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**THE SIND BUILDINGS CONTROL
ORDINANCE, 1979**

WITH

**KARACHI BUILDING CONTROL LICENCING
REGULATIONS, 1982**

**3RD EDITION
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THE SINDH BUILDINGS CONTROL ORDINANCE, 1979

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THE SINDH BUILDINGS CONTROL ORDINANCE, 1979

[Sindh Govt. Gazette, Est. March 3, 1979]

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi, the 3rd March, 1979

No. S. Legis. 1 (5)/79.-The following Ordinance by the Governor of Sindh is hereby published for general information:-

THE SINDH BUILDINGS CONTROL ORDINANCE, 1979

SINDH ORDINANCE No. V of 1979

AN ORDINANCE

to provide for regulation of the planning, construction, control and demolition of buildings and disposal of buildings and plots in the Province of Sindh.

Preamble.-Whereas it is expedient to regulate the planning, quality of construction and buildings control, prices charged and publicity made for disposal of buildings and plots by builders and societies and demolition of dangerous and dilapidated buildings in the Province of Sindh;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977 and the Laws (Continuance in Force) Order, 1977, the Governor of Sindh is pleased to make and promulgate the following Ordinance :-

1. Short title, commencement and extent.-(1) This Ordinance may be called the Sindh Buildings Control Ordinance, 1979.

(2) It shall come into force from such date and in such area as Government may, by notification, specify.

(3) Government may, by notification, exclude any area from the operation of all or any of the provisions of this Ordinance.

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

3. Definitions.-(1) In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "architect" means an architect who has been granted a licence under this Ordinance;

¹Section 3 substituted by the Sindh Buildings Control (Amendment) Ordinance, 1982, (Sindh Ord., III of 1982), dated 6-3-1982.

- (b) "Authority" means the Authority appointed under section 4;
- (c) "builder" means a person or body of persons, including a society engaged in construction of a building on contract, or, as owner or agent of the owner for the purpose of transferring such building on hire or by sale or on the basis of ownership, but does not include a person or persons engaged as masons or such other artisan;
- (d) "building" means a building or part thereof and includes all fittings, fixtures, installations, signs and display structures of the building, but does not include any building notified by the Authority;
- (e) "building designer" means a building designer who has been granted a licence under this Ordinance;
- (f) "building supervisor" means a building supervisor who has been granted a licence under this Ordinance;
- (g) "developer" means a person or body of persons including a society, engaged in developing a plot, or plots for any kind of building activity, for transfer by allotment to the members if the developer be a society, or to other persons on basis of ownership or by sale;
- (h) "fund" means the fund of the Authority, constituted under section 4-C;
- (i) "Government" means the Government of Sindh;
- (j) "inspecting architect" means an inspecting architect who has been granted a licence under this Ordinance;
- (k) "inspecting engineer" means an inspecting engineer who has been granted a licence under this Ordinance;
- (l) "prescribed" means prescribed by rules or regulations made under this Ordinance;
- (m) "private building" means a residential building of not more than three floors including ground floor constructed on a plot of any size or a commercial building of not more than three floors including ground floor constructed on a plot not exceeding four hundred square yards, (367 sq. meters) not meant for transfer by sale or on the basis of ownership and does not include a building like a mosque, auditorium, cinema or such other building;
- (n) "proof engineer" means a structural engineer whose name is borne on the panel of proof engineers maintained by the Authority;
- (o) "public building" means a building other than a private building;
- (p) "quality control" means the standards fixed or any code of practice of quality control recognized by the Authority for construction of buildings or development of plots;
- (q) "regulations" means the regulations made under this Ordinance;
- (r) "rules" means rules made under this Ordinance;
- (s) "Society" means a society which directly or indirectly deals with providing plots to its members for housing, commercial or industrial purposes;

- (t) "structural engineer" means a structural engineer who has been granted a licence under this Ordinance;
- (u) "town planner" means a town planner who has been granted a licence under this Ordinance.

(2) The expressions used but not defined in this Ordinance shall have the meanings assigned to them in the Sindh Local Government Ordinance, 1979.]

¹[4. Authority.-(1) Government may, by notification, appoint any body corporate or council, or any department of such body corporate or council, or any Government department or functionary or any organization to act as Authority for such area as may specified in notification.

(2) Where a body corporate, a council, or an organization, or any Government department or department of body corporate or council is appointed as Authority, the Chief Executive or incharge of such body corporate, or council or organization or department, as the case may be, shall act as the Chief Executive of the Authority.

(3) The Authority for any area shall be known after the name of that area and shall sue and be sued in such name.

4-A. Officers and Servants of the Authority.-(1) The Authority may appoint such Officers, advisers, experts, consultants, and employees for efficient performance of its functions and on such terms and conditions, as may be prescribed.

(2) All Officers, advisers, experts, consultants, and employees appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860) and shall be subject to such disciplinary action as may be prescribed.

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

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

(2) The fund shall consist of-

- (i) grant-in-aid made by Government or received from any other source including foreign aid;
- (ii) loans raised or obtained by the Authority;
- (iii) fees and other sums received by the Authority under this Ordinance.

(3) All the moneys in the fund shall be kept in a Bank approved by the Authority.

(4) The Authority may invest its funds in any security of the Federal Government or Provincial Government or any other security approved by Government.

(5) The fund shall be utilised for carrying out the purposes of this Ordinance.

(6) The Authority shall maintain or cause to be maintained complete and accurate accounts of the fund in such manner or form as may be prescribed by rules.

¹For section 4, new sections 4, 4-A, 4-B and 4-C, substituted by the Sindh Buildings Control (Amendment) Ordinance, 1982 (Sindh Ord., III of 1982).

(7) The accounts of the Authority shall be audited at least once in every financial year by such auditors or accountants, as may be approved by Government.]

¹[5. Sale of Plots.-(1) No developer shall transfer any plot or plots on the basis of ownership or by sale or advices such transfer, without obtaining a no objection certificate from the Authority in the manner and on payment of such fee as may be prescribed.]

(2) Where the Authority is satisfied that the development of the plots made or proposed to be made, is below the standard laid down by the Authority, it shall refuse to give the no objection certificate under sub-section (1).

(3) Where the developer has failed to deliver the possession of the plot mentioned in sub-section (1) by the date specified in the agreement with the transferee, he shall, unless the date has, on his application, been extended by the Authority, pay such interest not exceeding the interest payable by a Scheduled Bank as may be prescribed on the amount paid by the transferee.

(4) The provisions contained in sub-sections (1), (2), (3), (4), (5) and (8) of section 12 shall *mutatis mutandis*, be complied with by the developer in respect of the plot or plots mentioned in sub-section (1).

(5) The provisions contained in section 15 shall *mutatis mutandis* apply to the transferee of a plot or plots mentioned in sub-section (1).]

6. Approval of plan.-(1) No building shall be constructed before the Authority has, in the prescribed manner, approved the plan of such building and granted no objection certificate for the construction thereof on payment of such fee as may be prescribed:

Provided that in the case of a building the construction whereof has commenced before coming into force of this Ordinance, the Authority's approval of the plan and no objection certificate shall be obtained not later than six months after the enforcement of the Ordinance.

²[Explanation.-The word "construct" with all its variations used in this section and hereafter shall include "reconstruct" with all its variations and, additions or alterations.]

(2) No building mentioned in sub-section (1) shall be occupied by any person or shall be allowed by the builder to be occupied, before the Authority has, on application of the occupant or owner, issued occupancy certificate, in such manner as may be prescribed.

(3) No building mentioned in sub-section (1) shall, except with the permission of the Authority, be used for the purpose other than that for which its plans were approved.

(4) Where the Authority is satisfied that the purpose for which the building is desired to be used is consistent with the approved plans of the building, it may grant the permission under sub-section (3) on such conditions and on payment of such fees as it may fix.]

³[(5) At any time after a no objection certificate has been issued under sub-section (1) but before the completion of building Government may, if it is satisfied that the construction of any type of building or buildings in any area is not in the public interest

¹Section 5, substituted by the Sind Bldgs. Control (Amendment) Ord., 1982, (Sind Ord., III of 1982), dated 6-3-1982.

²The explanation, sub-entries (2), (3) and (4) of rule 6 inserted *ibid*.

³Added by the Sind Buildings Control (Second Amendment) Ordinance, 1990 dated 4th Sept., 1990.

or is otherwise in expedient notwithstanding anything contained in this Ordinance, rules or regulations made thereunder and without notice suspend or cancel the certificate.

Explanation.-The expression "completion of building" used in this sub-section means the completion of building in all respects according to the approved plan and in respect whereof occupancy certificate has been issued.

(6) Where any order is passed under sub-section (5), the matter shall be reprocessed by the Authority in accordance with such directions as may be given by Government.]

⁴[6-A. Information for no objection certificate.-A builder or developer shall for the purpose of obtaining no objection certificate under section 5 or as the case may be, under section 6 furnish full and true information as to the following duly attested in the manner as may be prescribed:-

- his own title, and title or interest of any other person or any encumbrance such as mortgage or lease or licence in respect of the land on which a building is to be constructed or which it to be developed into plots;
- plans, specifications, design, and materials to be used, as approved by the Authority;
- all money payable under any law for the time being in force in respect of the building or plot as the case may be, which may include taxes, ground rent, revenue assessment, electricity and water charges;
- such other information and documents as may be specified by the Authority.]

⁵[7. Preparation of plans.-(1) The plan submitted to the Authority under section 6 shall be prepared by and under the supervision of, and signed by, such person or persons referred to in sub-section (1) of section 8 as may be prescribed:

Provided that a structural engineer shall be associated with the architect to prepare the structural designs and drawing and sign them if the building:-

- is sixteen meters or more in height from the plinth level;
- consists of five or more storeys, in addition to the ground floor;
- consist of two or more storeys, in addition to the ground floor, situated in the coastal areas notified by the Authority;
- is considered by the Authority to be of special nature.

Provided further that a town planner shall, in addition to structural engineer, be associated to assist the architect in preparation of the plan if the building is constructed on a plot of two acres or more and the Authority deems that association of town planner is necessary and in that case the plan shall be signed also by the town planner.

(2) An inspecting engineer shall be engaged for supervision of construction of a building other than a single or double storeyed building on an area not exceeding four hundred square yards the construction whereof may, instead of inspecting engineer, be entrusted to the supervision of a building supervisor, and the inspection engineer or as the case may be, the building supervisor shall sign the plan of the building.

⁴The explanation, sub-entries (2), (3) and (4) of rule 6 and rule 6-A inserted by the Sind Buildings Control (Amendment) Ordinance, 1982, (Sind Ord., III of 1982), dated 6-3-1982.

⁵Rules 7 substituted *ibid*.

(3) The builder and any person or persons associated in any manner with the building including its plan and construction shall be liable for the defects in the structure, plan and construction thereof to such extent and manner as may be determined by the Authority.

(4) The Authority may, for the reason of safe and sound construction, refer the structural design of any building for further examination to a proof engineer who shall scrutinize the design and, if necessary, modify it and the fees or any charges in connection therewith shall be borne by the builder.

¹[7.A. Violation of certain provisions.-Where the provisions of sub-section (1) of section 6 are violated the building may without prejudice to any other action including sealing of the building or ejection of the occupants be ordered by the Authority or any officer of the Authority authorized in this behalf to be demolished, at the cost of the builder in the case of public buildings and the owner in other cases.]

¹[8. Grant of licence.-(1) No person or body of persons shall not as architect, building designer, inspecting engineer, inspecting architect, building supervisor, structural engineer or town planner except with a licence granted by the Authority in the manner, and on the terms and conditions as may be prescribed:

Provided that any licence granted under any other law for the time being in force shall expire after six months from the date of the coming into force of the Sind Buildings Control (Amendment) Ordinance, 1982.

