less than 50% members, including private members not less than two, shall be present.
 - (3) The Chairman shall preside at every meeting at which he is present, and if the Chairman is absent from a meeting, a member of the Governing Body present and chosen for the purpose by the Members present shall preside at the meeting.
 - (4) Each Member, including the Chairman, shall have one vote, and in the event of an equality of votes, the Chairman shall have a second or casting vote.
 - (5) The Commissioner of concerned Revenue Division, shall be as coopted member for the matters of such Division.

6. **Office:**– The Authority shall establish its Head Quarter Office in Karachi. However, field offices of the authority may be opened in other locations of Sindh as and when directed by the Governing body.

7. **Appointment, Punishment and Appeal:**–

The Authority may appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions, on such terms and conditions as it may deem fit provided they possess domicile of Sindh province.

8. **Power to sanction reject or revise scheme:**–

(1) The Authority shall, as soon as feasible, prepare, and from time to time submit for the approval of the Government an outline program for the development and improvement of such areas within the province, as it may consider necessary for the purpose, listing such areas and the approximate order of their development, outlining strategic framework and the proposed improvements, including, land use and urban growth, housing, regeneration, transport, water supply, sewerage and waste water disposal, solid waste management, storm water drainage, electric power, education, health, sports & recreation, environment, coastal marine environment, coastal development, heritage sites, urban agriculture, national hazards and disasters keeping in mind climate change impact and imperatives of social justice.

(2) The Government shall, within such time as may be prescribed by rules, either approve or disapprove any program referred to in clause (1) or approve with such additions or modifications as, in consultation with the Authority, it deems fit to make.

(3) The Authority shall within such time as may be prescribed by rules, prepare for submission to the Government specific urban and regional master planning assignments set forth in the outline program, including any other scheme or schemes which the Government in writing directs the Authority to prepare, and all such schemes shall contain plans for the proposed development, including approximations of posts proposed, methods of financing, ejection, and resettlement or rehousing of affected persons:

Provided that the Authority may without reference to the Government execute any scheme the provisional estimated cost of which does not exceed rupees *one million* for which no loan or grant is required from Government.

(4) The Government may sanction, with or without modification, or may refuse to sanction, or may, return for reconsideration, any scheme submitted to it under clause (3), or may call for such further details or information about the scheme, or may direct such further examination of the scheme as it may consider necessary.

(5) Where the Government has sanctioned a scheme for any area it shall be lawful for the Authority to execute and maintain all works and carry out all operations in the said area required: execution of any such scheme.

(6) As soon as may be after the commencement of this Act, the Government may upon terms and conditions as may be laid down, transfer to the Authority any scheme sanctioned or undertaken by Government or by any local authority or other body and also place at the disposal of the Authority any properties, movable or immovable, connected with or ancillary or appurtenant to any such scheme, a

scheme so transferred shall be deemed to be a scheme sanctioned by the Government under this Act.

- (7) It shall be lawful for the Authority to execute and maintain all works and carry out all unfinished works and operations required for the execution of any scheme transferred under clause (6).
- (8) The "Government may, upon such terms and conditions as may be laid down, place disposal of the Authority any properties or funds held by the Government or by any local authority or other body, or permit the Authority to levy and retain duties which, immediately before the commencement of the Act, were levy-able by such Government, authority or body and thereupon the Authority shall hold properties or funds and levy such duties in accordance with such terms and conditions.

9. Declaration of Controlled Area and issue of appropriate directions:— The Authority may, by notification in the official Gazette, declare any area to be a controlled area for the purposes of this Act, and may issue in respect of any such area, such directions as it considers fit and appropriate, and do all such things as necessary for the prevention of haphazard growth of colonies, townships, estates, buildings and operations in such area.

10. Additional powers of Authority to undertake work and incur expenditure:— The Authority may, submit such directions as the Government may give:

- (1) prepare or arrange for the preparation of such land use and Master plans as may be required such modifications thereof as may from time to time be deemed necessary.
- (2) establish and maintain Housing Research Stations and conduct scientific industrial research on housing including research on low-cost and low income housing.
- (3) sponsor, for the purpose of giving effect to any of the provisions of this Act, limited liability of companies under the Companies Act, 1913 (VII of 1913), Co-operative Societies under the Co-o Act, 1912 (11 of 1912), or Registered Societies under the Literary, Scientific and Charitable Societies Act, 1860 (XXI of 1860), and upon its request be represented on the Management of a company or society.
- (4) undertake any work connected with or incidental to the purposes of this Act that may be a to it by the Government from time to time.

11. Power of Authority to undertake work entrusted to it by Government:—

- (1) Notwithstanding anything contained in this Act, the Authority may, upon such terms and conditions as may be laid down by the Government, undertake and execute any housing scheme of the Government entrusted by that Government.
- (2) That Authority shall comply with all instructions issued to it from time to time by the Government in relation to the schemes entrusted to it.
- (3) Necessary funds shall from time to time be placed by the Government at the disposal of Authority for the execution of the Schemes entrusted to it.
- (4) The Authority shall render complete accounts of the funds advanced to it by Government under clause (3).
- (5) It shall be open to the Government to authorize any registered audit firm to conduct a test or other audit of the accounts submitted to it on such terms and conditions that Government may determine.

- (6) The Authority shall submit to the Government progress reports in respect of the obligations entrusted to it by that Government and such other reports as the Government may require from time to time.

