

The Sind Town-Planning Act, 1915
AND
The Town Improvement Act, 1922

APPLICABLE TO ALL CONCERNED IN SIND

Corrected & Modified

By

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(Exponents of Civil Service, Labour, Taxation & General Laws)

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SIND ACT NO. I OF 1915'

[THE SIND TOWN-PLANNING ACT, 1915]

[6th March, 1915.]

*An Act to provide for the making and execution of
town-planning schemes.*

WHEREAS it is expedient that the development of certain areas should be regulated with the general object of securing proper sanitary conditions, amenity and convenience to the persons living in such areas and in neighbouring areas;

AND WHEREAS the previous sanction of the Governor-General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follow:—

CHAPTER I

PRELIMINARY.

1. (1) This Act may be called the [Sind] Town-Planning Act, Short title and extent.
1915.

[2] It shall extend to the whole of [Sind].

2. In this Act, unless there is anything repugnant in the Interpretation-clause.
subject or context:—

[a] "Local Authority" means a People's Municipality or a People's Town Committee.] *go to section 3*

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1. For Statement of Objects and Reasons see B.G. G., 1913, Pt. VII, p. 845 ; for Report of Select Committee, see-ibid, 1914, Pt. VII, p. 510 ; and for Proceedings in Council, see-ibid, 1914, Pt. VII, p. 78 ; ibid, 1915, p. 11.
 2. The then Constitutional Law in force.
 3. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (f) (w. e. f. 30th May 1951), for "Bombay".
 4. Subs. by the Sind 12 of 1944, s. 2, for the original sub-section (2).
 5. Subs. by West Pakistan Laws (Adaptation) Order 1964, Sch., Part IV-B for the "Province of Sind".
 6. Subs. by the Sind Act 17 of 1975, s. 3, Sch. II, for clause (a) as amended by Sind Ordinance 5 of 1955, s. 6, Sch. II.

- (b) "prescribed" means prescribed by rules made under this Act;
- (c) "owner" includes an owner in severalty, in common or joint; and includes also an occupant as defined in clause (16) of section 3 of the 'Sind' Land Revenue Code, 1879;
- (d) "plot" means a continuous portion of land held in one ownership
- (e) "reconstituted plot" means a plot which is in any way altered by the making of a town-planning scheme"

Explanation:—"Altered" includes alteration of ownership.

- (f) "scheme" includes a plan relating to a town-planning scheme.

3. A town planning scheme may make provision for any of the following matters:—

Contents of
planning
Scheme.

- (a) the construction, diversion, alteration and stopping up of streets, roads and communications;
- (b) the construction, alteration, and removal of buildings, bridges and other structures;
- (c) the plotting out of land as building-sites whether such land is intended to be used for building purposes in the immediate future or not;
- (d) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and public purposes of all kinds;
- (e) drainage inclusive of sewerage and of surface drainage and sewerage disposal;
- (f) lighting;
- (g) water supply;
- (h) the preservation of objects of historical interest or natural beauty and of buildings actually used for religious purposes or regarded by the public with special religious veneration;
- (i) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, height and character of buildings allowed in specified areas and the purposes to which buildings or specified areas may or may not be appropriated;

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1. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3(j) (w.e.f. 30th May, 1951), for "Bombay." Now Sind Land Revenue Act, 1967 (XVII of 1967).
 2. The words "other than land used, allotted or reserved for any public or municipal purpose" omitted by Sind 12 of 1944, s. 3(b).
 3. The words "otherwise than by the severance of land used, allotted or reserved for any public or municipal purpose" omitted *ibid*, s. 3(c).

- (j) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule having the force of law, bye-law, Act, or other provision * * * which is in force in the area included in the scheme:

go to section 9

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[provided that it shall not be lawful to suspend in any such area any Act of Parliament or any law relating to any of the matters enumerated in the Federal Legislative list of the Fourth Schedule to the Constitution:]

[Provided further that every scheme shall make provision and earmark plot for a mosque;]

- (k) such other matter not inconsistent with the objects of this Act as may be prescribed.

4. (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which [the local authority has declared, under section 9, its intention to make a town-planning scheme] and any entry in the record-of-rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held [on an application being made by the local authority or the Arbitrator at any time prior to the date on which the Arbitrator draws up the final scheme under clause (10) of section 30] by such officer as the [Provincial Government] **** may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

Disputed ownership.

(2) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(3) Such decision shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the local authority either by the Civil Court or by some person affected by such decree.

5. For the purpose of the preparation, making or execution of any town-planning scheme any person authorized by the local authority or any public servant or person duly appointed or authorized under this Act may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

Right of entry.

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1. The words "under whatever authority made" rep. by the Sind Repealing and Amending Act, 1919 (Sind 2 of 1919), s. 3, Sch. II.
 2. The Proviso added by Sind 2 of 1919, s. 2, Sch. I, Pt. II has successively been amended by A.O., 1937, Sind Ordinance 5 of 1955, W. P. A. O., 1964 and Sind Act 17 of 1975, to read as above.
 3. The second Proviso added Ord. XXI of 1984, s. 2.
 4. Subst. by the Sind 12 of 1944, s. 4(1), for "any of the provisions of this Act are to be applied."
 5. *Int. ibid.*, s. 4(2).
 6. Subst. by the A. O., 1937, for "G. in C".
 7. The words "in the City of Bombay or the Commissioner elsewhere" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6 Sch. II.

Powers of local authority to borrow money and to make and execute a town-planning scheme.

6. (1) A local authority as defined in this Act shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914, for the purpose of borrowing money under that Act, and the making and execution of a town-planning scheme shall be deemed to be a work which such local authority is legally authorized to carry out.

(2) Any expenses incurred by a local authority under this Act or any town-planning scheme made thereunder may be defrayed out of its funds.

7. [Notified areas.] Omitted by the Sind Repealing and Amending Act, 1975 (Sind 17 of 1975), S. 3, Sch. II.

CHAPTER II

DECLARATION OF INTENTION TO MAKE A SCHEME, AND PREPARATION OF DRAFT SCHEME.

Land in respect of which a town-planning scheme may be made.

8. (1) A town-planning scheme may be made in accordance with the provisions of this Act in respect of any land which is in course of development or is likely to be used for building purposes.

(2) Where it appears to the [Provincial Government] that a piece of land already built upon, or a piece of land not likely to be used for building purposes is so situated with respect to any land which is in course of development or likely to be used for building purposes that it ought to be included in any town-planning scheme intended to be made with respect to the last-mentioned land, the [Provincial Government] may sanction the making of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(3) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town-planning scheme, whether in the nature of a building work or not, and the decision of the [Provincial Government] as to whether land is likely to be used for building purposes or not shall be final.

1. Subs. by the A. O., 1937, for "G. in C."

9. (1) The local authority having jurisdiction over any such land as is referred to in section 8 may by resolution declare its intention to make a town-planning scheme in respect of the whole or any part of such land and of any land which is in the vicinity of such land but which is not included in any other municipal or [town committee] area, provided that for the making of such scheme the sanction of the [Provincial Government] shall be necessary.

Powers of a local authority to resolve on a declaration of intention to make a Scheme and of the Provincial Government to sanction such declaration.

(2) Within twenty-one days from the date of such declaration hereinafter referred to as a declaration of intention to make a scheme, the local authority shall despatch a copy thereof for publication in the [Official Gazette] and shall publish it in the prescribed manner and shall apply to the [Provincial Government] for sanction for the making of such scheme.

Go to note 3
go through all until reaching

(3) With its application for such sanction the local authority shall send to the [Provincial Government] a plan showing the area which it proposes to include in the town-planning scheme and the surrounding lands.

(4) A copy of such plan shall be open to the inspection of the public at all reasonable hours at the head office of the local authority.

(5) If within one month from the date of such publication in the [Official Gazette] any person likely to be affected by such scheme communicates in writing to the [Provincial Government] any objection or suggestion relating to such scheme the [Provincial Government] shall consider such objection or suggestion.

(6) After receiving such application and after making such inquiry as [it] may think fit, the [Provincial Government] may, by notification in the [Official Gazette] either sanction the making of such scheme with or without modifications and subject to such conditions as [it] may think fit to impose, or [it] may by a similar notification refuse to give sanction.