(2) No licence under sub-section (1) shall be granted unless an architect building designer inspecting engineer, inspecting architect, building supervisor, structural engineer or town planner possesses such qualifications as may be prescribed.]

(3) The functions of and remuneration payable to an architect, building designer, inspecting engineer, inspecting architect, building supervisor, structural engineer or town planner shall be regulated in such manner as may be prescribed.]

¹[9. Grant of licence to builder or developer.-No builder or developer shall engage in construction or transfer of a building or, as the case may be, development or transfer of a plot, or plots except with a licence granted by the Authority in the manner and on the terms and conditions including fees as may be prescribed.]

²[10. Licensing Board.-(1) Notwithstanding any other provision of this Ordinance, Government may by notification constitute a Licensing board for the whole Province to grant licences to the persons referred to in sub-section (1) of section 8.

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

²[10-A. Appointment of Committees and Sub-Committees.-The Authority may appoint committees or sub-committees which shall subject to control and direction of the Authority exercise such powers and perform such functions as may be assigned to them by the Authority.]

¹Rule 7-A, inserted and rules 8 and 9, substituted by the Sind Buildings Control (Amendment) Ordinance, 1982, (Sind Ord., III of 1982), dated 6-3-1982.

²For section 10, new sections 10 and 10-A; substituted Ibid.

11. Inspection of building or plot.-¹[(1) The Authority may authorize any officer not below grade 17 of the national scales of pay to inspect any building under construction or any plot developed or being developed in any locality or localities or as may be assigned to such officer for the purpose of quality control.]

(2) If in the opinion of the officer authorized under sub-section (1) the construction of any building is not in accordance with the plan or the specifications approved by the Authority or any material used in the construction is of sub-standard or is not of the quality or type mentioned in the advertisement under section 12, such officer may, by order in writing issue any direction, and it shall be the responsibility of the builder and all those concerned with the construction of the building to carry out such direction or he may require that the construction be suspended until any further direction is issued either by him or by the authority, or order that the construction which in his opinion is defective be demolished at the cost of the builder.

12. Sale of buildings.-¹[(1) No builder shall sell or, advertise for sale any building, through any audiovisual aids or any other means before he has obtained approval in writing of the Authority, and he shall mention such fact in the advertisement which will further specify all such details about the building as may be prescribed.]

(2) The approval granted by the Authority under sub-section (1) shall be displayed at a conspicuous place in the office in the builder, if any, and at the site of the building.

(3) The builder shall not entertain and register any application made in response to the advertisement under sub-section (1), if it is in excess of the number of housing units provided in the building.

¹[(4) Where any application is made in response to the advertisement, an agreement shall be executed between the builder and the applicant for construction and transfer of the building and the agreement shall, inter alia, specify the date by which the construction shall be completed and possession of the building shall be delivered and the total price to be paid in lump-sum or in instalments and also the interest payable by either party in the event of default:

Provided that the payment if any made by the applicant before the execution of the agreement shall not exceed such maximum of the total price as may be specified by the Authority.

(5) Notwithstanding the agreement mentioned in sub-section (4) no builder shall cancel the transfer by sale or otherwise without observing the prescribed procedure.

(6) No builder shall without approval of the Authority, make any alterations in the structures described in the plans, design and specifications approved by the Authority.

(7) The builder shall take out a contractors All Risk Insurance Policy in respect of the building which shall also cover losses arising out of defects in design and earthquakes.

(8) The builder shall maintain a list of buildings already constructed or transferred by him with full particulars as may be specified by the Authority, including the names, and addresses of the transferees, and the terms and conditions on which the buildings were transferred and shall, on demand of the Authority furnish a copy of such list or part thereof.

(9) Where any structural defect in the building or the material used in construction thereof or any unauthorized change therein is brought to the notice of the builder within

¹Sub-section (1) of section 11 and sub-sections (1) of section 12 substituted; and (4) to (9) of section 12 added by the Sind Buildings Control (Amendment) Ord., 1982, (Sind Ord., III of 1982), dated 6-3-1982.

a period of one year in respect of structure and, six months in respect of the fixtures, from the date of offering physical possession to the transferee such defect or unauthorised change shall be removed without any additional cost from the transferee or appropriate compensation be paid to him, and in the case of dispute as to the defect or change or quantum of compensation the decision of the Authority shall be final.]

13. Increase of sale price.—(1) The sale price of a building advertised under section 12, ¹[or agreed upon between the parties for sale before the commencement of this Ordinance shall not, after the advertisement or agreement] be increased except with the approval of the Authority who may, after taking into consideration the rise in cost of building material and wages of the labour and such other expenditure, allow such increase as the Authority deems fit.

(2) Where a building cannot be completed by the date mentioned in the ¹[advertisement or offer] the Authority may on application made in this behalf, extend the period for completion of the building.

(3) Where a building has not been completed by the date mentioned in the ¹[advertisement or offer] and the application under sub-section (2) has been rejected, the builder shall be liable to pay interest at such rate not exceeding the rate charged by a Scheduled Bank and in such manner as may be prescribed, to the buyer of the building, on the amount of the sale price paid by such buyer for the period by which the completion of the building has been delayed.

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

14. Dangerous Buildings.—(1) If it comes to the notice of the Authority that a building is likely to collapse, the Authority may, after such enquiry as it deems fit order for carrying out the specific repairs or demolition of the whole or part of the building.

(2) Where the specific repairs are to be carried out, the Authority may, by notice, require the owner of building or in the event of his failure the occupier thereof to carry out such repairs within such period as may be specified in the notice and if the repairs are not carried out within the specified period, the Authority may, notwithstanding any other law for the time being in force proceed to have the building demolished and the cost of demolition shall be recovered from the owner as arrears of land revenue.

(3) Where the whole or a part of the building is to be demolished, the Authority may, by notice, require the occupier or occupiers thereof to vacate the building within the period specified in the notice and if the building has not been vacated within such period, the Authority may, notwithstanding any other law for the time being in force order that occupier of occupiers of the building be ejected, if necessary, by force *[:]

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

15. Interest on un-paid instalments.—Where a person has purchased a building on instalments in response to the advertisement under section 12, and has failed to pay any instalment in time he shall be liable to pay interest on the amount of the un-paid

¹In section 13 substituted, section 13-A inserted and section 14 substituted by the Sind Buildings Control (Amendment) Ordinance, 1982 (Sind Ord., III of 1982), dated 6-3-1982.

*In section 14, in sub-section (3) the fullstop appearing at the end replaced by a colon and thereafter proviso added by the Sind Bldgs. Control (Amendment) Ord., 1984 (XXXVII of 1984), dated 1-11-84.

instalment at such rate not exceeding the rate charged by a Scheduled bank, as may be prescribed.

16. Appeal.—An appeal from an order under this Ordinance may, in the prescribed manner, be preferred within thirty days of such order to—

- Government in the case of the order made by the Authority; and
- the Authority, in other case.

17. Disposal of application or appeal.—An application or appeal made under this Ordinance shall be disposed of within thirty days of the receipt thereof unless this time limit is extended from time to time by Government on the request of the Authority.*[:]

*[Provided that no application or appeal shall be disposed unless the applicant or appellant, as the case may be, is given an opportunity of being heard.]

18. Delegation of powers.—Government may, by notification, delegate any of powers vested in it or in the Authority to any officer or authority.

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

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

(2) No court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by the Authority or any person authorised by it.

20. Indemnity.—No suit or legal proceedings shall lie against Government or the Authority or any person in respect of anything done or intended to be done in good faith under this Ordinance.

²[20-A. Notice for Institution of suit.—No suit shall be filed against the Authority or any of its employees in respect of anything done or purported to be done by the Authority or such employee under this Ordinance except after expiration of sixty days next after notice in writing has been delivered to or left at the office of the Authority or employee as the case may be.]

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

²[21-A. Regulations.—(1) The Authority may, frame Regulations not in consistent with the provisions of this Ordinance and the rules made thereunder, for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

*In rule 17 colon at the end substituted and thereafter proviso added, by the Sind Buildings Control (Amendment) Ordinance, 1984, (XXXVII of 1984), dated 1st November, 1984.

¹In rule 19, sub-rules (1) and (1-A) substituted by the Sind Bldgs. Control (Amendment) Ordinance, 1982 (Sind Ord. No. III of 1982), dated 6th March, 1982.

²Rules 20A and 21-A, inserted 1984.

- (a) The recruitment, tenure of office, terms and conditions of service of the officers, advisers, experts, consultants and employees appointed by the Authority and disciplinary action against them;
- (b) the manner of approval, grant of no objection certificates to builders or developers and rates of fees therefor;
- (c) the manner of grant of occupancy certificate and fees therefor;
- (d) the manner of attestation of documents or information;
- (e) the manner of preparation, supervision and submission of building plans;
- (f) the qualifications, manner of grant and terms and conditions of and fees for licences to architects, building designers, inspecting engineers, inspecting architects, building supervisors, structural engineers or town planners and regulation of their functions and remuneration;
- (g) the manner of grant and terms and conditions of licence to builders or developers and fees for such licences;
- (h) procedure for cancellation of transfer or sale;
- (i) the details of the building or plot required to be mentioned in the advertisement for its sale by the builder or developer, as the case may be;
- (j) rates of fees for supplying copies of any document of information;
- (k) terms and conditions of compounding of offences;
- (l) rates of interest payable under this Ordinance.

(3) The Karachi Building and Town Planning Regulations, 1979, in the case of the Authority of Karachi and the bye-laws of the council concerned in other cases, duly published shall until the regulations are framed under this section, be deemed to be the regulations, not framed; provided that they are not inconsistent with the provisions of this Ordinance and the rules framed thereunder.]

SCHEDULE

¹Schedule omitted by the Sind Buildings Control (Amendment) Ordinance, 1982, (Sind Ord., III of 1982), dated 6-3-1982, Sind Govt. Gazette, Extraordinary Part I, Page No. 208 dated 6-3-1982.

KARACHI BUILDING CONTROL LICENCING REGULATIONS, 1982

(Sind Govt. Gazette, Ext., Part I-A)

KARACHI BUILDING CONTROL AUTHORITY

Dated April 8, 1982.

(Master Plan & Environmental Control Department Authority under Sind Building Control Ordinance, 1979)

No. 10. L/PLA/MP & EC/82:-In exercise of the powers conferred under section 21 (A), of the Sind Building Control Ordinance No. V of 1979 (S. B. C. O. Amendment Ordinance of 1982) the Authority is pleased to make the following Regulations, namely:-

1. Short title and commencement and extent.-(1) These regulations may be called the Karachi Building Control Licensing Regulations, 1982.

(2) These regulations shall come into force at once.

(3) These regulations shall extend to the whole Karachi Division.

2. Definitions.-In these regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(a) "Form" means a form prescribed by the Authority for the grant of licence.

(b) "Committee" means a Committee or Committees appointed under these regulations for the grant of licence.

(c) "Licence" means sanction granted to any person to act as an Architect, Building Designer, Inspecting Engineer, Inspecting Architect, Structural Engineer, Building Supervisor, Town Planner, Builder or Developer for the purposes of the Ordinance and the rules, regulations.

(d) "Licencees" means a person to whom a licence is granted or is deemed to have been granted under these Regulations.

(e) "Ordinance" means Sind Building Control Ordinance, 1979.

3. Eligibility to apply.- Any person who holds the qualifications and experience as prescribed in Part-I of these regulations may apply for a licence on the prescribed form.