12. Power of Government to make rules:– The Government may make rules not inconsistent with this Act for the purpose of giving effect to the provisions of this Act and where the rules made under this Article are inconsistent with the regulations made under the next succeeding Article the rules shall prevail.

13. Power of the Authority to make regulations:–

- (1) The Authority may make regulations not inconsistent with this Act or with the rules made under this Act, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power such regulations may provide for:
- (a) the meetings of the Governing Body and the manner in which business shall be conducted at such meeting
 - (b) the expenditure of the funds placed at the disposal of the Authority ;
 - (c) recruitment policy;
 - (d) conditions and terms of service including provident fund and pensions, if any; and
 - (e) areas where to apply micro / macro planning tools.
 - (f) any other matter for which provision is required for the efficient discharge of the business of the Authority.

14. Functions of the Authority:

For the purpose of achieving its objects the Authority shall;

- (a) in support of the recommendations of the Grant, perform the spatial, land use and human settlements planning functions of the development planning system;
- (b) prepare and provide for the technical human settlements planning component as may be required for inclusion in the development plans or infrastructure plan;
- (c) provide directives, issue regulatory notices, guidelines and manuals to ensure compliance with this Act;
- (d) Initiate an urban and regional master planning process whereby the present and future needs of the cities, hinterland and regions can be periodically addressed.
- (e) develop the capacities of the concerned offices and other institutions for effective performance of their spatial planning and human settlement management functions;
- (f) ensure efficiency in the development control function at national, regional and district levels through the decentralized governance structures;

- (g) ensure that the concerned offices in collaboration with the development institutions perform site and service programs for the purpose of development;
- (h) provide guidance on the requisite human and material resources for the performance of the spatial planning and physical development functions at all levels;
- (i) ensure the control of physical development in uncontrolled or less controlled but sensitive areas such as forest reserves, nature reserves, wildlife sanctuaries, green belts, wetlands, water bodies, water catchment areas, mining areas, open spaces and public parks;
- (j) ensure implementation of methodologies that promotes low carbon constructive minimize waste and prevent pollution that the exploitative use of natural resources for agriculture, mining, industry and other related activities do not adversely impact on human settlements;
- (k) oversee the implementation of approved policies regarding spatial planning and physical development within the province;
- (l) give guidance and monitor concerned offices and generally advise the Minister on policy options and implementation under the Act;
- (m) give directives and guidelines as appropriate on development control functions in conformity with the Act;
- (n) prepare provincial development framework plan and evaluate regional and district spatial development framework to ensure conformity with the national spatial development framework and the requirements of the Act;
- (o) recommend relevant Regulations to be made by the Minister;
- (p) ensure a continual review, effective planning and management of human settlements and spatial planning policies;
- (q) ensure attainment of a balanced distribution of urban population and a spatially integrated hierarchy of human settlements to support the socio-economic development ensuring adequate facilities for recreation for social and cultural enterprising for all particularly women, youth, differently abled persons of the province;
- (r) ensure research and capacity building courses from professional bodies;
- (s) recommend and decide the change of land use provisions of any area;
- (t) ensure integration of notified Heritage through historic cores with urban and or revitalization plan / regeneration plan of cities of the province;
- (u) ensure continued revision of spatial development framework, structure and local plans to guide the development of human settlements in the province;
- (v) encourage the private sector to partner the public sector in financing the development and management of human settlements and related physical development;
- (w) create a regime that enables concerned office to acquire land in order to prevent or reverse depressed settlements;
- (x) establish spatial planning and land use database;
- (y) ensure the creation of appropriate zoning schemes and also prevent encroachments or breach of zoning schemes;
- (z) facilitate the creation of an institutional framework that ensures the effective operation of this Act at all levels;

- (aa) ensure the establishment of an inter-sectoral approach to decision making in spatial planning in accordance with the development objective of government to attain a coordinated approach to development;
- (bb) provide technical advice on spatial planning to the Government;
- (cc) collaborate with relevant agencies; and
- (dd) perform any other function as may be required pursuant to the policy directives of the Government.

CHAPTER – III
FINANCE

15. Funds of the authority:–

- (1) Necessary funds shall from time to time be placed by the Government at the disposal of the Authority for the execution of its schemes and for the conduct of its business, upon such terms and conditions as may be laid down in each case,
- (2) The Municipal Corporations shall contribute to the Authority every year by such date as may be prescribed such percentage of the proceeds of the property taxes realized by the Corporations during the previous financial year as the Government may determine.
- (3) If the Corporation fails to make the contribution referred to in clause (3), the Government may make an order directing the bank in which any moneys of the Corporation are deposited or the person in charge of the local Government Treasury or any other place of security in which the moneys of the Corporation are deposited, to pay such contribution from such moneys as may be standing to the credit of the Corporation in such bank or may be in the hands of such person or as may from time to time, be received from or on behalf of the Corporation by way of deposit by such bank or person and such bank or person shall be bound to obey such order.

16. Deposit Account:– The Authority may open a deposit account with the State Bank of Pakistan or with any agency of the State Bank or, with the prior approval of the Government, with any Scheduled Bank.

17. Investment of funds:– The Authority may invest its funds in any security of the Government or as per the existing rules and policy of the Government approved by the Government.

18. Renewal and replacement fund:– The Authority may, if it so decides and shall, if the Government so require, for the purpose of the renewal and replacement of any or all works and property vested in it, maintain a fund or funds in such manner and subject to such conditions as the Authority may prescribe.