Section 10

10. (1) Within twelve months from the date of the notification sanctioning the making of a town-planning scheme the local authority shall in consultation with the owners prepare, and publish in the prescribed manner, a draft scheme for the area in respect of which sanction has been given.

Preparation and publication of draft scheme.

1. Subs. by Sind Act 17 of 1975, s. 3, Sch. II, for "notified".
2. Subs. by the A. O., 1937, for "G. in C".
3. Subs. ibid., for "B. G. G".
4. Subs. ibid., for "he".

(2) If such publication is not made by the local authority within twelve months from the date of such notification, the [Provincial Government] may in consultation with the owners prepare, and publish in the prescribed manner, a draft scheme for the area in respect of which sanction has been given within a further period of nine months.

Lapsing of sanction.

(3) If such publication is not made by the [Provincial Government] within the further period specified in sub-section (2), the sanction of the [Provincial Government] for the making of such town-planning scheme shall lapse, and until a period of three years has elapsed from the date of such sanction it shall not be competent to the local authority to apply for fresh sanction for the making of any town-planning scheme for the same area or for any part of it.

Contents of draft scheme.

11. The draft scheme shall contain the following particulars —
- (a) the area, ownership and tenure of each original plot;
 - (b) the land allotted or reserved under clause (d) of section 3, with a general indication of the uses to which such land is to be put [and the terms and conditions subject to which such land is to be put to such uses;]
 - (c) the extent to which it is proposed to alter the boundaries of original plots;
 - (d) an estimate of the net cost of the scheme to be borne by the local authority;
 - (e) a full description of all details of the scheme under such clauses of section 3 as may be applicable; and
 - (f) any other prescribed particulars.

Reconstituted Plots.

12. (1) In the draft scheme the size and shape of every reconstituted plot shall be so determined as to render it, so far as may be, suitable for building purposes.

(2) In order to render original plots more suitable for building purposes the draft scheme may contain proposals—

- (a) to form a reconstituted plot by the alteration of the boundaries of an original plot,
- (b) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severally or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot,

1. Subs. by the A. O., 1937, for "G. in C."

2. The words "in the City of Bombay or the Commissioner elsewhere" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II

3. The words "or the Commissioner as the case may be" rep. *ibid.*

4. Added by Sind 12 of 1944, s. 5.

- (c) to allot a plot to any owner dispossessed of land in furtherance of the scheme, and
- (d) to transfer the ownership of a plot from one person to another.

13. If within one month from the date of publication of the draft scheme any person affected by such scheme communicates in writing to the local authority any objection relating to such scheme the local authority shall consider such objection and may, at any time before submitting the draft scheme to the [Provincial Government] as hereinafter provided, modify such scheme as it thinks fit.

Objections to the draft scheme to be considered.

14. (1) The local authority shall [within the period prescribed] submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it to the [Provincial Government] and shall at the same time apply for [its] sanction.

Power of the Provincial Government to sanction a draft scheme.

(2) After receiving such application and after making such inquiry as [it] may think fit, the [Provincial Government] may, [within the period prescribed] by notification in the [Official Gazette] either sanction such scheme with or without modifications and subject to such conditions as [it] may think fit to impose, or * * * refuse to give sanction.

to section 30 at p 13

(3) If the [Provincial Government] sanctions such scheme, [it] shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public.

15. (1) When a local authority has published a declaration of intention to make a scheme—

Restrictions after declaration.

- (a) no person shall within the area included in the scheme erect or proceed with any building or work [or remove, pull down or alter any building or part of a building or remove any earth, stone or material] unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the local authority in the form prescribed;

1. Subs. by the A. O., 1937, for "G. in C." .
 2. Subs. by Sind 12 of 1944, s. 6(r), for "then".
 3. Subs. by the A. O., 1937, for "his".
 4. Subs. *ibid* for "he".
 5. Added by Sind 12 of 1944, s. 6(b)(i).
 6. Subs. by the A. O., 1937, for "B. G. G.". .
 7. The words "it may by similar notification" omitted by Sind 12 of 1944, s. 6(b)(ii).
 8. Ins. by Sind 13 of 1920, s. 2(a).

- (b) the local authority on receipt of such application shall at once furnish the applicant with a written acknowledgement of its receipt, and after enquiry may either grant or refuse such certificate or grant it subject to such conditions as may be consistent with the [scheme], provided that if an Arbitrator has been appointed under section 29 the local authority shall not grant such certificate without obtaining the previous concurrence of such Arbitrator, unless such Arbitrator fails to communicate his decision in the matter to the local authority within two months from the date of the despatch of application to him by the local authority. If the local authority communicates no decision to the applicant within three months from the date of such acknowledgement he shall be deemed to have been granted such certificate;
- [(c) if any person contravenes the provisions contained in clause (a) or clause (b),
- (i) the local authority may direct such person by notice in writing to stop any work in progress, and after making enquiry in the prescribed manner, remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme and
- (ii) such person shall, on being convicted for such contravention, be liable to fine which may extend to Rs. 1,000 and in the case of a continuing contravention of the aforesaid provisions, he shall be liable to an additional fine which may extend to Rs. 10 for each day during which such contravention continues after conviction for the first such contravention;]
- (d) any expenses incurred by the local authority under clause (c) shall be a sum due to the local authority under this Act from the person in default;
- *(e) any diminution in the value of an original plot occasioned by any contravention of clause (a) or clause (b) shall, notwithstanding anything contained in section 16, 17 or 19, be taken into account in fixing the market value of such plot.]

1. Subs. by Sind 12 of 1944, s. 7(1) (a), for "scheme; but if."
 2. Subs. [ibid] for the original cl. (c).
 3. Added by Sind 13 of 1920, s. (2) (b).

(2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the local authority under the provisions of this section or section 43, except in respect of a building or work begun or a contract entered into before the date on which the local authority published a declaration of intention to make a scheme, and only in so far as such building or work has proceeded at the time of the publication of the declaration of intention to make a scheme.

(3) The restrictions imposed by this section shall cease to operate in the event of the '[Provincial Government] refusing to sanction the making of a town-planning scheme, or in the event of the sanction of the '[Provincial Government] for the making of such scheme lapsing, or in the event of the '[Provincial Government] refusing to sanction the draft scheme' [or the final scheme or in event of the withdrawal of the scheme under section 40A.]

[15A. (1) Whenever a local authority proposes to undertake the reclamation of a locality which is unhealthy or the laying out of a street or the construction of park or of pleasure or recreation ground in virtue of the powers conferred upon it by any law for the time being in force in any area within its limits which is already built upon and the Provincial Government is of opinion that such reclamation laying out or construction will specially benefit the owners of buildings and lands within such area the Provincial Government may, by notification in the *Official Gazette*, apply to such area the provisions of Chapters III and IV with such modifications and adaptations as the Provincial Government may deem fit:

Town
planning
scheme
in built up
areas.

Provided that in calculating the amount of the increment under section 17 or in estimating the market value of a plot under section 19, the amount of such increment or such market value shall be calculated or estimated as at the date of the resolution of the local authority proposing the scheme under this section.

(2) The Provincial Government shall, before issuing a notification under sub-section (1), give the owners or occupiers of buildings and lands in the area affected, an opportunity of showing cause why such notification should not be issued.]

CHAPTER III.

FINANCE.

16. (1) The costs of a town-planning scheme shall include—
- (a) all sums payable by the local authority under the provisions of this Act which are not specifically excluded from the costs of the scheme;

Costs of the
scheme.

1. Subs. by the A. O., 1937, for "G. in C."

2. Added by Sind 12 of 1944, s. 7(II).

3. S. 15A ins. *ibid*, s. 8.

- (b) all sums spent or estimated to be spent by the local authority in the making and in the execution of the scheme;
- [(bb) all sums payable as compensation for land allotted or reserved for any public or municipal purpose which is solely beneficial to the owners or residents within the area of the scheme;
- (bc) such portion of the sums payable as compensation for land allotted or reserved for any public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such allotment or reservation;]
- (c) all legal expenses of the local authority incurred in the making and in the execution of the scheme; and
- (d) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme with all the buildings and works thereon at that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(2) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the original plots, each of such plots being estimated in the manner provided in clause (d) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (1).

Calculation
of incre-
ment.