4. Manner of grant of Licence.-(1) Every application for licence shall be accompanied by such fee as prescribed in Part II, of these regulations.

(2) If the application is rejected, the fee shall be refunded.

5. Licensing Committees.-(1) Application for Licences of Architects, Building Designers and others shall be considered by a Committee consisting of:-

¹The Sind Government Gazette, Extraordinary, Part I-A, Page No. 155, Dated April 8, 1982.

- | | |
|-------------------------------------------------------------------------------|------------|
| (a) Director, MP & EC. | Chairman. |
| (b) Controller of Buildings. | Member. |
| (c) Representative of Deputy Director, Military Lands & Cantonments, Karachi. | Member. |
| (d) One representative each from: | |
| (i) Federation of Architects & Engineers, Pakistan | Member. |
| (ii) Pakistan Engineering Council. | Member. |
| (iii) Institute of Architects, Pakistan | Member. |
| (iv) Institute of Engineers, Pakistan | Member. |
| (v) Institute of City & Regional Planning (Karachi Chapter). | Member. |
| (vi) Deputy Controller of Buildings, In-charge of Licencing. | Secretary. |

2. Applications for licences of Builders and Developers shall be considered by a Committee consisting of:-

- | | |
|------------------------------------------------------------|------------|
| (1) Director, Land Management, KDA. | Convener. |
| (2) Controller of Buildings. | Member. |
| (3) Director (P & UD) KDA. | Member. |
| (4) Add. Director (HQ) Resettlement Department, KDA. | Member. |
| (5) Superintending Engineer (Dev). KDA. | Member. |
| (6) Deputy Controller of Buildings, Incharge of Licencing. | Secretary. |

(3) The Committee shall preferably hold its meeting once a month.

6. Function of the Committee.-(1) The Committee, shall Scrutinize all applications and inspect all documents and recommend to the Authority for the grant or reject of the licence in the light of these regulations.

(2) The Committee, before recommending or rejecting a licence, shall also see besides prescribed qualifications and experience, the capability of supervisions of construction work by the applicant and in case of builders and developers, the staff, equipment and other related matters.

(3) The Committee shall interview the applicants before the issue of a licence.

(4) On the recommendations of the Committee, Controller of Buildings or an Officer authorized shall issue a licence or inform the applicant of the rejection with reasons.

(5) The Committee shall hear the appeals against the suspension of licence order issued by Controller of Buildings and submit its findings to Director General, KDA for final decision or other guidance in the matter.

7. period.-The licence granted under these regulations shall be valid for a calendar year ending 31st December.

8. Renewal.-The application for renewal of licence granted under these regulations accompanied by such fee as prescribed shall be made to the Authority at least 30 days before expiry of the existing licence.

9. Revocations.-Without prejudice to any other action that may be authorized under the ordinance or the Rules framed thereunder, the Authority may revoke or suspend the licence if the licensee violates any of the conditions of the grant of licence.

10. Appeal.-(1) Any person aggrieved by an Order of the Authority under these regulations, may within thirty days of such order prefer an appeal to Director General, KDA.

(2) Government in the case of the order made by the Director General KDA whose decision in the matter shall be final.

PART I

A - Architect :

(1) Five years degree or 5 years Diploma in Architecture or its equivalent from any recognized institution by the Government plus two years experience in Architectural Designing and Supervision of Building Construction.

OR

(2) Four years Diploma Course from the Karachi Government School of Architecture, Government of Pakistan completed not later than 1974, with eight years practical experience in Architectural Designing and Supervision of Building Construction.

OR

(3) Twelve years of continuous professional practice as a licensed architect from any local Authority. No fresh licence under this category shall be granted after 12 months of the enforcement of these regulations.

OR

(4) A Civil Engineer who has a degree in Civil Engineering or its equivalent from institutions recognized by the Government and is registered with Pakistan Engineering Council, plus ten years experience in Architectural Designing and Supervision. No fresh licence under the category shall be granted after 12 months from the date of enforcement of these regulations.

(5) Member of a National Institution or Association recognized by the Government or by an International Organization of Architects, as may be prescribed by the Government.

B - Building Designer:

(1) Degree in Architecture or 5 years Diploma from any recognized institution.

OR

(2) Degree in Civil Engineering or its equivalent qualifications recognized by Pakistan Engineering Council with two years experience in Architectural Design and Supervision of Building Construction.

OR

(3) Ten years experience in Architectural Designing and Supervision of Building Construction with a licenced Architect and five years practice under a licence granted by any local authority. No fresh licence shall be granted after 12 months of the enforcement of these regulations.

OR

(4) Diploma in Civil Engineering from any recognized institution plus five years minimum experience in Architectural designing and construction and have a licence of supervisor under the Ordinance.

C - Inspecting Engineer :

Degree in Civil Engineering or any other equivalent qualifications recognized by the Government of Pakistan and Pakistan Engineering Council, with two years practical experience in building designing and supervision of building construction and registered in the Civil Division of the Pakistan Engineering Council, as a Registered Engineer.

D - Inspecting Architect :

Same as A (1), (2), (3) and (4).

E - Building Supervisors :

(1) Three years Diploma in Civil Engineering from recognized institutions plus two years experience of supervision of building construction.

OR

(2) Three years certificate course in Civil Engineering from recognized institution plus three years experience of supervision of building construction.

OR

(3) Two years certificate course in Civil Engineering from recognized institutions plus four years experience of supervision of building construction.

OR

(4) One year certificate course in Civil Engineering from recognized institutions plus five years experience of supervision of building construction.

OR

(5) Practical experience of supervision of building construction for more than fifteen years. No fresh licence under this category shall be granted after 12 months of the enforcement of these regulations.

F - Structural Engineer :

(1) Recognized post-graduate degree or equivalent qualifications in Structural Engineering and registered as Consulting Engineer, in the Civil Division of Pakistan Engineering Council plus practical experience of two years in Structural Designing of Buildings.

OR

(2) Degree in Civil Engineering or its equivalent and registered in the Civil Division of Pakistan Engineering Council, as Consulting Engineer, plus practical experience of five years in Structural designing.

G - Town Planner :

(1) Post graduate degree of Diploma, of at least 2 years duration in City, Town or Regional Planning, from a foreign institution recognized by the Government plus one year practical experience and an Associate member of Institute of City & Regional Planning, recognized by the Government.

OR

(2) Degree in City, Town or Regional Planning from any recognized institution of Pakistan and an Associate member of Institute of City and Regional Planning as recognized by the Government, with 2 year's practical experience.

OR

(3) Diploma in Ekistics from the centre of Ekistics, Athens with 8 year's practical experience in City, Town or Regional Planning and an Associate Member of Institute of City & Regional Planning, as recognized by the Government.

OR

(4) Post graduate degree in any Social Science with a post graduate diploma or certificate in City, Town or Regional Planning from any foreign institution recognized by the Government and a licentiate member of Institute of City & Regional Planning as recognized by the Government, with 15 years practical experience in City, Town or Regional Planning, and may plan upto 10 (ten) acres.

PART - II

The fees shall be paid at the following rates:-

(1) Licence to -

(a) Architect/Inspecting Architect	Rs.250.00 and for renewals Rs.100.00 per annum
(b) Building Designer	Rs.150.00 and for renewals Rs. 75.00 per annum.
(c) Inspecting Engineer.	Rs.250.00 and for renewals Rs.100.00 per annum.

- | | |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| (d) Building Supervisor | Rs.150.00 and for renewals Rs. 75.00 per annum. |
| (e) Structural Engineer | Rs.250.00 and for renewals Rs.100.00 per annum. |
| (f) Town planner | Rs.250.00 and for renewals Rs.100.00 per annum. |
| (g) Developer | Rs.2,500.00 and for renewals Rs. 1000.00 per annum. |
| (h) Builder | Rs.2,500.00 and for renewals Rs. 1000.00 per annum. |
| (2) No objection certificate under section 5 of the Sind Building Control Ordinance (Amending Ordinance) 1982. | Rs. 1000.00 per acre of the gross area |

PART - III

(Architect/Inspecting Architect, Building Designer, Inspecting Engineer, Building Supervisor, Structural Engineer and Town Planner).

The Authority may suspend or cancel the licence in addition to the action under the relevant statute in case the licensee:-

- (1) Disobeys or fails to comply with any regulations or directions issued by the Authority from time to time or any rules framed under the S.B.C.O. 1979 and the provisions of the Ordinance.
- (2) Executes or supervises any unauthorized work or any work which is being raised without approval of building plan or is not in accordance with the plans approved therefor by the Authority.
- (3) Does not inform in time the Authority for any unauthorized work carried out by his client which is not in accordance with the plans approved therefor by the Authority.
- (4) Executes or supervises carelessly or negligently the work for which he has been employed.
- (5) Wilfully misrepresents any facts or makes any false statement to the Authority or suppresses information of any material fact relating to the work for which is employed.
- (6) Disturbs, defies or breaks the discipline of any office of the Authority.
- (7) Proves to be incompetent or frequently prepares plans which are liable to objection by the Authority, or prepares plans in grave disregard of the provisions of the relevant statute.
- (8) Shall not enter into a written contract with his client clearly specifying the work to be undertaken by him and fee and other charges for such works and approximate period for completion of such works.
- (9) Does not inform in writing the authority of his discontinuance of any works which were undertaken by him.

(10) No Licence shall undertake 'IN HOUSE CONSULTANCY' for the projects of his own and shall engage independent professionals for relevant works on such projects.

PART - IV

TERMS AND CONDITIONS OF LICENCE (BUILDERS / DEVELOPERS)

The Authority may suspend or cancel the licence in addition to the action under the relevant statute in case the licensee do not fulfil the conditions mentioned hereinafter-

- (1) The licensee disobeys or fails to comply with any regulations & directions issued by the Authority or any rules framed under the S.B.C.O., 1979 and the provisions of the Ordinance.
- (2) The licensee wilfully misrepresents any facts or makes any false statement to the Authority or suppresses the information of any material fact relating to the project.
- (3) The licensee either directly or through some agent advertises in any manner the sale of flats/houses/plots etc. without prior approval of the Authority or increases the prices once approved by the Authority.
- (4) The licensee Shall be responsible for safe and sound construction of building and development of the project in addition to other professionals.
- (5) The licensee shall not engage in any 'IN HOUSE CONSULTANCY' for the projects of his own and shall engage for the planning and execution of work(s) an independent licenced Architect/Structural Engineer/Inspecting Engineer/Building Supervisor or Town Planner, as the case may be.
- (6) The licensee shall carry out the work(s) strictly according to the approved specifications and designs by the Authority.
- (7) The licensee in case of individual and in the case of a Registered company or a Co-operative Housing Society, its Directors shall be personally and severally be held responsible for the breach of any provision of the Ordinance and rules and regulations framed thereunder.
- (8) The licensee shall provide all assistance to the Authority and its Officers in carrying out their duties and provide all facilities in inspecting the building/site and shall furnish the required information from time to time.
- (9) The licensee shall follow all other terms and conditions imposed with the approved building or layout plans.
- (10) The licensee shall inform the Authority, change of any status in the project, undertaken by him after its approval.

SINDH KATCHI ABADIS (REGULARISATION AND DEVELOPMENT) ORDER, 1982

1. (1) This order shall be called the Sind Katchi Abadis (Regularisation and Development) Order, 1982.

(2) It shall come into force at once and shall have effect notwithstanding anything contained in any other law for the time being in force.