19. Audit:–

- (1) The Authority shall with the previous approval of the Government appoint Auditors who shall be chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961).
- (2) A statement of accounts in the prescribed form audited by the Auditors referred to in the preceding clause shall be furnished to the Government as soon as possible after the end of every financial year.
- (3) It shall be open to the Government to authorize the Comptroller and Auditor General of Pakistan to conduct a test or other audit of the account submitted to it in the form prescribed under this Act on such terms and conditions as the Government may determine.

20. Accounts:– The accounts of the Authority shall be maintained in such form as the Authority may prescribe.

21. Annual report and budget proposals:–

- (1) The Authority shall, within three months after the end of every financial year, submit to the Government an annual report on the conduct of its affairs for that year. It shall also submit its proposals and budget estimates for the next ensuing financial year six months before the commencement of such year and obtain their approval.
- (2) The Statement of Accounts of the Authority referred to in this Act together with the report of the Comptroller and Auditor-General of Pakistan, if any, on the test or other audit made under clause (3) thereof and the annual report referred to in this Act shall be laid before the Provincial Assembly of Sindh as soon as may be following the receipt thereof by the Government and the Provincial Assembly shall refer the same to its Committee on Public Accounts for scrutiny.
- (3) The Committee on Public Accounts shall scrutinize and examine the reports referred to it under sub-section (1) in the same manner as, and shall in respect thereof perform the same functions and exercise the same powers as, are required by it to be performed and exercised in respect of the Appropriation Accounts of the Government and the report of the Comptroller and Auditor General of Pakistan thereon.
- (4) The Authority shall produce such documents and furnish such explanation and information to the Committee referred to in sub-section (1) as the Committee may require at the time of examination of the Accounts.
- (5) Government may require the Authority to furnish it with:-
 - (i) any return, statement, estimate, statistics or other information regarding any matter under the control of the Authority; or
 - (ii) a report on any such matter ; or
 - (iii) a report on any document in the charge of the Authority ; and the Authority shall comply with every such requisition.

CHAPTER – IV

DEVELOPMENT, IMPROVEMENT, HOUSING AND OTHER SCHEMES

- 22. Schemes to be deemed to be for public purpose:**– All schemes framed under this Act and operated by the Authority or by an organization sponsored by the Authority shall be deemed to be schemes for a public purpose.
- 23. Matters to be provided for by improvement schemes:**– An improvement scheme may provide for all or any of the following matters, namely:
- (a) the development of land for housing or re-housing;
 - (b) the clearance or improvement of congested areas;
 - (c) the design of houses, flats and other kinds of residential premises and of industrial, commercial and other buildings for community-facilities, such as slaughter-houses, vocational training centers and amenity buildings like schools, dispensaries, and maternity or community development centers;
 - (d) the acquisition by purchase, exchange or otherwise of any property or interest therein necessary for or affected by the execution of the scheme;
 - (e) the laying out afresh of any land comprised in the scheme;
 - (f) the re-distribution of sites belonging to owners or property comprised in the scheme;
 - (g) the closing, alteration or demolition of any dwelling or portion thereof unfit for human habitation;
 - (h) the demolition of any building or portion thereof unfit for the purpose for which it is being used or which obstructs light or air or projects beyond the building line;
 - (i) the demolition of any building inconsistent with the scheme;
 - (j) the construction and re-construction of any building by the Authority or by the owner or by the Authority on default by the owner;
 - (k) the sale, lease, exchange, or disposal in any other manner of any property vested in or acquired by the Authority;
 - (l) the construction and alteration of streets (including bridges, causeways and culverts) and back lanes, and the provision of footpaths and sidewalks;
 - (m) the guidelines levelling, paving, metalling, flagging, channeling, seweraging, and draining of the streets so constructed or altered, and the provision therein for lighting and sanitary facilities;
 - (n) identifying parks, playing-grounds and other open spaces for the benefit of persons residing in any area comprised in the scheme or any adjoining area and the extension of existing park, playing-grounds and other open spaces and approaches to the same;
 - (o) sanitation and conservancy guidelines for the area comprised in the scheme, including the prevention of contamination to rivers and canals and other sources and means of water supply;

- (p) drains and sewers for the improvement of any ill-drained or insanitary locality;
- (q) proposals for accommodation for any class of inhabitants;
- (r) means of access and transportation & communication;
- (s) the reclamation or reservation of land for markets and gardens ; for afforestation and to provide fuel and grass and supply, the other needs of persons in the said area;
- (t) the raising, lowering, levelling or reclamation of any land comprised in the scheme;
- (u) the recovery of a betterment fee from owners of properties improved by the scheme;
- (v) any other matter for which, in the opinion of the Authority, it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area for the general efficiency of the scheme.
- (w) Sub-division, Amalgamation, Conversion (change of land use), Land Management Strategies.
- (x) Carrying out incremental housing schemes.
- (y) Land regeneration.