17. [For the purposes of this Act the increment shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:]

Provided that in estimating such value the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

1. Cl. (bb) and (bc) added by Sind 12 of 1944, s. 9.

2. This paragraph was subs. by Sind 13 of 1920, s. 3.

18. (1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the local authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Tribunal of Arbitration:

Contri-
bution to-
wards the
costs of the
scheme.

Provided that—

- (i) no such contribution shall exceed half the increment estimated by the Tribunal of Arbitration to accrue in respect of such plot; *
- (ii) where a plot is subject to a mortgage with possession or to a lease, the Tribunal of Arbitration shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;
- †(iii) no such contribution shall be levied on a plot used, allotted or reserved for a public or municipal purpose which is solely for the benefit of owners or residents within the area of the scheme; and
- (iv) the contribution levied on a plot used, allotted or reserved for a public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.]

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Owner
primarily
liable for
contribution.

19. The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contributions leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Certain
amount to
be added to
or deducted
from the
contribution
leviable
from a
person.

1. The word "and" omitted by Sind 12 of 1944, s. 10(f).

2. CA (iii) & (iv) added *ibid*, s. 10 (f).

Transfer of right from original to reconstituted plot, or extinction of such right.

20. Any right in an original plot which in the opinion of the arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a town-planning scheme, to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the arbitrator is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

Compensation in respect of property or right injuriously affected scheme.

21. (1) The owner of any property or right which is injuriously affected by the making of a town-planning scheme shall, if he makes a claim before the arbitrator within the prescribed time, be entitled to obtain compensation in respect thereof from the local authority or from any person benefited or partly from the local authority and partly from such person, as the Tribunal of Arbitration may in each case determine:

Provided that the value of such property or right shall be held to be its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme.

(2) In addition to the market value of the property as above provided, the owner shall be paid a sum of fifteen per centum on such market value in consideration of the compulsory nature of the acquisition.

(3) The owner shall also be paid an additional compensation of fifteen per centum per annum on the compensation payable under this section from the date of declaration under sub-section (1) to the date of payment of the compensation.]

Extinction or limitation of compensation in certain cases.

22. (1) Where property or a private right of any sort is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme, no compensation shall be paid in respect thereof if or in so far as the provisions are such as would have been enforceable without compensation under any rule having the force of law, bye-law or Act in force at the time.

(2) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in such scheme or any part thereof, impose any conditions and restrictions in regard to any of the matters specified in clause (i) of section 3.

1. The original section 21 numbered as sub-section (1) and new sub-sections (2) and (3) added by Sind O.d. XXI of 1984, s.3.

23. If the owner of an original plot is not provided with a plot in the final scheme, or if the contribution to be levied from him under section 18 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his contribution shall be payable to him by the local authority in cash, or in such other way as may be agreed upon by the parties.

Provision for case in which amount payable to owner exceeds amount due from him.

24. (1) If from any cause the total amount which would be due to the local authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the arbitrator shall, at the request of the local authority, direct the owner of such plot to make payment to the local authority of the amount of such excess.

Provision for case in which value of developed plot is less than amount payable by owner

(2) If such owner fails to make such payment within the prescribed period, the arbitrator shall, if the local authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the local authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the local authority, free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the local authority on account of the value of the original plot shall not be included in the costs of the scheme.

25. All payments due to be made to any person by the local authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the local authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment by adjustment of account.

26. (1) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in one sum or in such instalments including charges for interest as shall be fixed by the local authority with the sanction of the Provincial Government. * * *

Payment of net amount due to local authority

(2) Where more than one plot included in the final scheme is in the same ownership the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot unless the owner and the local authority agree to a different method of distribution.

1. Subs. by the A. O., 1937, for "G. in C."

2. The words "in the City of Bombay or the Commissioner elsewhere" rep. by the Sind Law (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4, Sch. II.

Power of
local
authority
to make
agreement.

27. (1) A local authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town-planning scheme, subject to the power of the [Provincial Government] to modify or disallow such agreement and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town-planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the arbitrator or of the Tribunal of Arbitration as described in Chapter IV or the rights of third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the arbitrator or by the Tribunal of Arbitration:

Provided that if the agreement be modified by Government, either party shall have the option of avoiding it if he so elects.

Recovery
of arrears.

28. Any sum due to the local authority under this Act which is not paid on the day when it becomes due shall be recovered by the Collector, according to law and under the rules for the time being in force for the recovery of arrears of land-revenue, on application being made to him by the local authority.

CHAPTER IV.

THE ARBITRATOR AND THE TRIBUNAL OF ARBITRATION.

Appoint-
ment of
arbitrator.

29. After a draft scheme has been sanctioned the [Provincial Government] shall appoint an arbitrator with sufficient establishment whose duties shall be as hereinafter provided.

Duties
of the
arbitrator.

30. In accordance with the prescribed procedure the arbitrator shall—

(1) after notice given by him in the prescribed manner define and * * * demarcate the areas allotted to, or reserved for, [public or municipal purposes], and the reconstituted plots;

(2) after notice given by him in the prescribed manner determine, in a case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons;

(3) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the final scheme, in accordance with the provisions contained in clause (d) of sub-section (1) of section 16;

1. Subs. by the A. O., 1937, for "G. in C."

2. The word "where it is in his opinion necessary" omitted by Sind 12 of 1944, s. 11(a)(i).

3. Subs. *ibid*, s. 11 (a) (ii), for "the local authority".

(3A) determine whether the areas used, allotted or reserved for public or municipal purposes are beneficial wholly or partly to the owners or residents within the area of the scheme.

(3B) estimate the portion of the sums, payable as compensation for each plot used, allotted or reserved for a public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme.

(3C) Calculate the contribution to be levied on each plot used, allotted or reserved for a public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public in accordance with the provisions contained in proviso (iv) to section 18.

(3D) determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes;

(4) estimate the increment to accrue in respect of each plot included in the final scheme, in accordance with the provisions contained in section 17;

(5) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme, in accordance with the provisions contained in section 18;

(6) calculate the contribution to be levied on each plot included in the final scheme;

(7) determine the amount to be deducted from or added to, as the case may be, the contributions leviable from a person, in accordance with the provisions contained in section 19;

(8) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot, in accordance with the provisions contained in section 20;

(9) estimate in reference to claims made before him, after notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town-planning scheme, in accordance with the provisions contained in section 21 and subject to the provisions contained in section 22;

1. Added by Sind 12 of 1944, s. 11(b).

(10) draw up in the prescribed form the final scheme in accordance with the draft scheme:

provided that—

- (i) he may make variations from the draft scheme;
- (ii) any variation estimated by him to involve an increase of ten per centum in the costs of the scheme as described in section 16 shall require the sanction of the [Provincial Government]:

Provided further that he shall make no substantial variation without the consent of the local authority and without hearing any objections that may be raised by the owners concerned; and that in the case of any substantial variation made by him the owners concerned shall have the right of appeal to the [Provincial Government].

Certain decisions of the Arbitrator shall be final.

31. Except in matters arising out of clauses 4(3A), (3B), (3C), (3D),] (4), (5), (6) and (9) of section 30, and subject to the provisos contained in clause (10) of section 30, every decision of the arbitrator shall be final and conclusive and binding on all persons.

Arbitrator shall make proposals in certain matters.

32. In matters arising out of clauses 4(3A), (3B), (3C), (3D),] (4), (5), (6) and (9) of section 30, the arbitrator shall [determine,] estimate or calculate what is required by such clauses to be [determined,] estimated or calculated and forthwith make proposals on all such matters to the President of the Tribunal of Arbitration for the decision of such Tribunal.

Constitution of the tribunal of Arbitration.

33. (1) The Tribunal of Arbitration shall consist of a President and two Assessors.

[(2) The District Judge shall be the President.]

[(3) The Assessors shall be appointed by the President and shall be such persons as in his opinion are impartial.]

[(4) * * * * *

(5) The President and the [Assessors] shall be appointed members of the Tribunal of Arbitration for such period as may be required by such Tribunal to decide in connection with a particular town-planning scheme all matters arising out of clauses 4(3A), (3B), (3C), (3D),] (4), (5), (6) and (9) of section 30.