2. (1) In this Order, unless there is anything repugnant in the subject or context,-

(a) "Council" means the metropolitan corporation, a corporation, municipal committee or town committee constituted under the Sind Local Government Ordinance, 1979;

(b) "Directorate" means the Directorate of Katchi Abadis and Evaluation set up under paragraph 11;

(c) "Fund" means the fund constituted under this order;

(d) "Government" means the Government of Sind;

(e) "Katchi Abadi" means a Katchi Abadis declared by the Government under paragraph 3;

(f) "Prescribed" means prescribed by rules;

(g) "Rules" means rules made under this Order;

(h) "Scheme" means a scheme prepared under paragraph 6;

(2) Words not defined in this Order shall have the meanings assigned to them in the Sind Local Government Ordinance, 1979.

3. (1) A Council may, by resolution, apply to the Government for declaration of any area owned by it or a local authority or the Government, which was partially or wholly occupied unauthorisedly for residential purposes, before the first day of January, 1978 and continues to be occupied to be a Katchi Abadi.

(2) The Government may, after such enquiry as it deems fit, by notification in the official Gazette, declare any area specified in the resolution referred to in sub-paragraph (1) a part thereof to be a Katchi Abadi.

(3) The Government may, by notification in the official Gazette declare any area or part thereof which was partially or wholly occupied unauthorisedly for commercial or industrial purposes before the first day of January 1978, and continues to be so occupied to be a Katchi Abadi.

(4) The Government may, by notification in the official Gazette, declare such area with the consent of the owner of an area to be a Katchi Abadi, and the Katchi Abadi so declared shall, subject to the conditions may be agreed to between such person and the Government, be regularised and developed in accordance with the provisions of this Order.

(5) Save as otherwise provided in this Order, the declaration of any area to be a Katchi Abadi shall not confer any right on any person in occupation in the Katchi Abadi.

4. (1) Except as otherwise directed by Government, no area which is reserved for the purposes of roads, streets, water-supply arrangements, sewerage or other conservancy arrangements, hospitals, school, colleges, libraries, playgrounds, gardens, mosques, graveyards, railways, high tension lines, or such other purposes, or it not safe from flooded hazard, shall be declared to be a Katchi Abadi.

(2) Any area declared to be a Katchi Abadi under Martial Law Order No. 67 or Martial Law Order, No. 110 shall be deemed to have been declared to be a Katchi Abadi under this Order and any action taken or proceedings instituted under either of the said Orders shall be deemed to have been taken or instituted under this Order.

5. An area declared to be a Katchi Abadi shall, subject to any agreement referred to in sub-paragraph (4) of paragraph 3, vest in the Council concerned for the purpose of regularisation and development.

6. A Katchi Abadi shall be regularised and developed by the Council concerned in accordance with the provisions of this Order and the rules.

7. (1) Subject to the rules and the directions of the Government not inconsistent with the provisions of this Order, the Council concerned shall prepare a scheme for regularisation and development of the Katchi Abadi.

(2) The Scheme shall inter-alia provide for-

(a) the rehabilitation of the unauthorised occupants of a Katchi Abadi in the same Katchi Abadi or, where it is not possible, in any other locality by allotting plots of prescribed size;

(b) allotment and leasing out of plots on such terms and conditions, including period of lease, as may be prescribed.

Provided that no plot shall be leased out unless the terms and conditions of the allotment have been complied with by the allottee:

Provided further that a lease granted under this order shall not be transferable for such period as may be prescribed, except by inheritance or mortgage against a house building loan to the House Building Finance Corporation, a Schedule Bank or any other agency approved by Government; and

(c) recovery of lease money and development charges as may be prescribed.

(3) The Council concerned shall set up a separate unit of administration with appropriate staff to be called the Bureau of Katchi Abadis which shall perform such functions as may be assigned to it by the Council under this Order.

Provided that in Karachi, the Directorate shall perform the functions of the Bureau.

8. A percentage of the lease-money, inclusive of the development charges, under this order, as may be prescribed, shall be transferred to the Council, and the amount so transferred to the Council shall be deemed to be a soft term loan advanced by the Government or the local authority, as the case may be, on such terms and conditions as may be prescribed.

9. Notwithstanding anything contained in the Registration Act, 1908 (VI of 1908), Government may, for registration of lease deeds and other documents under this order, declare any Katchi Abadi to be a Sub-District for the purpose of that Act and appoint a Sub-Registrar for such Sub-District.

10. (1) In each Council there shall be a revolving fund consisting of-

- (a) the lease money and development charges under this Order;
- (b) grants and subsidies received from Government or the Federal Government or a local authority; and
- (c) all sums payable to the Council under the rules.

(2) The Fund shall be utilised for regularisation and development of Katchi Abadi or any matters incidental thereto.

(3) The Fund shall be maintained and operated in such manner as may be prescribed.

11. (1) There shall be Directorate in each division consisting of such officers and staff as may be determined by Government from time to time;

Provided that the Directorate of Katchi Abadi and Evaluation in Karachi existing immediately before the coming into force of this Order, shall be deemed to be the Directorate and shall continue to function as an establishment of the Karachi Metropolitan Corporation.

(2) Except in the Karachi Division, the Directorate shall be supervised by the Commissioner of the Division.

(3) The Directorate shall, subject to the control of Government co-ordinate the activity of regularisation and development of Katchi Abadi in the division and shall perform such other functions and exercise such powers as may be prescribed.

12. The Councils and the Directorates shall submit to Government such periodical reports, documents and other information as may be called for by Government from time to time.

13. Notwithstanding anything contained in this Order, Government may establish a Re-Development Board for any Council consisting of a Chairman and such members as it may appoint and the Board so constituted shall exercise such powers and perform such functions under this Order as may be assigned to it by Government.

14. No suit, prosecution or other legal proceeding shall lie against Government, the Directorate or any Council or any officer or person for anything which is in good faith done or purports to be done under this Order, or any rules made or directions.

15. Government may make rules for carrying out the purposes of this Order.

16. If any difficulty arises in giving effect to any of the provisions of this order, Government may make such order not, inconsistent with the provisions of this order, as may appear to it to be necessary for the purpose of removing the difficulty.

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HEADQUARTERS MARTIAL LAW ADMINISTRATOR ZONE 'C'

MARTIAL LAW ORDER NO. 110 KATCHI ABADIS

Whereas it is expedient to regularise and develop Katchi Abadis in the Province of Sind to provide basis essential facilities,

Now, therefore, in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator 1, Lieutenant General S. M. Abbasi, Martial Law Administrator Zone 'C', hereby reconstitute Martial Law Order No. 67 as follows which shall be deemed to have always been so reconstituted.

1. This Martial Law Order shall be called the Regularisation and Development of Katchi Abadis Order and come into force at once and shall have effect notwithstanding anything contained in any other law for the time being in force.

2. Government may, by notification in the official Gazette, declare that any part of any Urban area owned by the Provincial Government or a Local Authority, which has been partially or totally occupied unauthorisedly since before 1st January, 1978 for residential purposes and continues to be so occupied shall, for the purpose of this Order, be known as Katchi Abadis.

3. The Council constituted under the Sind Local Government Ordinance, 1979 shall be responsible for regularisation of the Katchi Abadis through the Directorate of Katchi Abadis established in accordance with this Order.

4. There shall be a Katchi Abadi Cell in the Housing, Town Planning, Local Government and Rural Development, headed by an Additional Secretary, which shall co-ordinate the work of regularisation of Katchi Abadis and shall lay down the policy guidelines.

5. (1) There shall be a Directorate of Katchi Abadis in the Karachi Metropolitan Corporation, Hyderabad Municipal Corporation and Sukkur Municipal Committee and for the purpose :-

- (i) The Department of the Karachi Metropolitan Corporation dealing with the Katchi Abadis shall form and be known as the Directorate of Katchi Abadis and Evaluation, Karachi Metropolitan Corporation for Karachi Division;
- (ii) Similar Directorates shall be set up in Municipal Corporation Hyderabad for Hyderabad Division and in Sukkur Municipal Committee, Sukkur for Sukkur Division.
- (iii) The vacant posts in the Directorate of Town Planning, Hyderabad and Sukkur shall respectively stand transferred to the Municipal Corporation of Hyderabad and Municipal Committee Sukkur.

(2) The Directorates of Katchi Abadis shall be manned by the employees of the respective Council and other employees as may be determined by Government on the recommendations of the Commissioner of the Division.

6. Commissioners shall, subject to the orders of the Katchi Abadi Cell in the Housing, Town Planning Local Government and Rural Development Department,

exercise over-all control and supervision of the regularisation and Development Work of Katchi Abadis within their respective divisions.

7. For the purpose of this Order, the land owned by the Provincial Government or Local Authority shall stand transferred to the respective Directorates of Katchi Abadis.

8. The Directorates of Katchi Abadis, shall prepare an improvement policy for the Katchi Abadis according to which the work of regularisation and improvement of Katchi Abadis will be carried out in the following order of preference :-

- (i) In-ventorisation.
- (ii) Reconnaissance survey in each Katchi Abadi, to identify regularisable and non-regularisable portion thereof on the basis of selection criteria approved by the local authority concerned with the approval of the Commissioner.
- (iii) Regularisation shall be in two phases, namely-
 - Phase 1 Regularisation and development of the regularisable part of the Katchi Abadis.
 - Phase 2 Providing alternate site for residence of the non-regularisable part of the Katchi Abadis and undertaking development thereof.
- (iv) Improvement and provision of infra-structure facilities.
- (v) No Katchi Abadi, of a portion thereof situated on land which is not safe from flood hazard or is required or reserved for roads, hospitals, schools, colleges, libraries, playground, garden, park, community centre, mosques, graveyard, railway, high tension lines or such other purposes and is otherwise in conflict with the planned land use of approved schemes shall be regularisable.

9. The Development of any Katchi Abadi, shall be undertaken by Government, and any person who, as a consequence of such development is deprived of the accommodation in his possession shall be allotted an alternate site.

10. (1) The Directorate of Katchi Abadis, shall give long term (99 years or as approved by the Government), lease rights to each individual after due verification of the existence of the Katchi Abadi, prior to 1st January, 1978.

(2) The lease shall be subject payment of lease money at the rate fixed by the Commissioner, which shall in no case be less than Rs.15 per sq. yds.

(3) 10% of the lease money inclusive of development charges shall be paid as the price of land payable to the Provincial Government or Local Authority, as the case may be, and such price shall be treated as a contribution from the owner of the land towards the development of the Katchi Abadi, in the form of a soft term loan to the Directorate of Katchi Abadis, on the terms and conditions approved by the Government.

(4) A lease granted under this paragraph shall not be transferable for a period of five years from the date of execution of the lease except by inheritance or mortgage to the Housing Building Corporation or a Schedule Bank for receiving house building loans approved by the Government.

11. Notwithstanding anything to the contrary contained in the Registration Act, 1908, the Commissioner, may declare any Katchi Abadi, to be a sub-district for the purpose of that Act, and Government shall post a Sub-Registrar, for such Katchi Abadi.

12. There shall be a revolving fund consisting of the cost of Development and price of the land recovered from the beneficiaries and any grant made by the Federal Government, Provincial Government, or the Local Authority. The fund shall be utilized for payment of the price of the land and development charges thereof.

13. A Katchi Abadi, coming into existence after the first day of January, 1978, shall be treated as an encroachment and be dealt with in accordance with the law dealing with the encroachment for the time being in force.

KARACHI :
Dated : 08-07-1980

sd/-
Lieutenant General
Martial Law Administrator Zone 'C'
(S. M. Abbasi).