24. Types of improvement schemes:— An improvement scheme shall be of one of the following kinds or a combination of any two or more of such kinds or of any special incidents thereof, namely :

- (a) a general improvement scheme;
- (b) a re-building scheme;
- (c) a re-housing scheme;
- (d) a street scheme;
- (e) a deferred street scheme;
- (f) a development scheme;
- (g) a housing accommodation scheme;
- (h) a town-expansion scheme;
- (i) a zonal plans scheme;
- (j) a transport scheme;
- (k) a drainage and sewage disposal scheme;
- (l) a scheme for the re-distribution of sites; and
- (m) health and welfare scheme;
- (n) rehabilitation plans;
- (o) resettlement plan;
- (p) matter related to leapfrog development; and
- (q) historic core regeneration schemes;

25. Loans for housing etc:— The Authority may, in connection with any scheme, provide for the financing a housing or facilities incidental thereto and may advance loans to those persons or families who cannot be provided for by private enterprise or by the House Building Finance Corporation established under the House Building Finance Corporation Act, 1952 (XVIII of 1952) or the commercial bank. Such financing shall be upon such terms and conditions as the Authority shall consider feasible.

26. General improvement schemes:– Whenever it appears to the Authority :

- (a) that an area is in need of development,
- (b) that, in any area, any buildings used or intended or likely to be used as dwelling places are unfit for human habitation, or
- (c) that danger to the health of the inhabitants of any building in any area or of any building in the neighborhood of such area results or is likely to result from –
 - (i) the narrowness, closeness, or bad arrangement or condition of streets or buildings or groups of building in such area, or
 - (ii) the want of light, air, ventilation or proper conveniences in such area, or
 - (iii) any other sanitary deficiency in such area,
 - (iv) ensure protection of all notified heritage assets.

the Authority may pass a resolution to the effect that such area is an insanitary area, and that a general improvement scheme ought to be framed in respect of such area, and shall then proceed to frame such a scheme.

27. Rebuilding schemes:–

- (1) Whenever it appears to the Authority that any area is an insanitary area and that it is not possible or not desirable to frame a general improvement scheme in respect thereof, and that having regard to the value of buildings in such area and of the sites on which they stand, the most satisfactory method of dealing with the area or any part thereof is a re-building scheme, the Authority may pass a resolution to that effect and shall then proceed to frame a scheme in accordance with the provisions of this Article.
- (2) A rebuilding scheme may provide for;
 - (a) the reservation of streets, lanes, and open spaces to such extent as the Authority considers necessary for the purposes of the scheme ;
 - (b) the laying out afresh of the sites of the area upon streets, lanes or open spaces so reserved or enlarged ;
 - (c) the payment of compensation in respect of any such reservation or enlargement, and the construction of streets, lanes and open spaces so reserved or enlarged ;
 - (d) the re-construction, alteration or demolition of any existing building and its appurtenances by the owner, or by the Authority in default of the owner, and the erection of any building in accordance with the scheme by the said owner or by the Authority in default of the owner, upon any site defined under the scheme ;
 - (e) the acquisition by the Authority of any site or building comprised in the area included in the scheme.

28. Re-housing schemes:– The Authority may frame re-housing scheme, for the construction, maintenance and management of such and so many dwellings and shops as it may consider necessary for persons who;

- (a) are affected by the execution of any improvement scheme sanctioned under this Act, or
- (b) are likely to be affected by the execution of any improvement scheme which it intended to frame, or to submit to the Government for sanction, under this Act.

29. Street schemes:–

- (1) Whenever the Authority is of opinion that for the purpose of
 - (a) providing building site, or
 - (b) remedying defective ventilation, or
 - (c) creating or improving new or existing means of communication and passage for traffic, or
 - (d) providing better conservancy.

it is expedient to lay out new streets or alter existing streets (including bridges ; causeways and culverts) in any area, the Authority may pass a resolution to that effect and shall then proceed to frame a street scheme for such area.

- (2) A street scheme within the limits of the area comprised in the scheme may provide for the following matters, that is to say- .
 - (a) the acquisition of any land necessary in the opinion of the Authority for its execution ;
 - (b) the laying out afresh of all or any lands so acquired including the construction and re-construction of buildings by the Authority or by persons authorized by the Authority in that behalf, and the laying out, construction and alteration of streets and thoroughfares;
 - (c) the draining, water supply and lighting of streets and thoroughfares so laid out, constructed or altered ;
 - (d) the raising, lowering or reclamation of any land vested in or to be acquired by, the Authority for the purposes of the scheme ;
 - (e) the provision of open spaces for the better ventilation of the area comprised in the scheme ;
 - (f) the acquisition of any land adjoining any street, thoroughfare, or open space to be formed under the scheme.

30. Deferred street schemes:–

- (1) Whenever the Authority is of the opinion that it is expedient for any of purposes mentioned in this Act to provide for the ultimate widening of any street by drawing up new alignments therefore but that it is not expedient immediately to acquire all or any of the properties lying between the existing alignments, and the aforesaid new alignments, the Authority may pass a resolution to that effect, and shall proceed to make a scheme to be called a “deferred street scheme” and draw up an alignment for each side of the street.
- (2) A deferred street scheme shall provide for;
 - (a) the acquisition, within the time limit specified in the scheme (which may be extended by the Government), of the whole or any part of any property lying within the improved alignments ;