1. Subs. by the A.O., 1937, for "G. in C."

2. Ins. by Sind 12 of 1944, s. 12.

3. Ins. *ibid.*, s. 13 (i).

4. Ins. *ibid.*, s. 13(ii).

5. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955) s. 7, Sch. III, for the original sub-section (2).

6. Subs. by Sind 12 of 1944, s. 14(a), for the original sub-section (3).

7. Sub-section (4) omitted *ibid.*, s. 14(b).

8. Subs. *ibid.*, s. 14 (c) (i), for "assessor".

9. Ins. *ibid.*, s. 14 (c) (ii).

(6) The [Provincial Government] may, if [it] thinks fit, remove for inability or misconduct or any other good and sufficient reason [an Assessor] appointed under sub-section (3) * * *

(7) If any member of the Tribunal of Arbitration is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such member shall appoint forthwith a fit person to take the place of such member.

§33A. (1) The Arbitrator shall be present at the proceedings before the Tribunal of Arbitration. He shall not be required to give evidence in such proceedings, but the President may require him to assist the Tribunal in an advisory capacity.

Arbitrator to assist Tribunal in advisory capacity and his remuneration.

(2) When the Arbitrator is required under sub-section (1) to assist the Tribunal he shall, save where he is a salaried officer of Government, be entitled to such fees as Government may from time to time determine.]

34. The Tribunal of Arbitration may sit either at the Headquarters of the President or at any other place, within the local limits of his jurisdiction, which he may consider convenient for the decision of any matter before such Tribunal.

Place where the Tribunal may sit.

35. Every party to any proceeding before the Tribunal of Arbitration shall be entitled to appear either in person or by his recognised agent.

Right to appear by recognised agent.

36. All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by the majority of them.

Decision of questions of law and procedure and other questions.

37. (1) After making such enquiry as the President may think fit the Tribunal of Arbitration may accept, modify, vary, or reject the proposals of the arbitrator and shall decide all matters arising out of clauses [(3A), (3B), (3C), (3D),] (4), (5), (6) and (9) of section 30.

Powers of the Tribunal to decide matters finally.

(2) Every decision of the Tribunal of Arbitration shall be final and conclusive and binding on all persons.

38. Nothing contained in this Act shall be deemed to constitute the Tribunal of Arbitration to be a Court.

Tribunal not a Court.

1. Subs. by the A. O., 1937, for "G. in C.".

2. Subs. *ibid.* for "he".

3. Subs. by Sind 12 of 1944, s. 14 (r) (i), for "the Assessor".

4. The words "or the Arbitrator" omitted *ibid.*, s. 14 (d) (ii).

5. S. 33A ins. *ibid.*, s. 15.

6. In *ibid.*, s. 16.

(6) The [Provincial Government] may, if [it] thinks fit, remove for inability or misconduct or any other good and sufficient reason [an Assessor] appointed under sub-section (3) * * *

(7) If any member of the Tribunal of Arbitration is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such member shall appoint forthwith a fit person to take the place of such member.

33A. (1) The Arbitrator shall be present at the proceedings before the Tribunal of Arbitration. He shall not be required to give evidence in such proceedings, but the President may require him to assist the Tribunal in an advisory capacity.

Arbitrator to assist Tribunal in advisory capacity and his remuneration.

(2) When the Arbitrator is required under sub-section (1) to assist the Tribunal he shall, save where he is a salaried officer of Government, be entitled to such fees as Government may from time to time determine.]

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37. (1) After making such enquiry as the President may think fit the Tribunal of Arbitration may accept, modify, vary, or reject the proposals of the arbitrator and shall decide all matters arising out of clauses [(3A), (3B), (3C), (3D),] (4), (5), (6) and (9) of section 30.

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Tribunal not a Court.

1. Subs. by the A. O., 1937, for "G. in C."

2. Subs. *ibid.* for "he".

3. Subs. by Sind 12 of 1944, s. 14 (d) (i), for "the Assessor".

4. The words "or the Arbitrator" omitted *ibid.*, s. 14 (d) (ii).

5. S. 33A ins. *ibid.*, s. 15.

6. In *ibid.*, s. 16.

Arbitrator
and Assessor
and pay-
ment of
incidental
expenses of
tribunal.

39. (1) * * * the President of the Tribunal of Arbitration, and the [Assessors] shall, save where they are salaried [servants of the State], be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the [Provincial Government] may from time to time determine.

(2) The salary of * * * a President of the Tribunal of Arbitration or an Assessor who is a salaried [servant of the State], and any remuneration payable under sub-section (1) [and fees payable to an Arbitrator under sub-section (2) of section 33A] and all expenses incidental to the working of the Tribunal of Arbitration shall, unless the [Provincial Government] otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme.

Final
Scheme.

40. (1) After the Tribunal of Arbitration has decided all matters arising out of clauses [(3A), (3B), (3C), (3D),] (4), (5), (6) and (9) of section 30, the arbitrator shall forward the final scheme through the local authority to the [Provincial Government]. [On receipt of the final scheme, the Provincial Government may, by notification in the *Official Gazette*, sanction the scheme or refuse to give such sanction, provided that in sanctioning the scheme the Provincial Government may make such modifications as may in its opinion be necessary for the purposes of correcting an error, irregularity or informality.]

(2) [If Government sanctions such scheme, it shall be stated in such notification] where the final scheme is open to the inspection of the public and the price at which copies may be obtained, and a date not earlier than one month after the publication of such notification shall be fixed as the due date on which all liabilities created by the scheme shall take effect and the final scheme shall come into force:

[Provided that the Provincial Government may from time to time postpone such date by such period not exceeding three months at a time as it thinks fit.]

(3) On and after the date fixed in such notification a town-planning scheme shall have effect as it were enacted in this Act.

1. The words "The arbitrator" omitted, by Sind 12 of 1944, s. 17 (i) (a).
2. Subs. *ibid*, s. 17 (i) (d), for "Assessor".
3. Subs. for the words "Servants of the Crown" and "Servant of the Crown" by W. P. Laws, (Adaptation) Order, 1954, Sch. Pt. IV.B (16), which were previously subs. by the A.O. 1937 for the words "Officers of Government".
4. Subs. by the A.O. 1937, for "G. in C."
5. The words "an arbitrator". omitted by Sind 12 of 1944, 17 (ii) (a).
6. Ins. *ibid*, s. 17(ii) (b).
7. Ins. *ibid*, s. 18.
8. Subs. *ibid*, for the words beginning with "which" and ending with "prescribed".
9. Subs. *ibid*, for "In such notification it shall be stated".
10. Proviso added *ibid*.

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Table

[40A. If at any time a representation is made to the Arbitrator by the local authority and a majority of the owners or the residents in the area that the scheme should be withdrawn, the Arbitrator shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation, together with the objections, if any, to the Provincial Government. After making such enquiry as it may think fit, the Provincial Government may, if the scheme has not already come into force, by notification in the *Official Gazette*, direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken in regard to such scheme.] ^{Withdrawal of a scheme.}

41. On the day on which the final scheme comes into force— ^{Effect of final scheme.}

- (a) all lands required by the local authority shall, unless it is otherwise determined in such scheme, vest absolutely in the local authority free from all encumbrances;
- (b) all rights in original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the arbitrator.

42. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the local authority. ^{Power of local authority to evict summarily.}

43. (1) On and after the day on which the final scheme comes into force the local authority may after giving the prescribed notice and in accordance with the provisions of the scheme— ^{Power to enforce scheme.}

- (a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;
- (b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the local authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a local authority under this section may be recovered from the persons in default in the manner hereinbefore provided for the recovery of sums due to the local authority under the provisions of this Act.

(3) If any question arises as to whether any building or work contravenes a town-planning scheme, or whether any provision of a town-planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the '[Provincial Government]' * * * and '[its]' decision shall be final and conclusive and binding on all persons.

Power to
compel
attendance
of witnesses

44. For the purposes of this Act an officer appointed under sub-section (I) of section 4, an arbitrator or a Tribunal of Arbitration may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

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CHAPTER V.

MISCELLANEOUS.

Joint town-
planning
schemes.

45. (1) When two or more local authorities are of opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the making of a joint town-planning scheme, and the '[Provincial Government]' agrees with such opinion a joint Town-Planning Board shall be constituted.