MARTIAL LAW ORDER No. 130

REMOVAL OF ENCROACHMENT ORDER, 1980

Whereas it is expedient in the public interest to provide for measures for prevention and removal of encroachments in the Province of Sind;

Now, therefore, in exercise of the powers conferred by MLO-3, issued by Chief Martial Law Administrator, I, Lieutenant General S. M. Abbasi, Martial Law Administrator Zone 'C', hereby make and promulgate the following Martial Law Order:-

- 1.(a) This order may be called the Removal of Encroachment Order, 1980.
- (b) It shall come into force at once.
2. In this order, unless there is anything repugnant in the subject or context,-
 - (a) "Encroachment" means unlawful trespass upon or unauthorised use or occupation of, or undue interference with public property;
 - (b) "Public Property" means immovable property such as land, building, place or premises, or rights or privileges accruing from such property, vesting in, or under the management or control of-
 - (i) The Federal or Provincial Government;
 - (ii) An Autonomous Corporation Authority or Board established by the Federal or Provincial Government under any law for the time being in force;
 - (iii) A Local Council constituted under the Sind Local Government Ordinance, 1979; or
 - (iv) Any Housing Society or such other Public or Co-operative Body registered under any law for the time being in force.

3. This Order shall have effect notwithstanding anything contained in any law, rule, agreement or contract for the time being in force.

4. Government or any authority or an officer authorised by the Government or the authority in this behalf, may, by an order, require the person directly or indirectly responsible for encroachment to remove such encroachment together with structures, if any, raised by him on the public property, within such period as may be specified in the Order.

5. If any person refuses or fails to vacate the public property or remove the encroachment or the structure raised on the said property within the specified period, he shall be ejected by such force as may be necessary by the officer authorised under paragraph 4 and the cost incurred on removal of the structure, if any, shall be recovered from him.

6. Any person who contravenes or attempts to contravene or abets the contravention of this Order or any order made thereunder shall be punished under MLR-14.

7. Government may, by notification, appoint committees to oversee the implementation of this order and such committees may, if necessary, revise, modify or cancel any order made under this Martial Law Order.

KARACHI:
Dated: 8.7.1980.

sd/-
Lieutenant General,
Martial Law Administrator Zone 'C',
(S. M. Abbasi)

MARTIAL LAW ORDER NO. 202

1. Whereas it is expedient in the public interest to provide for measures for the removal of encroachments from public property in the Province of Sind.

2. Now, therefore, in exercise of the powers conferred by Martial Law Order No. 3, issued by the Chief Martial Law Administrator, I, Lieutenant General S. M. Abbasi, Martial Law Administrator Zone 'C', hereby make and promulgate the Martial Law Order.

3. The MLO shall come into force at once and shall be deemed to have taken effect on 8th day of July, 1980 and all actions taken under MLO 130 shall be deemed to have been taken under this MLO and are hereby validated.

4. In this order, unless there is anything repugnant in the subject or context :-

- (a) "Encroachment" means trespass upon or unauthorised use or occupation of or undue interference with, public property;
- (b) "Government" means Government of the Sind; and
- (c) "Government Property" means any immovable property vesting in, or under the management or control of:
 - (i) the Federal Government;
 - (ii) the Government of the Sind;
 - (iii) any statutory body or a corporation including councils established by or under any law; or
 - (iv) any Housing Society or such other public or co-operative body registered under any law for the time being in force.

5. This order shall have effect notwithstanding anything contained in any law, rule, agreement or contract for the time being in force.

6. Government may, by notification, authorise any officer to exercise the powers and to perform the functions under this order in relation to any area.

7. Any officer authorised under paragraph 6, hereinafter referred to as authorised officer, if, after making such enquiry as he thinks fit, is satisfied that any person has directly or indirectly made encroachment on any public property within the area of his jurisdiction, he may require that person to show cause within seven days as to why he should not be directed to remove the encroachment.

8. Any person who wishes to challenge the notice issued by him under paragraph 7, may appear before the officer issuing the notice and such officer shall, after hearing the person concerned, pass such order as he may consider appropriate.

9. Where an order has been passed under paragraph 8, the authorised officer shall, by an order in writing, require the person responsible for the encroachment to remove such encroachment together with the structure, if any, raised by him on a public property, within such period as may be specified in the order.

10. If any person refuses or fails to vacate the public property or remove the encroachment or the structure raised thereon within the period specified in the order under paragraph 9, he shall be deemed to have contravened this order and shall be liable

to be ejected by such force as may be considered necessary by the authorised officer and the cost incurred on the removal of the encroachment shall be recovered from him.

11. Any person who contravenes or attempts to contravene or abets the contravention of this order shall also be punishable under Martial Law Regulation No. 14.

12. If any officer authorised to take action under this order requires police assistance in exercise of his powers, he may send a requisition to the officer in charge of a Police Station who shall on such requisition, render the required assistance.

KARACHI:
Dated: 2-5-1983

sd/-
Lieutenant General
Martial Law Administrator Zone 'C',
(S. M. Abbasi).

M. Niazur-Rahman
MARTIAL LAW OFFICER
611/2, Side Avenue Centre
204, B. A. Lines, Karachi

SIND PUBLIC PROPERTY (REMOVAL OF ENCROACHMENT) ACT, 1975

An Act to provide measure for removal of encroachment from public property.

No. PAS/LEGIS/BILL-5/75.- The Sind Public Property (Removal of Encroachment) Bill, 1975 having been passed by the Provincial Assembly of Sind on the 18th March, 1975 and assented to by the Governor of Sind on 5th April, 1975 is hereby published as an Act of the Legislature of Sind :-

Preamble :- Whereas it is expedient to provide measures for removal of encroachment from public and for matters ancillary thereto ; It is hereby enacted as follows :

1. Short title and commencement.- (1) This Act may be called the Sind Public Property (Removal of Encroachment) Act, 1975.

(2) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (a) "autonomous body" means a board, corporation, institution, organisation, authority or body established, by Government or, by or under law, with the aid, wholly or partly, of the revenues of the Province ;
- (b) "building" means a building or part thereof and includes plinth, wall, steps, platform, covered area of any kind, tent, Jhuggi, enclosure and the land appurtenant thereto ;
- (c) "encroachment" means unauthorised occupation of or undue interference with public property ;
- (d) "Government" means the Government of Sind ;
- (e) "land" includes land under water, well, footpath, road, tunnel, culvert, nala, bridge and street ;
- (f) "local council" means a council under the Sind People's Local Government Ordinance, 1972 (Sind Ordinance II of 1972) ;
- (g) "prescribed" means prescribed by rules made under this Act ;
- (h) "public property" means a building, land, place or premises vesting in, or under the management or control of Government, local council, autonomous body, or such other authority ;
- (i) "Tribunal" means a Tribunal established under section 12.

3. Removal of structures.- (1) Government or any authority or officer authorised by Government in this behalf may require the person directly or indirectly responsible for encroachment to remove such encroachment together with the structure, if any, raised by him on the public property, within the period not less than three days as may be specified in the order.

Explanation.- Lessee or licensee who after the expiry of the period of lease or licence or on determination of such lease or licence, continues to retain possession of any public property shall, for the purpose of this sub-section, be deemed to be responsible for encroachment.

(2) The order under sub-section (1) may be served by-

- (a) giving or tendering it to the person responsible for the encroachment of any adult male person residing with him ; or
- (b) affixing it at a conspicuous place on or near the public property to which it relates.

4. Review.- (1) Any person dis-satisfied by the order passed under section 3 may, within seven days from the service thereof, prefer a review petition to Government or any authority or officer who has passed such order.

(2) Government or, as the case may be, the authority or officer as aforesaid may, after perusing the review petition filed under sub-section (1) and giving an opportunity to the petitioner or his duly authorised agent of being heard, confirm, modify or vacate the order.

5. Eviction.- (1) If any person refuses or fails to vacate the public property or remove the structure raised thereon after seven days from the order under section 3 is duly served on him, or if review petition is filed against such order, after such review petition is dismissed, he shall be evicted by such force as may be necessary, by an officer authorised by Government in this behalf and the structure, if any, raised by such person on the public property shall vest in Government, Local Council or autonomous body, as the case may be.

(2) If any officer authorised to take action under sub-section (1) requires police assistance he may send such requisition to the officer incharge of a police station within the local limits of which the public property is situated and such police officer shall on such requisition render the required assistance.

6. Cost of demolition and removal of structure.- Where any structure is demolished or removed on eviction under section 5 the cost of demolition or removal of such structure may be recovered as arrears of land revenue from the person responsible for the encroachment.

7. Recovery of arrears of rent.- If arrears of rent are payable in respect of any public property by the person evicted therefrom, the amount of such arrears with interest, if any, accrued thereon shall be recovered from such person as arrears of land revenue.

8. Punishment.- (1) Any person responsible for encroachment, may be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to three thousand rupees or with both.

(2) The officer appointed for prevention of encroachment in any area who directly or indirectly connives at, or assists in, the commission of the offence of encroachment or persistence of such offence or due to whose negligence of duty such offence is committed or persists shall be punished as an abettor.

(3) If the officer incharge of police station willfully fails to avoid to provide the necessary police assistance under sub-section (2) of section 5 he shall be punished as an abettor of the offence of encroachment.

9. Cognizance of offence and mode of trial.- (1) No court shall take cognizance of an offence under this Act, except on a complaint made by an officer authorised by Government in this behalf.

(2) Government may by notification direct that an offence under this Act, shall be tried in summary way in accordance with the procedure prescribed by Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898).

10. Delegation of powers.- Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act, may be exercised by any officer sub-ordinate to it or local council, autonomous body or such other authority.

11. Bar of jurisdiction and abatement of suits.- (1) No Civil Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to a dispute that any property is not a public property, or that any lease or licence in respect of such public property has not been determined, for the purpose of this Act, or anything done or intended to be done under this Act.

(2) All suits, appeals and applications relating to, encroachment and dispute that any property is not a public property or, that any lease or licence in respect of such property has been determined, for the purpose of this Act, shall abate on coming into force of this Act:

Provided that a party to such suit, appeal or application may, within thirty days of the coming into force of this Act, file a suit before a Tribunal in case of a dispute that any property is not a public property or that any lease or licence in respect of such public property has not been determined.

12. Tribunal.- (1) Government may by notification in the official Gazette, establish a Tribunal and specify the area in which such Tribunal shall exercise its jurisdiction.

(2) Government may appoint a District Judge, Additional District Judge or District Magistrate or Additional District Magistrate with experience of not less than three years as such Magistrate as a Tribunal.

13. Exclusive jurisdiction.- A Tribunal shall have exclusive jurisdiction to adjudicate upon a dispute that any property is not a public property or that any lease or licence in respect of such public property has not been determined for the purpose of this Act.

14. Procedure and Powers of the Tribunal.- (1) Tribunal shall decide any suit or application in such manner and in accordance with such procedure as may be prescribed.

(2) Any order made by the Tribunal which conclusively determines the rights of the parties with regard to all or any of the matters in controversy shall be final and binding on the parties.

(3) The Tribunal shall have powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), as to-

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) receiving evidence on affidavit;
- (c) compelling the production of documents;
- (d) issuing commission for examination of witnesses or documents.

(4) The proceedings before the Tribunal shall be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code (Act LV of 1860).

15. Transfer.- Government may transfer any case from one Tribunal to the other.

16. Indemnity.- No suit or legal proceeding shall lie against Government or any authority or person in respect of anything which is intended to be, or has been done under this Act.

17. Power to make rules.- Government may make rules for carrying out the purposes of this Act.

18. Repeal.- The West Pakistan Government Lands and Buildings (Recovery of Possession) Ordinance, 1966 and the West Pakistan Autonomous Bodies Immovable Property (Ejectment of Un-authorized Occupants) Ordinance, 1965, are hereby repealed.