- (b) the laying out afresh of all or any such property including the construction and reconstruction of any building by the Authority or by any other person, and the formation and alteration of any street ;
 - (c) the drainage, water-supply and lighting of any street so formed or altered.
- (3) After a deferred street scheme has been sanctioned by the Government;
- (a) no person shall, except with the written permission of the Authority, erect, re-erect, add to or alter any building or wall so as to make the same project beyond the improved alignment of the street :
 - (b) if the Authority fails to acquire or to institute proceedings for the acquisition of any property within the improved alignment of any street within the time limit specified in the scheme or extended by the Government, the owner of such property may at any time thereafter give the Authority notice requiring it to acquire or to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice, and thereupon the Authority shall itself acquire the property or institute proceedings to acquire the same, and if the Authority fails itself to acquire the property or to institute the proceeding, it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure;
 - (c) before proceeding to acquire any property lying within the improved alignment of any street (other than property regarding which it has received a notice under sub-clause (b), the Authority shall give six months' notice to the owner of its intention to acquire such property ;
 - (d) notwithstanding anything contained in the Municipal Act, the Corporation shall have no power to require any alignment of a street within the limits of the scheme and any alignment previously so required within such limits shall cease to be the alignment of the street.

31. Development schemes:–

- (1) In regard to any Area the Authority may, and if so directed by the Government shall, prepare a scheme of proposed public streets with plans showing, with reference to the locality to be developed and the purposes for which particular portions of such locality are to be utilized, the direction of such streets, the street alignment and building line on each side of them, their, intended width and such other details as may appear desirable.
- (2) When any such scheme has been notified under this Act the street to which it refers shall be deemed to be a projected public street.
- (3) No person shall, without the permission of the Authority, erect, re-erect, add to, or alter any building, or wall so as to make the same project beyond the street alignment or beyond the building line shown in any plan so adopted.
- (4) If the Authority refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid and if it does not proceed to acquire such land within one year from the date of such refusal. The Authority shall pay

reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

- (5) When any building or wall projecting beyond or remaining behind the street alignment or building line shown in any plan adopted as aforesaid has fallen, or been demolished or otherwise damaged beyond repair, the Chairman may by written notice require or permit the same to be set back, or set forward, as the case may be, from or towards the street alignment or building line.
- (6) When any building or wall is required under clause (5) to be set back or set forward and is so set back or set forward accordingly, the Authority shall make full compensation to the owner of the building or wall for any damage that he may sustain thereby.
- (7) If the setting forward of any building or wall in pursuance of a notice under clause (5) brings with the precincts of the building or wall set forward any land belonging to the Authority, the notice shall operate as a conveyance of such land to the owner of the building or wall on the terms and conditions specified in the notice.
- (8) Any owner aggrieved by any term or condition aforesaid may within fifteen days of the communication to him of such term or condition, apply to the Chairman in writing for a reference of his case to the Tribunal and the Chairman shall forthwith refer the case to the Tribunal, and the decision of the Tribunal shall be final.
- (9) When any scheme under this Article is sanctioned by the Government, then notwithstanding anything contained in the Municipal Act, the Corporation shall have no power to require the alignment of any street within the limits of the scheme, and any alignment previously required within such limits shall cease to be the alignment of the street.

32. Housing schemes:– Whenever the Authority is of the opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants of any area, the Authority may frame a scheme, to be called a “housing scheme.”

33. Town expansion schemes:–

- (1) Whenever the Authority is of the opinion that it is expedient and for the public advantage to control and provide for the future expansion or development of the City, the Authority may, and if so directed by the Government shall, frame a scheme to be called a “town expansion scheme”.
- (2) Such scheme shall ordinarily be framed in respect of an area wholly without, wholly within, or partly within and partly without, the City;
Provided that the Government shall, before giving its sanction to any such scheme, satisfy itself that a development scheme under this Act in respect of the area would not be suitable.
- (3) Such scheme shall specify the proposed layout of the area to be developed and the purposes to which particular portions thereof are to be put,
- (4) After any such scheme has been notified no person, shall, without written permission of the Authority, erect, re-erect, add to or alter any building or wall within the area comprised in the scheme.

- (5) If the Authority refuses to grant permission to any person to erect, re-erect, add to or alter any building or wall on his land in the area aforesaid and does not proceed to acquire such land within one year from the date of such refusal the Authority shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

34. Zonal Plan Schemes:—

- (1) The Authority may, from time to time, in regard to any area wholly within or wholly without or partly within and partly without the City, make Zonal Plans showing the purpose for which any land in any area shall be primarily used; such plans may indicate any area reserved for residential purposes, commercial purposes, industrial purposes, agricultural purposes, open spaces, height, coverage, type, density, spacing and any other purpose, which the Authority may consider necessary.
- (2) The procedure laid down in this Act for proposed deferred street scheme shall, so far as applicable apply to plans under clause (1).
- (3) An order of the Government sanctioning the Zonal Plan Scheme shall be notified in the official Gazette and thereafter it shall be unlawful for any person to use or cause to be used any land for any purpose other than that laid down in the Zonal Plan Scheme unless he has been permitted to do so under clause (4).
- (4) If any person desires to use any land for any purpose other than that laid down in the Zonal Plan Scheme notified under clause (3), he may apply to the Authority for permission to do so and the Authority may order a public hearing and give notice to all persons it deems affected.
- (5) If the Authority refuses permission to any person, such person may within thirty days of the Authority's refusal, move the Government for a revision of the case.
- (6) The decision of the Government on any such revision shall be final.