(2) Such Board shall consist of representatives of each of the several local authorities and of persons nominated by the '[Provincial Government]' in such proportion as may be prescribed.

(3) The representatives of the several local authorities shall be elected in the prescribed manner on dates appointed by the '[Provincial Government]' * * * * *

(4) Such Board, when duly constituted, shall make a declaration of intention to make a joint town-planning scheme in respect of the contiguous areas in the manner provided in section 9 and thereafter the procedure shall follow all the provisions of this Act and such Board shall have all the powers and be liable to all the duties of a local authority under the provisions of this Act.

(5) The draft joint town-planning scheme shall specify the parts of the scheme to be executed by the several local authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme, have effect in the several contiguous areas as if they were separate schemes:

1. Subs. by the A. O. 1937, for "G in C."
2. The words in the "City of Bombay or the Commissioner elsewhere" rep. by the Sind Laws, (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s.6, Sch. I.
3. Subs. *ibid.*, s. 7 Sch. III for "its or his" which were subs. by the A.O., 1937, for "his".
4. The words "in the City or Bombay and by the Commissioner elsewhere" rep. *ibid.*, s. 6 Sch. II.

Provided that any part of a joint town-planning scheme may be executed jointly by two or more local authorities.

¶45A. When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town-planning scheme the property and rights vested in such local authority under this Act, shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the [Provincial Government] may, with the consent of such authority or authorities, by notification in the [Official Gazette] direct; and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such scheme or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had.]

Vesting of property and rights of a local authority ceasing to exist or ceasing to have Jurisdiction.

¶45B. (1) If after the final scheme has come into force, the local authority considers that the scheme is defective on account of an error, irregularity or informality, the local authority may apply in writing to the Provincial Government for the variation of the scheme.

Power to vary a scheme on the ground of error, irregularity or information.

(2) If on receiving such application or otherwise the Provincial Government is satisfied that the variation required is not substantial, the Provincial Government shall publish a draft of such variation in the prescribed manner.

(3) The draft variation published under sub-section (2) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clauses (a) to (g) of section 3, the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the office of the local authority during office hours.

(5) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing any objection to such variation to the Provincial Government through the Collector [and Commissioner].

(6) After receiving the objections under sub-section (5), the Provincial Government may, after consulting the local authority and after making such enquiry as it may think fit, by notification in the *Official Gazette*.—

1. S. 45A ins. by the Town Planning (Second Amendment) Act, 1920 (Sind 16 of 1920), s. 2.

2. Subs. by the A. O., 1937, for "G in-C".

3. Subs. *ibid*, for "B. G. G".

4. S. 45B ins. by Sind Act 12 of 1944, s. 20.

5. The original word "Commissioner" has successfully been amended by Sind Ordinance 5 of 1955 s.13, Sind Ordinance 3 of 1972, s. 2, Sch., to read as above.

(a) appoint an Arbitrator and thereupon the provisions of Chapter IV shall, so far as may be, apply to such draft variation, as if it were a draft scheme sanctioned by the Provincial Government, or

(b) make the variation with or without modification, or

(c) refuse to make the variation.

(7) From the date of the notification making the variation, the variation shall take effect as if it were incorporated in the scheme.]

46. (1) [Notwithstanding anything contained in section 45B,] a town-planning scheme may at any time be varied or revoked by a subsequent scheme prepared, published and sanctioned in accordance with this Act.

[(2) The Provincial Government may, of its own motion or on the application of the local authority or any person appearing of the Provincial Government to be interested, at any time, by notification in the *Official Gazette*, revoke the whole or any part of a town-planning scheme if it thinks that under the special circumstances of the case the scheme should be revoked.]

[(3) Where a part of a town-planning scheme is revoked under sub-section (2), the provisions of sections 47 and 47A shall, so far may be, apply to such revocation.]

47. If at any time after the day on which the final scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the local authority, in so far as any such expenditure is rendered abortive by reasons of the variation or revocation of such scheme.

[47A. In the event of a town planning scheme being withdrawn or sanction to a draft scheme or a final scheme being refused by the Provincial Government or a final scheme being revoked, the Provincial Government may direct that the cost of the scheme shall be borne by the local authority or be paid to the local authority by the owners concerned, in such proportion as the Provincial Government may in each case determine.]

48. If in the opinion of the [Provincial Government] any local authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the [Provincial Government] or any person or persons appointed in this behalf by the [Provincial Government] may exercise such power or perform such duty.

1. Ins. by Sind Act 12 of 1944, s. 21.
2. Subst. by Sind Act 49 of 1947, s. 2 (a), for the original sub-section (2).
3. Ins. *ibid.*, s. 2 (b).
4. S. 47A Ins. by Sind Act 12 of 1944, s. 22.
5. Subs. by the A. O., 1937, for "G. in C."

Power to vary or revoke the town-planning scheme.

Compensation when final scheme is varied or revoked.

Apportionment of costs of scheme withdrawn, not sanctioned or revoked.

Provincial Government may itself or through any person exercise power or perform duty conferred or imposed on a local authority.

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49. No suit or other legal proceeding shall be maintained in respect of the exercise of any discretion conferred by this Act or against any public servant or person duly appointed or authorised under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Bar of legal proceedings.

50. (1) Nothing in the *Registration Act, 1908, shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked.

Registration of document, plan or map in connection with a final scheme is not required.

(2) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the *Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

51. Land needed for the purpose of a town-planning scheme shall be deemed to be land needed for a public purpose, within the meaning of the Land Acquisition Act, 1894.

Land needed for purpose of town-planning scheme may be compulsorily acquired.

51A. Where a municipality is superseded under section 54 of the Sind People's Local Government Ordinance, 1972—

Special provision in case of a municipality which is superseded or dissolved.

(a) The person or persons appointed under that section shall be deemed to be a municipality or a town committee within the meaning of section 2 (a) of this Act and may exercise all the powers and perform all the duties of a local authority under this Act during the period of supersession of such municipality.

(b) In the event of a person or persons as aforesaid exercising the powers and performing the duties of a local authority under this Act and property which may, under the provisions of this Act, vest in the local authority, shall, during the period of supersession of the municipality or town committee vest in the Provincial Government, and such property shall at the end of the said period, vest in such municipality or town committee as the Provincial Government may, by notification in the Official Gazette, direct.]

1. The word "Indian" omitted by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. f. 30th May 1951).

2. Subs. by Sind Act 17 of 1975, s. 3 Sch. II for section 51-A as inserted by Sind 12 of 1944, s. 13 and amended by Sind Ordinance 5 of 1955 and W. P. A. O., 1964 Art. 2, Sch., Pt. IV-2.

3. Now see the Sind Local Government Ordinance, 1979 (Sind XII of 1979).

Rules. 52. (1) The '[Provincial Government] may make rules consistent with the provisions of this Act to provide for all matters not specifically enacted therein.

(2) In particular and without prejudice to the generality of the foregoing power such rules shall be made to determine the following matters:—

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- (a) the procedure to be followed by the officer appointed to hold an enquiry for the purpose of deciding a disputed claim as to ownership under section 4;
 - (b) the notice to be given under section 5;
 - (c) the manner of publication of a declaration of intention to make a scheme under sub-section (2) of section 9;
 - (d) the manner of publication of a draft scheme under section 10;
 - (e) the further particulars to be prescribed for inclusion in the draft scheme under clause (f) of section 11;
 - [(ee) the period within which a local authority shall submit a draft scheme under sub-section (1) and the period within which Government may sanction it or refuse to give sanction to it under sub-section (2), of section 14;]
 - (f) the form of the commencement certificate to be granted by a local authority under clause (a) of sub-section (1) of section 15 and the conditions, if any, to be included therein;
 - (g) the procedure to be followed by a local authority in making an enquiry under clause (c) of sub-section (1) of section 15;
 - (h) the time to be allowed for making a claim to compensation under section 21;
 - (i) the period within which payment is to be made to the local authority under section 24;
 - (j) the procedure to be prescribed under section 30 and the notices to be given under sub-sections (1), (2), and (9) of that section;