11/2, Siddi Avenue Centre
264, B. A. Lines, Karachi

MARTIAL LAW ORDER NO. 176

SUPPLY OF DRINKING WATER (KARACHI DIVISION) ORDER

Whereas there exists a shortage of drinking water in Karachi Division, and whereas it is expedient to provide for measures to ensure equitable and efficient distribution of water in Karachi Division.

Now, therefore, in exercise of the powers conferred by Martial Law Order No. 3, promulgated by the Chief Martial Law Administrator, the Martial Law Administrator Zone 'C', is pleased to make and promulgate the following Martial Law Order :-

1. (1) This Martial Law Order shall be called the Supply of drinking water (Karachi Division) Order.

(2) It extends to the whole of Karachi Division.

(3) It shall come into force at once.

2. In this order, unless there is anything repugnant in the subject or context :-

(a) "Authority" means the Karachi Development Authority ;

(b) "Authorised Officer" means an officer authorised by the Government of the General Manager ;

(c) "Board" means the Karachi Water Management Board established under the Karachi Water Management Board, Ordinance 1981 (Sind Ordinance X of 1981) ;

(d) "General Manager" means the General Manager of the Board and includes any person discharging the duties of the General Manager for the time being;

(e) "Government" means the Government of the Province of Sind.

3. The authority shall provide to the Board a minimum quantity of 206 million gallons of water per day for distribution as per schedule to be issued by the Board from time to time ;

Provided that if at any time the authority is unable to provide the stipulated quantity of water to the Board, it shall inform the Board in writing as soon as possible giving out reasons therefor.

4. The General Manager, or the authorised officer as the case may be, shall where the water is to be supplied by means of tankers, fix the rates, from time to time, to be charged from the consumers per tanker or for part thereof and no person shall collect or pay higher rates than those fixed.

5. The Karachi Electric Supply Corporation shall as far as practicable provide uninterrupted electric supply to all water supply installations and in case of any failure shall within 12 hours inform the Board in writing of the reasons therefor.

6. The drinking water supplied by the Board shall not be used for :-

(1) Swimming Pools except for the purposes of official sports with prior permission of the General Manager ;

(2) Construction of multi-storied buildings where a tube well is required to be installed as per existing law, rules or instructions ;

(3) Agricultural purposes where facility of under ground water through a tube well or any other source is available, and ;

(4) For any purpose not authorised or which is liable to wastage of water.

7. The General Manager or the authorised officer as the case may be, may, after informing the occupant or the owner, enter any premises to inspect or verify the presence of unauthorised connections or devices of drawing water.

8. No person shall tamper with the water supply system by installation of auction pumps or tap water mains or distribution lines by means of unauthorised connections, or draw water in excess of authorised quantity, or cause damage to any part of public water supply system including pipe lines, public water supply stand posts, hydrants, water tankers and connected infrastructure or interrupt in any other manner the normal supply of water.

9. No person or functionary concerned or dealing with water supply, particularly a valuemans, hydrant man, water tanker driver or supervisor, shall commit any act which results in a variation or interruption of the schedule or results in wastage or wrongful or unauthorised supply of water to any persons, institution establishment or locality.

10. The Government may by notification in the official Gazette make rules for the purpose of carrying into effect the objects of this order and such rule shall be deemed to form part of this order.

11. Whoever contravenes any provision of this order or whoever in any manner or by any means whatsoever, interrupts or impedes the water supply or obstruct in any manner whatsoever any person acting under the directions of the authority, Board, General Manager or the Government shall on trial be liable to be punished with such punishment as is provided in MLR 14.

12. Martial Law Order No.63 is hereby cancelled without prejudice to any action which may have been taken thereunder.

KARACHI ;
Dated : 22.6.1982.

sd/-
Lieutenant General
Martial Law Administrator Zone 'C',
(S. M. Abbasi).

THE PAKISTAN COUNCIL OF ARCHITECTS AND TOWN PLANNERS ORDINANCE, 1983

Islamabad, the 7th March, 1983

No.F.17(1)/83-Pub.- The following Ordinance made by the President is hereby published for general information :-

ORDINANCE NO. IX OF 1983 AN ORDINANCE

to make provision for the regulation of architectural and town planning professions.

Whereas it is expedient to make provision for the regulation of the architectural and town planning professions and for that purpose to constitute a Council of Architects and Town Planners ;

And whereas the President is satisfied that circumstances exist which render it necessary to take immediate action ;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

1. Short title, extent and commencement.- (1) This ordinance may be called the Pakistan Council of Architects and Town Planners Ordinance, 1983.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this ordinance, unless there is anything repugnant in the subject or context,-

- (a) "architect" means a person who holds any of the architectural qualifications specified in the First Schedule or the Second Schedule and is registered as an architect with the Council ;
- (b) "architectural and town planning public organization" means a Department of the Federal Government or a Provincial Government, a public corporation, autonomous or semi-autonomous body, cantonment board, municipality, improvement trust or other local authority ;
- (c) "bye laws" means bye-laws made under this ordinance ;
- (d) "Chairman" means Chairman of the Council ;
- (e) "Council" means the Pakistan Council of Architects and Town Planners constituted under section 3 ;
- (f) "Executive Committee" means the Executive Committee of the Council ;
- (g) "institution" means an institution within or without Pakistan which grants degrees or diplomas in architecture or town planning and is recognised as such by the Council ;

(h) "member" means a member of the Council and includes the Chairman and Vice-Chairman ;

(i) "prescribed" means prescribed by bye-laws ;

(j) "professional architectural work" means the giving of professional advice and opinions, the making of measurement and layouts of buildings, the preparation of feasibility and other reports, the production of concept, the originating, designing and planning, and, in association with relevant professionals, producing working drawings and contract documents, specifications and bills of quantities, the inspection and supervision of works and issuing of certificates of such buildings and other works for which an architect offers his professional services ;

(k) "professional town planning work" means the giving of professional advice and opinions in the field of urban and regional planning, the carrying out of physical and socio-economic surveys, the preparation of feasibility reports, layout plans, and development plans, and, in association with relevant professionals, carrying out inspection and supervision of works and issue of certificates of such schemes and works for which a town planner offer his professional services ;

(l) "Register" means a Register maintained under section 16 ;

(m) "Registrar" means the Registrar of the Council ;

(n) "town planner" means a person who holds any of the town planning qualifications specified in the First Schedule or the Second Schedule and is registered as a Town Planner with the Council ;

(o) "University" means a University established by law in Pakistan having an architectural or town planning faculty or department ; and

(p) "Vice-Chairman" means Vice-Chairman of the Council.

3. Constitution and Incorporation of the Pakistan Council of Architects and Town Planners.- (1) There shall be constituted in accordance with the provisions of this Ordinance a Council to be known as the Pakistan Council of Architects and Town Planners.

(2) The Council shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this ordinance to acquire, hold and dispose of land and property, both movable and immovable, and enter into contract and shall by the name by which it is known sue and be sued.

(3) The membership of the Council shall be open to the town planners for a period of ten years or till a separate Council of Town Planner is constituted, whichever is earlier.

(4) The Council shall be composed of all persons whose names may hereafter be entered in the Register, so long as they continue to have their names borne on the Register.

(5) Notwithstanding anything contained in sub-section (4), the Council shall, upon its first constitution, be composed of-

- (i) a Chairman, being an architect with not less than fifteen years experience, to be nominated by the Federal Government ;

M. Naim-ur-Rahman,
Secretary to the Council.

1172, Sidco Avenue Centre
124, P. A. Lines, Karachi

(ii) two Vice-Chairman, one being an architect and the other being a town planner with not less than fifteen years experience, to be nominated by the Federal Government ;

(iii) ten members, six being architects and four being town planners with not less than five years experience, to be nominated by the Federal Government ; and

(iv) two members, one being an architect and one being a town planner, to be nominated by the Federal Government to represent architectural and town planning institutions in Pakistan.

(6) The tenure of the members of the Council upon its first constitution shall be one year.

(7) The seal of the Council shall be authenticated in such manner as may be prescribed, and any document purporting to be sealed with the seal so authenticated shall be receivable as evidence of the particulars stated in the document.

(8) The headquarters of the Council shall be at such place as the Council may decide.

4. Chairman and Vice-Chairman.- (1) The Council shall have a Chairman who shall be an architect of not less than fifteen years experience and two Vice-Chairman, one being an architect and the other a town planner of not less than fifteen years experience, to be elected by the members from amongst themselves in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1), for a period of one year from the commencement of this ordinance, the Chairman and Vice-Chairman shall be the persons nominated by the Federal Government under clauses (i) and (ii) of sub-section (5) of section 3.

(3) The Chairman and Vice-Chairman shall, subject to sub-section (2), hold office for a term of two years.

(4) No person shall be qualified to be elected as, or to be, Chairman or Vice-chairman for more than two consecutive terms.

5. Annual general meeting of the Council.- (1) An annual general meeting of the Council shall be held at the headquarters of the Council at such time as may be appointed by the Executive Committee.

(2) The following business may be transacted at the annual general meeting, namely:-

- (a) presentation of annual report ;
- (b) presentation of audited accounts ;
- (c) presentation of annual budget ;
- (d) appointment of auditors ; and

(e) such other business as may be placed before the meeting by the Executive Committee or as the meeting may decide.

6. Extraordinary general meeting of the Council.- (1) An extraordinary general meeting of the Council shall be called by the Chairman at the headquarters of the Council-

(a) within fourteen days of the receipt by him of a requisition signed by not less than fifty members and stating the business proposed to be transacted at the meeting ; or

(b) at any time, if the holding of such meeting for the consideration of any urgent matter is in his opinion necessary.

(2) At a meeting called in pursuance of clause (a) of sub-section (1), no business other than the business stated in the requisition referred to in that clause shall be transacted.

7. General provisions relating to meetings of the Council.- (1) An annual or extraordinary general meeting of the Council shall be held and conducted in accordance with the bye-laws.

(2) To constitute a quorum at an annual or extraordinary general meeting of the Council, the presence of not less than fifty members shall be necessary :

Provided that, in respect of the Council constituted under sub-section (5) of section 3, this sub-section shall have effect as if for the word 'fifty' therein the word 'five' were substituted.

(3) All decisions of the Council at an annual or extraordinary general meeting shall be taken by majority of the members present and voting.

8. Functions of the Council.- The following shall be the functions of the Council, namely :-

- (a) maintenance of two Registers, one for persons qualified to practice as architects and the other for persons qualified to practice as town planners, and two lists, one for persons eligible to practice as unregistered architects and the other for persons eligible to practice as unregistered town planners ;
- (b) recognition of architectural and town planning qualifications for the purpose of registration of architects and town planners ;
- (c) removal of names from the Register and restoration to the Register of names which have been removed ;
- (d) laying down of standards of conduct for the members ;
- (e) safeguarding the interests of the members ;
- (f) assisting the Government and national institutions in identification and solution of national problems relating to architecture and town planning ;
- (g) promotion of reforms in the architectural and town planning professions ;
- (h) management of the funds and properties of the Council ;
- (i) promotion of architectural and town planning education and review of courses of studies in consultation with the Universities and recognised institutions and advising the Government in the matter of architectural and town planning education ;
- (j) levy and collection of fees from applicants for registration or temporary licences and from members ;
- (k) exercise of such disciplinary powers over the members and servants of the Council as may be prescribed ;

- (l) formation of such committees as may be prescribed;
- (m) making recommendation to be Government for recognition of a professional architectural institute and a professional town planning institute of conduct examinations and prepare such other functions as the Council may deem necessary; and
- (n) performance of all other functions connected with, or ancillary or incidental to, the aforesaid functions.