35. Schemes for Revitalization of Historic Cores

- (1) The Authority may, from time to time, in regard to areas that are defined as heritage district/heritage core, make revitalization Plans for arresting urban decay and regeneration of such areas with the following considerations:
 - (a) Ensuring protection of heritage assets and adopting adaptive re-use methodologies.
 - (b) Removing those activities and trades that are detrimental to health and which aggravate vehicular traffic through delivery of goods.
 - (c) Providing guidance and exploring funding sources for heritage restoration.
 - (d) Preventing densification of the area by limiting FAR of new buildings or establishing air-rights options.
 - (e) Promoting pedestrian enclaves and increased plantation to ensure environmental improvement.

36. Construction of all buildings, structures etc. in an area under various Schemes:—

1. All plans with proposals for the erection of buildings or structures in any area covered by a Scheme shall be submitted to the SBCA.
2. The SBCA may refuse sanction, if the purpose for which the proposed building or structure is to be used is contrary to the provision made in the such Scheme sanctioned by the Government, or if the proposed height coverage, or elevation of the proposed building or structure is unsuitable, for the locality or is likely to deteriorate the value of adjoining lands or on any other reasonable grounds.
3. If the SBCA refuses sanction under clause (2), it shall communicate the reasons for such refusal to the owner of the site and forward a copy of such refusal to concerned office.
4. The owner of the site may, within a period of one month from the date of issue of the SBCA's refusal, move the Authority to review the case and the decision of the Authority thereon shall be final.
5. The SBCA or any other local Authority shall refuse to grant permission for erection of any structure or building which is not sanctioned by the Authority.
6. The Authority may make regulations for giving effect to the provisions of this Article.

**PROCEDURE TO BE FOLLOWED IN FRAMING DEVELOPMENT,
IMPROVEMENT, HOUSING AND OTHER SCHEMES**

37. Official representation:–

- (1) An improvement scheme may be framed by the Authority of its own motion, or on an official representation by the order of the Government in writing.

38. Consideration of official representation:–

- (1) The Authority shall consider every official representation made under this Act, and, if satisfied of the necessity for an improvement scheme on the lines recommended therein and of the sufficiency of its resources for executing such scheme. It shall decide whether the scheme should be framed forthwith or not, and shall intimate its decision to the body which made the representation.
- (2) If the Authority decides that it is not necessary or that it is not expedient to frame any improvement scheme or to frame a scheme forthwith, it shall inform the aforesaid body of the reasons for its decision.
- (3) If the Authority fails, for a period of twelve months after the receipt of any official representation made under this Act, to intimate its decision thereon to the body which made the representation, or intimate a decision that it is not necessary or that it is not expedient to frame an improvement scheme forthwith or 3 decision to frame a scheme of a kind other than that recommended by the said body, the body may, if it thinks fit, refer the matter to the Government.
- (4) The Government shall consider every reference made to it under clause (3), and;
 - (a) if it considers that the Authority ought, in the circumstances, to have made a decision within the period mentioned in clause (3). it shall direct the Authority to make a decision within such further period as the Government may think reasonable, or
 - (b) if it considers that it is, in the circumstances, expedient that a scheme should forthwith be framed, it shall direct the Authority to proceed forthwith to frame a scheme, and in giving such direction may prescribe the kind of scheme to be framed.
- (5) The Authority shall comply with every direction given by the Government under clause (4).

39. Matters to be considered when framing improvement schemes:– When framing an improvement Scheme in respect of any area, the Authority shall have regard to

- (a) the nature and the conditions of neighboring areas of the City as a whole ;
- (b) the directions in which the City appears likely to expand ; and
- (c) the likelihood of improvement schemes being required for other parts of the City.

40. Preparation, publication and transmission of notice as to improvement scheme and supply of documents to applicants:–

- (1) When any improvement scheme has been framed, the Authority shall give notice thereof specifying

- (a) the boundaries of the area comprised in the scheme, and
 - (b) the place at which particulars of the scheme may be seen at reasonable hours.
- (2) The Authority shall:
- (a) cause the said notice to be published weekly for three consecutive weeks in the official Gazette and in newspapers, specifying the period within which objections will be received, and
 - (b) send a copy of the notice to the concerned office, if any such scheme affects any such agency or has been undertaken at the request of any of them.
- (3) The Chairman shall cause copies of all documents containing particulars of the scheme to be delivered to any applicant on payment of the fee fixed by the Authority,

41. Transmission to the Authority of representation by Corporation, etc.:– The concerned office, to whom a copy of a notice has been sent under this Act shall, within a period of thirty days from the receipt of the said copy, forward to the Authority any representation which the concerned office thinks fit to make with regard to the scheme.

42. Notice of proposed acquisition of land:–

- (1) During the thirty days following the day on which the first notice required under this Act in respect of any improvement scheme is first published, the Authority shall serve a notice on
- (2) Such notice shall :
 - (a) every person whose name appears in the assessment list of the concerned office as being primarily liable to pay property tax on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Authority proposes to recover a betterment fee.
 - (b) every occupier (who need not be named) of premises entered in the assessment list of the concerned office which the Authority proposes to acquire in executing the scheme, and
- (3) Every such notice shall be signed by the Chairman or by a person authorized by him in that behalf.
 - (a) state that the Authority proposes to acquire such land or to recover such betterment fee for the purpose of carrying out an improvement scheme, and
 - (b) require such person or occupier, if he objects to such acquisition or recovery, to state his reasons in writing within a period of thirty days from the service of the notice.