1. Subs. by the A. O., 1937, for "G- in-C".

2. Ins. by Sind 12 of 1944, s. 24 (a) (i).

- (k) the form in which the arbitrator is to draw up the final scheme under sub-section (10) of section 30;
- (l) the way in which the [Provincial Government] is to publish a notification relating to the final scheme under sub-section (1) of section 40;
- (m) the procedure to be followed by the local authority in summarily evicting a person under section 42;
- (n) the notice to be given by the local authority before it takes action under section 43;
- (o) the proportion of elected and nominated persons on a Joint Planning Board under sub-section (2) of section 45;
- (p) the manner of election of representatives of the several local authorities under sub-section (3) of section 45;
- 1(pp) the manner of publication of a draft variation under sub-sections (2) and (3), and the particulars which a draft variation shall contain under sub-section (3) of section 45B;1
- (q) the manner in which documents, plans and maps shall be made accessible to the public under the proviso to section 50;
- (r) the procedure to be adopted for securing co-operation on the part of the local authority with the owners or persons interested in land proposed to be included in a town planning scheme at every stage of the proceedings by means of conferences and such other means as may be expedient;
- (s) the procedure to be followed by an arbitrator appointed under this Act;
- (t) the procedure to be followed by a Tribunal of Arbitration under this Act;
- (u) the procedure to be followed generally in carrying out the provisions and objects of this Act;

1. Subs. by the A. O., 1937, for "G. in C".

2. Cl.(pp) ins. by Sind 12 of 1944, s. 24 (a).

- (v) the extent to which the proceedings of local authorities under this Act shall be regulated by any municipal or local law applicable to such authorities.

(2A) A rule made under this section may provide that a contravention of any of the provisions of this Act or of the final scheme published under section 40 or of the rules which are specified in such rule shall be punishable with fine which may extend to Rs. 1,000 and, in the case of a continuing contravention with an additional fine which may extend to Rs. 10 for every day during which such contravention continues after conviction for the first such contravention.

- (3) The power to make rules under this Act shall be subject to the condition of previous publication.

1. Sub-section (2 A) ins. by Sind 12 of 1944, s. 24 (b).

Bombay Castle, 29th May 1916.

No. 3772.—In exercise of the powers conferred by section 52 of the Bombay Town Planning Act, 1915 (Bom. I of 1915), the Governor in Council is pleased to make the following rules, namely:—

1. In these rules unless there is anything repugnant in the subject or context,
 - (a) words or expressions which are defined in the Bombay Town Planning Act, 1915, shall have the same meaning as in that Act, and
 - (b) "Section", "sub-section" and "clause" shall mean respectively a section, sub-section, or clause of that Act.
2. (1) The officer holding an enquiry into disputed ownership under section 4 shall, as such enquiry proceeds, record a minute of the proceedings in his own hand embracing the material averments made by the parties interested, the material parts of the evidence, the decision, and the reasons for the same.
 - (2) Such enquiry shall be in public and seven days' notice of the enquiry shall be given to the parties to the dispute.
3. Previous to entry under section 5 into any building or upon any enclosed court or garden attached to a dwelling house twenty-four hours' notice in writing shall be given to the owner or occupier thereof, unless the owner or occupier has given his consent to such entry.
4. A local authority's declaration of intention to make a scheme shall include a statement that if within one month from the date of such publication in the *Bombay Government Gazette* any person likely to be affected by such scheme communicates in writing to the Governor in Council any objection or suggestion relating to such scheme the Governor in Council will consider such objection or suggestion.
5. The publication of a local authority's declaration of intention, to make a town planning scheme shall be by means of an advertisement in one or more vernacular newspapers circulating within the jurisdiction of the local authority, and by posting copies of the advertisement in prominent places in or near the area proposed to be included in the scheme and at the office of the local authority. The advertisement shall contain the local authority's resolution making such declaration and shall intimate that the plan of the area proposed to be included in the scheme is open for public inspection at the head office of the local authority during office hours.
6. (1) The local authority shall call one or more meetings of persons known to have rights in land or buildings in the area included in a proposed draft scheme and of other persons known to be affected by the scheme, provided that tenants whose leases expire within a year of the date of the local authority's declaration of intention to make a scheme need not be called. Due notice of such meetings shall be given in the area subject to the jurisdiction of the local authority and also to the District Local Board. Such meetings shall be held as soon as may be convenient after the Governor in Council has sanctioned the making of a scheme, and unless there is good reason to the contrary, on the land included in the draft scheme.
 - (2) At such meetings the proposed draft scheme shall be generally described and explained, and a minute of each meeting shall be kept.
 - (3) Where the number of persons likely to be affected by the scheme is large, the local authority should where possible promote the formation of one or more committees of representatives of such persons. In some cases it may be found advisable to appoint a member of the local authority to be chairman of each committee. Use should be made of such committees for the purpose of explaining the scheme to landowners, and for the purpose of discussion and consultation during the course of the preparation of a draft scheme under section 10.
 - (4) Before the final adoption of a draft scheme all objections shall be carefully considered, and the proposed scheme shall, with due regard to the interests of the public, be modified so as to meet as far as is possible the wishes of persons interested.
 - (5) The publication of a draft scheme under section 10 of the Act shall be by means of an advertisement in the *Bombay Government Gazette*, and in one or more vernacular newspapers circulating within the jurisdiction of the local authority, and by posting copies of the advertisement in prominent places in or near the area comprised in the scheme and at the office of the local authority. The advertisement shall state the fact of a draft scheme having been prepared and the limits of the area comprised in the scheme and shall intimate that a copy of the scheme is open for public inspection at the head office of the local authority during office hours. It shall also refer to section 13

7. A draft scheme shall contain in addition to the particulars specified in clauses (a) to (e) of section 11 the following particulars, namely:—

- (i) A map on a scale not smaller than one inch to the mile showing the area included in the scheme and the country within at least 2 miles of that area on every side. Such map shall show in particular all existing roads and lands proposed to be reserved or allotted for roads in the scheme and all existing and proposed means of communication of every kind.
- (ii) A plan on a scale not smaller than 50 feet to the inch showing the original plots with identification numbers and all existing buildings.
- (iii) A plan on a scale not smaller than 50 feet to the inch showing both the original plots and the manner in which it is proposed to alter the boundaries of original plots.
- (iv) A plan on a scale not smaller than 50 feet to the inch showing the boundaries of plots as it is proposed that they will appear after the final scheme is sanctioned, such plots being numbered serially. This plan shall illustrate as far as possible, by means of colours, letters, and explanatory notes, or in some other convenient manner, all such provisions of the scheme as may properly be illustrated in a plan. It shall also show such levels or contours as may be necessary for a proper understanding of the scheme.
- (v) A re-distribution statement in Form A showing the estimated amounts to be paid to or by each of the owners included in the scheme.
- (vi) A copy of the estimates of all works contemplated in the scheme, and a statement of the dates on which it is anticipated that the respective works will be completed. The approximation of dates must be correct to within six months and the local authority shall be bound by these dates in the case of owners whose contributions are affected thereby.
- (vii) A statement in Form B explaining the finance of the scheme as estimated.

8. In submitting to the Governor in Council under sub-section (1) of section 14 a draft scheme or a modified draft scheme, with objections, as the case may be, the local authority shall submit also—

- (i) copies of the minutes of meetings held under rule 5 and particulars regarding any representative committees appointed under that rule;
- (ii) particulars of the steps taken to consult owners in the preparation of the draft scheme under section 10 (1); and
- (iii) particulars of the manner in which the draft scheme has been published under rule 6.

The draft scheme and the papers referred to in this rule shall be submitted in duplicate.

9. A commencement certificate under clause (a) of sub-section (1) of section 15 shall be in Form C.

10. (1) A local authority, for the purpose of the enquiry referred to in clause (c) of sub-section (1) of section 15, shall serve a notice upon such person calling upon him to show cause why he should not be directed to stop the work in progress and fixing a date not earlier than 7 days from the date of service of the notice, for the hearing of the case.

(2) The local authority, if it considers it expedient to do so, may appoint a committee of not less than 3 of its members to hear such cases.

(3) Any representation which may be made by the person served with the notice in person or by recognized agent on the day appointed, or which may be received in writing by such day, shall be duly considered. A minute shall be kept of the proceedings by the presiding officer and the reasons for the decision shall be stated. The decision shall be signed by the persons passing it.

11. In the City of Bombay or the district of Karachi, when an arbitrator has been appointed, the authority authorized by section 33 (2) to appoint the president of the tribunal of arbitration shall forthwith be requested to make such appointment and to communicate the name of the person appointed to Government.