9. Executive Committee.—(1) There shall be an Executive Committee of the Council for the management of the affairs of the Council and for performing the functions assigned to the Council by or under this ordinance.

(2) The Executive Committee shall be composed of the following persons, namely:

- (a) the Chairman and Vice-Chairman of the Council who shall also be the Chairman and Vice-Chairman respectively of the Executive Committee;
- (b) the Registrar;
- (c) ten members, six being architects and four being town planners elected respectively by architects and town planners; and
- (d) two members, one being an architect and the other a town planner, to be nominated by architectural and town planning institutions in Pakistan.

(3) Notwithstanding anything contained in sub-section (2), for a period of one year from the commencement of this ordinance, the Executive Committee, shall be composed of the persons nominated by the Federal Government under sub-section (5) of section 3.

(4) The members of the Executive Committee, other than the Registrar, shall, subject to sub-section, hold office for a term of two years and shall not hold office for more than two consecutive terms.

(5) No person shall be qualified to be elected as, or to be, a member of the Executive Committee if he does not possess five years experience and is registered after the thirtieth day of June of the year in which the election is to be held, or as the case may be, nomination is to be made.

(6) The election of members of the Executive Committee under sub-section (2) shall be held so as to conclude not less than fifteen days before the term of the outgoing members is due to expire.

10. Recognition of architectural and town planning qualifications granted by institutions in Pakistan.—(1) The architectural and town planning qualifications granted by the institutions in Pakistan which are included in the First Schedule shall be the recognised qualifications for the purposes of this ordinance.

(2) Any architectural or town planning institution in Pakistan which grants an architectural or town planning qualification not included in the First Schedule may apply to the Council to have such qualification recognised and the Council may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein.

11. Recognition of architectural and town planning qualifications granted by institutions abroad.—(1) The architectural and town planning qualifications granted by institutions outside Pakistan which are included in the Second Schedule shall be recognised qualifications for the purposes of this ordinance.

(2) Any architectural or town planning qualification granted by an institution outside Pakistan not included in the Second Schedule may be recognised by the Council, and the Council may, by notification in the official Gazette, amend the Second Schedule so as to include such qualification therein.

12. Grant of temporary licences.—(1) The Executive Committee may grant to any person domiciled outside Pakistan who does not hold any recognised architectural or town planning qualification but who holds an equivalent diploma or degree in architecture or town planning from an institution recognised by the Council and who is a corporate member of an architectural or town planning body, society, institute or association recognised by the Council, a temporary licence for a specific project to work as an associate of an architect or town planner, who shall sign and seal the plans and specifications for the project.

(2) Any person to whom a temporary licence has been granted shall, during the period for which the licence is valid, be subject to the provisions of this ordinance and the byo-laws.

13. Power to require information as to courses of study and examination.—Every institution in Pakistan which grants a recognised architectural or town planning qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examination to be undergone in order to obtain such qualification.

14. Inspection of examination.—(1) The Council shall appoint such number of inspectors as it may deem requisite to attend at any or all of the examinations held by the institutions in Pakistan and the recognised professional architectural institutes for the purpose of granting architectural or town planning qualifications which are recognised architectural and town planning qualifications or in respect of which recognition has been sought.

(2) Inspectors appointed under sub-section (1) shall not interfere with the conduct of any examination but they shall report to the Council on the sufficiency of the examination which they attend and on the courses of study and facilities for teaching provided by the institution in question at different stages in respect of such examination, and on any other matter in regard to which the council may require them to report.

15. Withdrawal of recognition.—When, upon report, by an inspector, it appears to the Council that the courses of study and examination to be gone through in any institution in Pakistan in order to obtain a recognised architectural or town planning qualification or the standards of proficiency required from candidates in any examination held for the purpose of granting such qualification are not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of architecture or town planning, the council shall forward the report to the institution concerned with an intimation of the period within which it may submit its explanation to the council.

(2) On receipt of the explanation or, where no explanation is submitted within the specified period, on the expiry of that period, the council, after making such further inquiry, if any, as it may think fit, may, by notification in the official Gazette, direct that an entry shall be made in the First Schedule against the architectural or, as the case may be, town planning qualification to which the explanation relates declaring that it shall be

a recognised architectural or town planning qualification only when granted before a specified date.

16. Maintenance of Register, etc.- (1) The Council shall maintain in the prescribed manner-

(a) two separate Registers in which shall be entered the names and other particulars of persons possessing recognised architectural qualifications or, as the case may be, town planning qualifications who applications for registration as architects or town planners are from time to time granted by the Council; and

(b) two separate lists, hereinafter referred to as the lists, in which shall be entered the names and other particulars of persons not possessing any of the aforesaid qualifications who were licensed as architects or, as the case may be, town planners by any public sector agency before the date appointed under sub-section (1) of section 28 and who are declared by the Executive Committee, after carrying out proper scrutiny by way of examination or otherwise, to be eligible to practice as unregistered architects or unregistered town planners, as the case may be.

(2) Every application for registration under this Ordinance, or for the inclusion of name in either of the lists, shall be made to the Council in the prescribed form and be accompanied by the prescribed fee.

(3) Every person whose name is entered in a Register or in either of the lists shall be entitled to receive a certificate of registration or, as the case may be, a certificate of entry of name in the list, under the hand of the Register.

(4) A certificate issued under sub-section (3) shall, subject to the provisions of this Ordinance, remain in force until the thirty first day of December of the year in which it is issued and shall thereafter be renewable annually upon payment of the prescribed fee.

17. Registration.- (1) Every application for registration shall be considered by an Enrolment Committee consisting of the Chairman and Vice-Chairman and three other members, being architects or town planners of not less than ten years standing, nominated by the Executive Committee.

(2) The Enrolment Committee may either permit or refuse to permit the registration of any person;

Provided that the Enrolment Committee shall not refuse permission for registration unless-

(a) the applicant has been convicted of any such offence as implies in its opinion defect of character; or

(b) it has reason to believe that the applicant has been guilty of infamous conduct in any professional respect; or

(c) the applicant is unfit to practice on any other ground, including mental ill health.

18. Appeal against refusal to permit registration.- Any person aggrieved by an order under sub-section (2) of section 17 refusing to permit the registration of his name in the Register may, within thirty days of the communication of the order, prefer an appeal to the Executive Committee.

(2) Upon the receipt of an appeal under sub-section (1), the Executive Committee may, after holding such inquiry as it may consider necessary and giving the appellant an opportunity of being heard in person or through an advocate, pass such order as it may deem fit.

19. Revision of Register.- (1) The Registrar shall remove from the Register the name of any architect or town planner-

(a) who has died; or

(b) who has failed to have his certificate of registration renewed within one year of the date of its expiry; or

(c) whose name has been directed under sub-section (7) of section 22 to be removed from the Register.

(2) The Registrar shall restore to the Register the name of any architect or town planner whose name has been removed from the Register under clause (b) of sub-section (1) if such architect or town planner applies for such restoration and pays the prescribed fee.

(3) The Council may, in its discretion, after the expiry of not less than one year following the removal from the Register of the name of any architect or town planner, grant registration to such architect or town planner if he applies for registration.

20. Complaints against architects or town planners.- (1) If at any time a complaint is made to the Council by any person as to the work or conduct of any architect or town planner, the Executive Committee may refer the matter for inquiry and report to an inquiry committee appointed by it.

(2) If, upon the receipt of such report, the Executive Committee considers that a prima facie case for the removal from the Register of the name of the architect or town planner to whom the complaint relates has been established, the Executive Committee may refer the case to a Tribunal.

21. Tribunal of Inquiry.- (1) For holding into the professional conduct of architects and town planners, the Executive Committee may constitute as many Tribunals of Inquiry as it may consider necessary.

(2) A Tribunal shall consist of three members appointed by the Executive Committee.

(3) The Executive Committee shall appoint one of the members of the Tribunal to be the Chairman thereof.

22. Procedure in inquiries, etc.- (1) In inquiries relating to the professional conduct of an architect or town planner, the Tribunal shall, except as hereinafter provided, follow such procedure as may be prescribed.

(2) The Tribunal shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the complainant and the architect or town planner concerned, hereafter in this section referred to as the respondent, and shall afford to the complainant and the respondent an opportunity of leading evidence, if any, and of being heard before recommendations are made in the case.

(3) The Chairman of the Tribunal may empower a member of the Tribunal to consider and decide preliminary issues and to record evidence.

(4) On completion of the inquiry, the Tribunal may recommend to the Executive Committee-

- (a) dismissal of the complaint ; or
- (b) imposition of any of the following penalties on the respondent, namely :-
 - (i) reprimand ;
 - (ii) removal of name from the Register for a period not exceeding twelve months ;
 - (iii) removal of name from the Register altogether ; or
- (c) prosecution of the respondent for the offence constituted by his conduct.

(5) The Tribunal may make such recommendation to the Executive Committee as to the cost of the proceedings before it as it may deem fit, and, where the Tribunal is of the opinion that a complaint made against a respondent is false and vexatious, in addition and without prejudice to any other remedy available to the respondent, recommend imposition upon the complainant of costs not exceeding a sum of ten thousand rupees and payment to the respondent of the whole or any part of the costs recovered from the complainant.

(6) In any case in which it has recommended the imposition of any penalty on, or the prosecution of, the respondent, the Tribunal may also recommend that an amount not exceeding twice the amount of the fee received by the respondent from the complainant may be recovered from the respondent and paid to the complainant as compensation.

(7) The Executive Committee shall meet to consider the recommendations of the Tribunal within a period of six weeks from the date of receipt thereof and pass such orders as it may deem fit.

(8) Any order of the Executive Committee as to the costs of the proceedings before the Tribunal or as to the recovery of any amount from a complainant or a respondent shall be executable as if it were a decree of a civil court.

(9) When any architect or town planner is reprimanded under this ordinance, a record of the punishment shall be entered against his name in the Register.

23. Review. (1) The Executive Committee may, within thirty day of its order under sub-section (7) of section 22, either of its own motion or on application made to it in that behalf, review and, while so reviewing, modify, reverse or confirm the order.

(2) An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard.

24. Powers of the Tribunal. (1) For the purpose of any such inquiry as aforesaid, a Tribunal shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :-

- (a) enforcing the attendance of any person ;
- (b) compelling the production of documents ; and
- (c) issuing commissions for the examination of witnesses.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1960), and a Tribunal shall be deemed to be a Civil Court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) For the purposes of enforcing the attendance of any person or of compelling the production of documents or issuing commissions,-

- (a) the jurisdiction of a Tribunal shall extend to the whole of Pakistan ; and
- (b) a Tribunal may send to any civil court having jurisdiction in the place where the Tribunal is sitting any summons or other process for the attendance of a witness or the production of documents required by the Tribunal, or any commission which it desires to issue, and the civil court shall serve such process or issue such commission, as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) Proceedings before a Tribunal in any such inquiry shall be deemed to be civil proceedings for the purposes of section 132 of the Evidence Act, 1872 (I of 1872), and the provisions of that section shall apply accordingly.

25. Fund of the Council, accounts and audit. (1) All sums received by the Council as fees, grants, donations or subscriptions shall form part of a fund which shall be managed, administered and utilised in such manner as may be prescribed.

(2) The Executive Committee shall cause to be maintained such books of account and other books in such form and manner as may be prescribed.

(3) The accounts of the Council shall be audited before the thirtieth day of November each year by an auditor appointed by the Council who is a chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961).