43. Furnishing of copies or extract from the assessment book of the Concerned Office etc.:– The concerned office shall furnish the Chairman at his request with a copy of, or extracts from, the assessment list of the concerned office on payment of such fees as may be prescribed by rules.

44. Abandonment of improvement Scheme, or application to Government for sanction:—

- (1) After considering any objection and representation received in pursuance of Articles under this Act and after hearing all persons making any such objection or representation who may desire to be heard, the Authority may either abandon the scheme by an order published in the official Gazette or proceed therewith in accordance with the provisions of this Act.
- (2) Any persons whose objection or representation has been refused may within 15 days after such refusal appeal to the Government in writing and the Government shall dispose of it within 60 days thereafter and its decision shall be final.

45. Notification of sanction of a scheme:—

1. An order of the Government sanctioning any scheme shall be published in the official Gazette and except in the case of a deferred street scheme, a development scheme or a town expansion scheme, the Authority shall forthwith proceed to execute the same either directly or through an agency sponsored by it under this Act.
2. The publication of a sanction under clause (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

46. Alteration of improvement scheme after sanction:— At any time after an improvement scheme has been sanctioned by the Government and before it has been completed, the Authority may alter it ; Provided that

1. If any alteration is considered likely to increase the estimated net cost of executing a scheme by more than ten percent, or by more than fifty thousand rupees, such alteration shall not be made without the previous sanction of the Government ;
2. If any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Government, the procedure mentioned in the foregoing Authority of this Chapter shall, so far as applicable, be followed as if the alteration were a separate scheme;
3. If any alteration renders any land not previously liable under the scheme to the payment of a ; betterment fee liable to such payment the procedure prescribed in this Act shall so far as applicable be followed in regard to such land.

47. Combination of improvement scheme:— The Authority may at any time include in a combined scheme the improvement scheme framed or proposed to be framed for two or more areas;

- (1) The Authority shall, immediately after any housing scheme is sanctioned by, or altered with approval of, Government, submit to the *concerned Dy. Commissioner* the details including the survey numbers, area and location of each plot reserved for roads, hospitals, schools, colleges, libraries play-grounds, gardens, parks, community centers, mosques, grave yards or such other purpose and the *concerned Dy. Commissioner* shall notify such details in the official Gazette.

- (2) The Authority or the Housing Society may at any time prior to utilization of any plot reserved for the purpose mentioned in sub-section (1), apply to the Commissioner for conversion of such plot to any other purpose. *Provided that percentage of the prescribed amenities shall be maintained. However resting of such amenities shall be allowed.*
- (3) The Commissioner shall, on receipt of an application under sub-section (2), invite objections from the general public through a notice published in one English and vernacular leading local daily newspaper and the objections, if any, shall be submitted to the Commissioner within 30 days from the date of the publication of the notice.
- (4) The Commissioner shall, after considering the objections received under sub-section (3) and hearing such persons as he may consider necessary forward his recommendations along with the application and other connected papers to Government for orders.

48. Submission of list of schemes to Government:– The Authority shall, at the close of every financial year, submit to the Government in the prescribed form a list of all the schemes sanctioned under this Act, showing the progress made with respect to each scheme.

49. Width of street and levelling, etc. thereof:–

- (1) No street laid or altered by the Authority shall be less than forty feet wide, if it is intended for vehicular traffic, or less than twenty feet wide, if it is intended only for pedestrian traffic : Provided that
 - (i) the width of an existing street need not be increased to the minimum required by this sub-section is, in the opinion of Authority, such increase is impracticable ; and
 - (ii) nothing in this sub-section shall apply to service passages for sanitation.
- (2) In every street laid out or altered by the Authority, the Authority shall make provision for the levelling, paving, metalling flagging, channeling, seweraging and draining of the street and the provision therein of lighting, water and sanitary conveniences ordinarily provided in a municipality.

50. Transfer to the Authority for purposes of improvement scheme of building or land vested in the concerned office:–

- (1) Whenever any building, or any street, open space, or other land, or any part thereof, which is situated in the Karachi Division and is vested in the Corporation, *Development Authorities, private housing schemes, B.O.R.*, the Karachi Port Trust, the Cantonment Boards, or any other local authority is within the area, of any improvement scheme and is required for the purposes of such scheme, the Authority shall give notice accordingly to the *concerned* Authority as the case may be, and such building, street, open space, other land or part thereof shall thereupon vested in the Authority.
- (2) Where any land situated in the province vests in the Authority under clause (1) and the Authority makes a declaration that such land shall be retained by the

Authority only until it re-vests in the concerned authority or other local authority and part of a street or an open space under this Act, no compensation shall be payable by the Authority to the concerned office in respect of that land.

- (3) Where, any land or building vests in the Authority under clause (1) and no declaration is made under clause (2) in respect of the land, the Authority shall pay to the concerned office or local authority, as the case may be, as compensation a sum equal to the market value of such land or building on the date of the publication of the sanction under this Act, and where any building situated on land in respect of which a declaration is made by the Authority under clause (2) is vested in the Authority under clause (1), like compensation shall be payable in respect of such building by the Authority.
- (4) If the Authority, having made a declaration in respect of any land under clause (2), retains or disposes of the land under clause (2) retains or disposes of the land contrary to the terms of the declaration so that the land does not vest in the concerned office, or local authority, the Authority shall pay to the concerned office or local authority compensation in respect of such land in accordance with the provisions of clause (3).
- (5) If any question of dispute arises:—
 1. whether compensation is payable under clause (3) or clause (4), or
 2. as to the amount of the compensation paid or proposed to be paid under clause (3) or clause (4), or
 3. whether any building or street, or open space or other land, or any part thereof is required for the purposes of the scheme, the matter, shall be referred to the Government whose decision shall be final.