12. The appointment of an arbitrator for a town planning scheme or of a president of a tribunal of arbitration shall be notified in the *Bombay Government Gazette*, and shall be communicated to the local authority concerned. The local authority shall, immediately on receiving from Government information of the appointment, post up at the office of the local authority and in some prominent place within the area of the jurisdiction of the local authority a copy of the Government Notification appointing

13. The local authority shall render all reasonable assistance to the arbitrator and shall allow him to examine freely all papers, documents, and plans connected with the scheme.

14. *Procedure of the arbitrator—*

- (1) Before commencing the preparation of the final scheme the arbitrator shall give notice of the date on which he will commence his duties. Such notice shall be advertised in one or more vernacular newspapers circulating within the jurisdiction of the local authority and shall be posted in prominent places at or near the area comprised in the scheme and at the arbitrator's office.
- (2) After the date fixed in the abovementioned notice the arbitrator shall continue to carry on his duties as far as possible on all ordinary working days and during ordinary working hours.
- (3) Special notice of at least twenty-four hours shall be served upon the persons interested in each plot or particular comprised in the scheme, before the arbitrator proceeds to deal in detail with the portion of the scheme relating thereto. The notice shall also be posted at the arbitrator's office. Such notice shall be given in the cases mentioned in sub-sections (1), (2) and (3) of section 30 and in any other cases where any persons have not been sufficiently informed that any matter affecting them is to be considered.
- (4) The arbitrator shall give all persons affected by any particular of the scheme sufficient opportunity of stating their views and shall not pass any decision till he has duly considered their representations if any.
- (5) The proceedings shall not be conducted with the formalities of judicial proceedings, but whenever there are conflicting claims or any difference of opinion with regard to any portion of the scheme the arbitrator shall record a brief minute in his own hand setting out the points at issue and the necessary particulars, and shall pass a clear decision with the reasons therefor. All such minutes shall be appended to the scheme.
- (6) The arbitrator shall record and enter in the scheme every decision passed by him under sub-sections (1), (2), (3), (7) and (8) of section 30. The calculations and estimates required by sub-sections (4), (5), (6) and (9) of section 30 shall be fully set out and clearly recorded.
- (7) The scheme shall contain the particulars specified in rule 7.
- (8) The component parts of the scheme shall be so arranged that they may be readily referred to in connection with the map and plans.

15. The time within which the owner of any property or right which is injuriously affected by the making of a town planning scheme shall be entitled under section 21 to make a claim before an arbitrator shall be two months from the date of the *Bombay Government Gazette* in which the appointment of the arbitrator is notified.

16. The period to be prescribed under sub-section (2) of section 24 shall be one month from the date on which the owner is directed by the arbitrator under sub-section (1) of section 24 to make payment.

17. The president of the tribunal shall, within one month of the date on which he receives from the arbitrator the proposals referred in section 32, appoint an impartial person as assessor under section 33, and shall report the name of the person appointed to Government. The fact that the tribunal has been constituted and the names of the persons constituting it shall be notified in the *Bombay Government Gazette*, communicated to the local authority concerned, and notified by the local authority in the manner prescribed in rule 12. The impartial person to be appointed as assessor shall, whenever possible, be a non-official.

18. *Procedure of the Tribunal of Arbitration—*

- (1) All decisions passed by the Tribunal shall be in accordance with the opinion of the majority of the members.
- (2) No business shall be transacted by the Tribunal unless all the members are present.
- (3) Where any member of the Tribunal ceases to act under sub-section (7) of section 33, the Tribunal shall proceed with any business in hand as soon as a new member is appointed and it shall not be necessary to transact any business *de novo* by reason of such change in the constitution of the Tribunal.

- (4) The Tribunal shall record their reasons in writing in any case where the proposals of the arbitrator under clauses (4), (5), (6) and (9) of section 30 are modified, varied or rejected by them.
- (5) Before each part of a scheme is taken into consideration the Tribunal shall give such notice as they deem sufficient to the parties interested in such part.
- (6) The Tribunal shall meet and adjourn as they think proper with due regard to the despatch of business.

19. The publication by the Governor in Council under section 40 of a notification relating to the final scheme forwarded by the arbitrator shall be by means of an advertisement in one or more vernacular newspapers circulating within the jurisdiction of the local authority concerned, and by posting copies of the advertisement in or near the area included in the scheme and at the office of the local authority.

20. When a scheme is sanctioned by the Governor in Council under sub-section (1) of section 40, the arbitrator shall without delay forward a copy of the scheme to the Superintendent of Land Records in order that the survey records may be corrected.

21. (1) The local authority shall proceed as follows against any persons liable to be summarily evicted under section 42. The local authority shall in the first instance serve a notice upon such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land, and, if such person fails to comply with the notice, the local authority shall depute an officer or servant to remove him.

(2) If such person resists or obstructs the officer, or, after eviction, re-occupies the land, the local authority shall prosecute him under section 188 of the Indian Penal Code.

22. A local authority before removing, pulling down, or altering any building or other work under clause (a) of sub-section (1) of section 43 shall give not less than seven days' notice of its intention to do so to the owner or occupier, if any, of such building or other work.

23. A local authority before executing any work under clause (b) of sub-section (1) of section 43 shall give not less than seven days' notice of its intention to do so to the person whose duty it is to execute the work.

24. Documents, plans and maps relating to a sanctioned scheme made by a local authority shall be open for public inspection at the head office of the local authority at any time during the office hours of the local authority.

25. All notices required to be served upon any person under these rules shall be served as nearly as may be in the manner laid down in the Code of Civil Procedure, 1908, for the service of a summons on a defendant.

26. The proceedings of local authorities under the Bombay Town Planning Act, 1915, shall be regulated by the municipal or local law applicable to such authorities so far as may be consistent with the provisions of that Act and these rules.

FORM B.

(Rule 7.)

Finance of Town Planning Scheme No.....of the

(Name of local authority).

Date.....

Rs.

Expenses under section 3 (a), (b), (e), (f) and (g)

Other expenses*—

Expenses shown in the redistribution valuation statement (total of col. 11 of Form A)

Cost of publication under section 9 (2) and under section 10 (1) (Rules 5 and 6)

Compensation under section 15 (2)

Legal expenses under section 16 (c)

Compensation under section 21

Salaries of arbitrator and Tribunal of Arbitration and other expenses under section 39 (2)

(a) Total

Total of increments (col. 12 of Form A) Rs.

Proportion of increment to be contributed by each holder (section 18). %

(b) Total of the contributions under section 18 Rs.

Net cost of scheme to local authority [(a)—(b)] Rs.

* In detail (sections or authorities to be quoted).

Note.—The sign — before an item of expense indicates that the amount is payable to the local authority. Particulars should be inserted showing how the net cost of the scheme to the local authority is proposed to be met.

FORM C.

(Rule 9.)

COMMENCEMENT CERTIFICATE.

Permission is hereby granted, under section 15 of the Bombay

Name of person. Town Planning Act, 1915 (Bombay I of 1915), to*

Description of work.to†.....

.....ON the following conditions, viz.,.....

.....

Bombay Castle, 4th June 1923.

No. 3224.—His Excellency the Governor in Council is pleased to exempt—

- A. Under section 30(1) (c) of the Indian Factories Act, 1911, as amended by Act II of 1922, the work necessitating continuous production in ice factories from the provisions of sections 21 and 22 of the Act subject to the condition that all workers engaged on ice processes should receive an hour's rest on each shift which need not necessarily be at fixed times; and
- B. Under section 30(1) (b), the work involved in handling ice from the stores to distributors or consumers from the provisions of sections 22 and 27 subject to the conditions that—
 - (a) in any factory the total overtime allowed on this exempted work is limited to 30 hours in any week;
 - (b) no person is employed for more than 68 hours in any week, and
 - (c) the exemption is limited to male adults.

No. 3224.—Under section 30 (1) (c) of the Indian Factories Act, 1911, as amended by Act II of 1922, His Excellency the Governor in Council is pleased to exempt the continuous production work in carbonic acid gas works from the provisions of sections 21 and 22 of the said Act subject to the conditions that—

- (a) no workers shall be employed on shifts of longer than eight hours' duration;
- (b) where workers are employed on shifts of longer than six hours' duration an interval for rest and food shall be given;
- (c) a twenty-four hours' rest shall be given each shift worker on the termination of gas making.