26. Bye-laws of the Council. (1) The Council may make bye-laws for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely :-

- (a) the summoning and holding of meetings of the Council and Executive Committee, the time and places where such meetings are to be held, the conduct of business and the number of members necessary to constitute a quorum at a meeting of the Executive Committee ;
- (b) the powers and duties of the Chairman and Vice-Chairman ;
- (c) the terms of the office and powers and duties of the Registrar and other officers and servants of the Council ;
- (d) the appointment, powers, duties and procedure of inspectors ;
- (e) the procedure for maintenance and publication of the Register, the fees to be charged under this ordinance and establishment of sub-offices or branches of the Council ;
- (f) the management of the property of the Council and the maintenance and audit of its accounts ;
- (g) the procedure at any inquiry held under section 22 ; and

(b) any other matter which is to be or may be prescribed.

(3) The first Council shall make the bye-laws within six months of its assuming office and shall also frame a Code of Professional Conduct for architects and town planners.

(4) The Code of Professional Conduct framed under sub-section (3) may be amended, modified or repealed by the Council.

27. Proof of membership, etc.- For the purposes of any action or proceeding under this ordinance, a certificate of the Registrar certifying under the seal of the Council that, on a specified date, the name of a person was or was not borne on the Register shall be proof of its contents and of the authenticity of his signature, until the contrary is proved.

28. Penalties and procedure.- (1) After such date as the Federal Government may, after consultation with the Council, by notification in the official Gazette, appoint in this behalf whoever undertakes any professional architectural or town planning work shall, if his name is not for the time being borne on the Register or on either of the lists, be punishable with fine which may extend to five thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day after the first day during which the offence continues.

(2) Whoever wilfully procures or attempts to procure himself to be registered under this ordinance as an architect or town planner, or to have his name entered in either of the lists, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, and any person who assists him therein, shall be punishable with fine which may extend to five hundred rupees.

(3) Whoever falsely pretends to be registered under this ordinance or to have his name borne on either of the lists, or, not being registered under this ordinance or having his name borne on either of the lists, uses with his name any words or letters representing that he is so registered or his name is so borne, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be punishable with fine which may extend to five hundred rupees.

(4) No person undertaking any professional architectural or town planning work shall, unless he is registered under this ordinance or his name is borne on either of the lists, be entitled to recover before any court or other authority any sum of money for service rendered in such work.

(5) No court shall take cognizance of any offence punishable under this ordinance save on a complaint made by, or under the authority of the council.

(6) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Ordinance.

29. Infringement of Code of Professional Conduct.- Any infringement of the Code of Professional Conduct framed under sub-section (3) of section 26 shall make a registered person liable to have his name removed from the Register.

30. Certain provisions to apply to unregistered architects and town planners.- The provisions of sections 19, 20, 21, 22, 23 and 24, sub-section (3) of section 26, and sections 27, 28 and 29 shall mutatis mutandis apply to unregistered architects and unregistered town planners whose names are borne on the lists.

31. Power to exempt.- The Federal Government may, either on the recommendation of the Council or of its own motion, by notification in the official Gazette exempt any person or class of persons, or any architectural or town planning works or class of such

works, from the operation of the provisions of section 28, subject to such conditions, if any, as may be specified in the notification.

32. Commission of Inquiry.- (1) Whenever it is made to appear to the Federal Government that the Council is not complying with any of the provisions of this ordinance, the Federal Government may refer the particulars of the complaint to a Commission of Inquiry consisting of-

- (a) a person who is, or has been, or is qualified to be, a Judge of a High Court, to be appointed by the Federal Government;
- (b) an architect or town planner, to be nominated by the Federal Government; and
- (c) an architect or town planner, to be nominated by the Council.

(2) The Commission shall proceed to inquire and report to the Federal Government as to the truth of matters charged in the complaint; and, in case of any charge of default or of improper action being found by the Commission to have been established, the Commission shall recommend remedies, if any, which are in its opinion necessary.

(3) The Federal Government may require the Council to adopt the remedies so recommended within such time as, having regard to the report of the Commission, it may think fit; and, if the Council fails to comply with any requirement, the Federal Government may amend the bye-laws or make such provision or order or take such other steps as it may deem necessary to give effect to the recommendations of the Commission.

(4) The Commission shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908 (Act V of 1908).

THE FIRST SCHEDULE

[See sections 2(a) and (n) and 10]

RECOGNISED ARCHITECTURAL AND TOWN PLANNING QUALIFICATIONS GRANTED BY INSTITUTIONS IN PAKISTAN

Name of Institution	Recognised Architectural & Town Planning Qualifications
PART I - ARCHITECTURE	
1. University of Engineering and Technology, Lahore.	Bachelor of Architecture.
2. Dawood College of Engineering and Technology, Karachi.	Bachelor of Architecture.
3. National College of Arts, Lahore.	(1) National Diploma in Architecture (Five-Year Diploma). (2) Three year Diploma in Architecture (Discontinued in 1960).
4. Government School of Architecture, Karachi.	Four-Year Diploma in Architecture (Discontinued in 1974).

PART II - TOWN PLANNING

University of Engineering and Technology, Lahore	(1) Master of Science in Town Planner.
	(2) Bachelor of Science in Town Planning.
	(3) Bachelor of Science in City and Regional Planning.

THE SECOND SCHEDULE

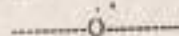
[See sections 2(a) and (n) and 11]

RECOGNISED ARCHITECTURAL AND TOWN PLANNING QUALIFICATIONS GRANTED BY INSTITUTIONS OUTSIDE PAKISTAN

Name of Institution	Recognised Architectural & Town Planning Qualifications
PART I - ARCHITECTURE	
1. Middle East Technical University, Ankara, Turkey.	Bachelor of Architecture.
2. American University at Beirut, Lebanon.	Bachelor of Science in Architectural Engineering.
3. Bangladesh University of Engineering and Technology, Dacca, Bangladesh.	Bachelor of Architecture.
4. University of Manchester, Manchester, U.K.	Bachelor of Architecture.
5. University of Nottingham, Nottingham, U.K.	Bachelor of Architecture.
6. University of Edinburgh, Edinburgh, U.K.	Diploma in Architecture.
7. Leeds Polytechnic, Leeds, U.K.	Diploma in Architecture.
8. Leicester Polytechnic, Leicester, U.K.	Diploma in Architecture.
9. Liverpool Polytechnic, Liverpool, U.K.	Diploma in Architecture.
10. Architectural Association School of Architecture, London, U.K.	Diploma in Architecture.
11. Polytechnic of Central London, London, U.K.	Diploma in Architecture.
12. Oxford School of Architecture, College of Technology, Oxford, U.K.	Diploma in Architecture.
13. University of Sheffield, Sheffield, U.K.	Diploma in Architecture.
14. Brighton Polytechnic, Brighton, U.K.	Diploma in Architecture.
15. Tasmanian College of Advanced Education, Tasmania, Australia.	Diploma in Architecture.
16. University of Liverpool, Liverpool, U.K.	Bachelor of Architecture.

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| 17. California State Polytechnic College, St. Louis, California, U.S.A. | Bachelor of Architecture. |
| 18. University of Hawaii, Honolulu, Hawaii, U.S.A. | Bachelor of Architecture. |
| 19. University of Houston, Houston, Texas, U.S.A. | Bachelor of Architecture. |
| 20. University of Illinois, Chicago, Illinois, U.S.A. | Bachelor of Architecture. |
| 21. University of Illinois, Urbana, Illinois, U.S.A. | Bachelor of Architecture. |
| 22. Illinois Institute of Technology, Chicago, Illinois, U.S.A. | Bachelor of Architecture. |
| 23. Iowa State University, Ames, Iowa, U.S.A. | Bachelor of Arts in Architecture. |
| 24. University of Kentucky, Lexington, Kentucky, U.S.A. | Bachelor of Architecture. |
| 25. Massachusetts Institute of Technology, Cambridge, Massachusetts, U.S.A. | Bachelor of Architecture. |
| 26. University of Michigan, Ann Arbor, Michigan, U.S.A. | Bachelor of Architecture. |
| 27. University of Nebraska, Lincoln, College of Architecture, Nebraska, U.S.A. | Bachelor of Science in Architecture. |
| 28. University of Oregon, Eugene, Oregon, U.S.A. | Bachelor of Architecture. |
| 29. University of Pennsylvania, Philadelphia, Pennsylvania, U.S.A. | Bachelor of Architecture. |
| 30. Princeton University, Princeton, New Jersey, U.S.A. | Bachelor of Architecture. |
| 31. University of Texas, Austin, Texas, U.S.A. | Bachelor of Architecture. |
| 32. Washington University, St. Louis, Missouri, U.S.A. | Bachelor of Architecture. |
| 33. Yale University, New Haven, Connecticut, U.S.A. | Bachelor of Architecture. |
| 34. University of Texas, Arlington, Texas, U.S.A. | Bachelor of Science in Architecture. |
| 35. New York Institute of Technology, New York, U.S.A. | Bachelor of Science in Architecture. |
| 36. McGill University, Montreal, Canada. | Bachelor of Architecture. |

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| 37. University of Calgary, Alberta, Canada. | Bachelor of Architecture. |
| 38. J.J. School of Architecture, Bombay, India. | Diploma in Architecture (Diploma Awarded up to 31st December, 1980). |
| 39. Delhi Polytechnic, New Delhi, India. | Diploma in Architecture (Diploma Awarded up to 31st December, 1980). |
| 40. Government College of Fine Arts, Hyderabad, India. | Diploma in Architecture (Diploma Awarded up to 31st December, 1980). |
| 41. State Board of Technical Education and Training Hyderabad, India. | Diploma in Architecture (Diploma Awarded up to 31st December, 1980). |



PART II - TOWN PLANNING

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| 1. Graduate School of Ekistics, Athens Technological Institute, Athens, Greece. | Master of Science in Ekistics. |
| 2. Asian Institute of Technology, Bangkok, Thailand. | Master in Human Settlements Planning. |
| 3. Michigan State University, East Lansing, Michigan, U.S.A. | Master in Urban Planning. |
| 4. University of Hawaii, U.S.A. | Master of Urban and Regional Planning. |
| 5. University of Nottingham, U.K. | Master of Arts in Urban and Regional Planning. |
| 6. University of Liverpool, U.K. | Master in Civil Design. |
| 7. University of Edinburgh, U.K. | M. Phil. in Urban Design and Regional Planning. |
| 8. College of Technology, Oxford, U.K. | Four Years Degree Course in Planning Studies. |
| 9. Graduate School of Ekistics, Athens Technological Institute Athens, Greece. | Diploma in Ekistics (Discontinued in 1962). |
| 10. University of Liverpool, U.K. | Diploma in Town Planning. |
| 11. University of Edinburgh, U.K. | Diploma in Town Planning. |

- 12. Durham University, U.K. Post Graduate Diploma in Town Planning.
- 13. College of Technology, Oxford, U.K. Diploma in Urban Planning.
- 14. University of New Castle Upon Tyne, Liverpool, U.K. Post Graduate Diploma in Town Planning.

**GENERAL
M. ZIA-UL-HAQ,
PRESIDENT**

**C. A. RAHMAN,
Secretary.**

PART II - TOWN PLANNING

- 1. Graduate School of Urban Planning, Technological Institute, Ahmedabad, Gujarat, India.
- 2. Asian Institute of Technology, Bangkok, Thailand.
- 3. Michigan State University, East Lansing, Michigan, U.S.A.
- 4. University of Hawaii, U.S.A.
- 5. University of Nottingham, U.K.
- 6. University of Liverpool, U.K.
- 7. University of Liverpool, U.K.
- 8. College of Architecture, Oxford, U.K.
- 9. Technological Institute, Ahmedabad, Gujarat, India.
- 10. University of Liverpool, U.K.
- 11. University of Liverpool, U.K.