51. Transfer of private street or open space to Authority for purpose of improvement scheme:—

- (1) Whenever any street or open space or part thereof which is not vested in the Authority or in the concerned office, or local authority is needed for executing any improvement scheme, the Authority shall cause to be affixed in a conspicuous place in or near such street, open space or part a notice signed by the Chairman or someone authorized by him and;
 - (a) stating the purpose for which the street, open space or part is needed, and
 - (b) declaring that the Authority will, on or after to be specified in the notice, take over charge of such street, open space or part from the owner thereof, and shall simultaneously send a copy of such notice to the owner at his last known address.
- (2) After considering, any objection received in writing before the date specified under sub-clause (b) of clause (1), the Authority may take charge of such street, open space or part, and the same shall thereupon vest in the Authority,
- (3) When the Authority alters or closes any, streets or open space or part thereof which has vested in it under clause 2', it shall pay reasonable compensation to the owner for the loss of his rights therein.
- (4) If the alteration or closing of any street, open space or part causes damage or substantial inconvenience to anyone having property right therein the Authority;

- (i) shall forthwith provide some other reasonable means of access for the use of such person, and
- (ii) If the provision of such means of access does not sufficiently compensate him for such damage or inconvenience shall also pay him reasonable compensation in money.

52. Provision of drain or water work to replace another situated on old land vested in the Authority:—

- (1) Where in any building, or street, open space or other land, or part thereof, referred to in this Act there is any drain, water-work, electric main or installation belonging to the Concerned office, or other local authority, such drain, water-work, electric main installation shall not vest in the Authority until the Authority has provided, if such provision is necessary, another drain, water-work, electric main or installation.
- (2) If any dispute arises whether another drain, water-work, electric main or installation is necessary, or as to the sufficiency of any drain, water-work, electric main or installation provided by the Authority under clause (1) such dispute shall be referred to the Government, whose decision thereon shall be final.

53. Powers of Authority to turn or close public street or open space vested in it:—

- (1) The Authority may;
 - (a) turn, divert, discontinue the public use of, or permanently close, any public street vested in it or any part thereof, or
 - (b) discontinue the public use of, or permanently close, any open space vested in it or any part thereof.
- (2) Whenever the Authority discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled Otherwise than as a member of the general public, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.
- (3) Whenever the Authority discontinues the public use of, or permanently closes, any open space vested in it, or any part thereof, it shall pay reasonable compensation to every person
 - (a) who was entitled, otherwise than a member of the general public, to use such open space or part as a means of access, or
 - (b) Whose immovable property was ventilated by such open space or part, and who has suffered damage—
 - (i) in case (a), from such discontinuance or closing, or
 - (ii) in case (b), from the use to which the Authority has put such open space or part or has allowed the same to be put.
- (4) In determining the compensation payable to any person under clause (2) or clause (3), the Authority shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or open space at or about the same time that the public street or part thereof on account of which the compensation is paid, is discontinued, or closed.

- (5) When any public street or open space vested in the Authority, or any part thereof, is permanently close, the Authority may, subject to such conditions as may be prescribed, sell, lease or otherwise dispose-off, so much of the same as is no longer required.
- (6) In this Article the power to turn includes the power to alter the direction of traffic in that street, the gradient or levels of the sewers connected therewith.

54. Violations under this Act:

All violations under this Act shall result in departmental action and inquiries and penal action under the relevant Laws and Rules to be made under this Act.

55. Disputes to be referred to Tribunal:—

- (1) If any dispute arises:—
 - (a) between the Authority and the previous owner of any street or open space or part thereof which has vested in the Authority under this Act and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under this Act, or
 - (b) between the Authority and any person who was entitled, otherwise than as a member of the general public, to use as a means of access any street or open space thereof which has vested in the Authority under this Act. —
 - (i) whether the alteration or closing of such street, open space or part causes damage or substantial inconvenience to owner of property adjacent thereto or to residents in the neighborhood, or
 - (ii) whether the other means of access provided or proposed to be provided under this Act are reasonably sufficient, or
 - (iii) as to the sufficiency of any compensation paid or proposed to be paid under this Act, or
 - (c) between the Authority and any person as to the sufficiency of any compensation paid or proposed to be paid to him under this Act.

the matter shall be determined by the Tribunal if referred to it by the Authority or by the claimant within a period of three months from

in case (a) or case (b)-the date on which the street or open space or part thereof was altered or closed by the Authority, and

in case (c)--the date on which the said person was informed of the decision of the Authority fixing the amount of compensation to be paid to him or rejecting his claim to compensation, and the determination of the tribunal shall be final.

- (2) If a reference to the Tribunal is not made within the period prescribed by clause (1), the decision of the Authority shall be final.
- (3) For the purpose of determining any matter referred to it under clause (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by this Act, were applicable to the case.

56. Over ridding effect

The provisions of master planning, town planning from SBCO, 1979, Karachi Development Authority Order-1957, Hyderabad Development Authority Act-1976, Lyari Development Authority, Malir Development Authority & Larkana Development Authority Act-1994 shall stand repealed.

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