By order of the Governor in Council,

J. C. KER,

Secretary to Government.

Bombay Castle, 1st June 1923.

No. 4242.—Whereas the Municipality of Karachi has, in exercise of the powers conferred by sub-section (1) of section 9 of the Bombay Town Planning Act, 1915 (Bom. I of 1915), by a resolution dated the 31st January 1923, declared its intention to make a town planning scheme in respect of the area shown by a red verge on plan No. 115, dated the 7th October 1921, which has been signed by the Chief Officer and Chief Engineer, and is open to the inspection of the public at the office of the said Municipality;

And whereas the said Municipality has duly published at page 254 of Part II of the *Bombay Government Gazette*, dated the 15th February 1923, its declaration of intention to make the said scheme and has, in accordance with sub-sections (2) and (3) of section 9 of the said Act, applied to the Government of Bombay for sanction for making of the said scheme:

And whereas no objection or suggestion relating to such scheme has been communicated to the Government of Bombay by any person likely to be affected by such scheme:

Now, in exercise of the powers conferred by sub-section (6) of section 9 of the said Act, the Government of Bombay (Transferred Departments) are pleased to sanction the making of the said scheme.

Bombay Castle, 29th May 1923.

No. 2945.—The following notifications by the Government of India, Railway Department, (Railway Board), are republished:—

"No. 1789-F., dated Simla, the 23rd May 1923.

In pursuance of sub-section (1) of section 135 of the Indian Railways Act, 1890, (Act IX of 1890), the Governor General in Council is pleased to declare that the administration of the Madras and Southern Mahratta Railway shall be liable to pay, in aid of the funds of the local authority set out in the schedule hereto annexed, the tax specified in the second column thereof.

Schedule.

Poona Suburban Municipality

...

...

Lighting tax.

Bombay Castle, 27th May 1926.

No. 2048.—Whereas by Government Notification in the General Department No. 9811, dated the 11th December 1917, the Government of Bombay sanctioned the making by the Poona Suburban Municipality of a Town Planning Scheme under the Bombay Town Planning Act, 1915 (Bom. I of 1915), in respect of the following areas, namely—that part of its area which lies between the G. I. P. Railway line from Ganeshkhind Road level crossing to that near Wakdewadi level crossing and from these to the joint where the Ganeshkhind and the Singhar roads meet and the Wakdewadi huts containing Survey Nos. 149, 169 to 178, 189 to 195, 264 and 268 of Bhamburda;

And whereas by Government Notification in the said Department No. 8979, dated the 24th August 1920, the Government of Bombay sanctioned the draft scheme prepared by the said Municipality for the said area and also appointed an Arbitrator for the said scheme;

And whereas the arbitrator so appointed has submitted to Government through the said Municipality the final scheme in respect of the said area as required by sub-section (1) of section 40 of the said Act:

It is hereby notified that the Government of Bombay is pleased to sanction the said final scheme under section 40 of the said Act. The said scheme will be open to the inspection of the public at the office of the said Poona Suburban Municipality and copies will be obtainable at Rs. 4-4-0 per copy.

The date on which all liabilities created by the scheme shall take effect and the final scheme shall come into force shall be the 1st July 1926.

Bombay Castle, 1st June 1926.

No. 6442.—Whereas the Municipality of Karachi has, in exercise of the powers conferred by sub-section (1) of section 9 of the Bombay Town Planning Act, 1915 (Bom. I of 1915), by a resolution dated the 8th June 1925, declared its intention to make a town planning scheme in respect of the area known as Garden Quarter, such area being more particularly shown by a red verge on plan No. 129 signed by the Chief Officer and Chief Engineer of the said Municipality, sent to the Governor in Council and open to the inspection of the public at the office of the said Municipality:

And whereas the said Municipality has duly published at page 1211 of Part II of the *Bombay Government Gazette* dated the 25th June 1925, its declaration of intention to make the said scheme and has, in accordance with sub-sections (2) and (3) of section 9 of the said Act, applied to the Government of Bombay for sanction for the making of the said scheme;

And whereas objections and suggestions relating to such scheme communicated by persons concerned have been duly considered by the Government of Bombay;

Now, in exercise of the powers conferred by sub-section (6) of section 9 of the said Act, the Government of Bombay (Transferred Departments), are pleased to sanction the making of the said scheme.

No. 6707.—In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Town Planning Act, 1915 (Bom. I of 1915), the Government of Bombay (Transferred Departments) are pleased to direct that the said Act shall extend, with effect from the date of this notification, to the Municipal District of Hyderabad.

By order of the Government of Bombay (Transferred Departments),

C. W. A. TURNER,
Secretary to Government.

Job. ANNEKORE. IV
Above Town, Karachi.
Zabunusa Street, Karachi.

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BOMBAY TOWN PLANNING ACT No. 1 OF 1915.

TOWN PLANNING SCHEME, KARACHI No. II (FINAL) GARDEN QUARTER.

WHEREAS, I, THOMAS HENRY GILBORN STAMPER, the Arbitrator appointed under Government Notification, General Department, No. 6442, dated the 8th August 1920, in respect of the above scheme, having done all that is required to be done under Section 30 (1), (2), (3), (4), (5), (6), (7), (8) and (9) of the Bombay Town Planning Act, No. 1 of 1915, and the rules thereunder, and WHEREAS, the Tribunal of Arbitration having met, as provided under the Act, and given their decisions on all matters arising out of clauses 4, 5, 6 and 9 of Section 30 of the said Act, I hereby draw up the Final Scheme as required by Section 30 (10) of the said Act and thereto do affix my hand and seal.

FINAL SCHEME.

The area included within the limits of the scheme extends from Ranchioro-puri Road in Tahilram Quarter on the West to the Municipal limit behind the New Jail on the East and consists of the following quarters:—

- (1) Tahilram Quarter (portion of).
- (2) Lawrence Quarter.
- (3) Garden West Quarter.
- (4) Garden East Quarter.
- (5) Sheet K-28.

The entire area is shown by a red verge on Plan No. 1 (Index Plan) of the scheme and admeasures roughly 1,460 acres of which about 1,250 acres have been redistributed under the present scheme. The balance of the area in Sheet K-28 which is situated to the north-east of the New Jail consists mainly of agricultural and waste lands and is not likely to be developed for many years to come.

The works under the scheme cover the area up to Dipchand Ojha Road and a little beyond in Garden East Quarter but a plan of all future roads has been made right up to the Jail. The municipal area in F. P. No. 1218 to the north of Clayton Road is being developed by that Body for middle class housing.

WORKS TO BE CONSTRUCTED UNDER THE SCHEME.

ROADS.

All the roads, the boundaries of which are shown on Plans Nos. 3 and 4 accompanying the scheme, are to be constructed to a proper grade and camber in accordance with the specifications laid down in the detailed estimates accompanying the scheme and within the periods specified therein.

Harchandrai Road in Lawrence Quarter running along the northern boundary of the scheme is to be constructed up to Bernam Street but only half the cost thereof is charged to the scheme, the other half being chargeable to the development scheme on the north side thereof.

LIGHTING.

A sum of Rs. 10,000 is provided for provision of temporary lighting in the area.

Statement showing allotment of reservations of sites for public or municipal purposes.

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Serial No.	Site or sites Nos. 1 & of 4.	Area in square yards.	Purpose for which allotted or reserved.	Remarks.
1	A Pink	2,873	Allotted for Market	On Lawrence Road to the North of Garden Road.
2	B Green	984	Allotted for Garden	On Lawrence Road by the side of Site A
3	D Do.	499	Do.	On Varley Road.
4	I Do.	72	Do.	On Police Lines Road.
5	J Do.	290	Do.	On Britto Road.
6	C Pink	3,536	Allotted for school	On Varley Road.
7	E Do.	7,579	Allotted for Market	On D' Cruz Road.
8	F Vegetal Green	13,019	Allotted for recreation ground	On Britto Road.
9	G Green	234	Allotted for open space	On Varley Road to the west of P. P. Nos. 801 and 802. Sites 1 to 9 shall vest in the Local Authority.
10	H Pink	774	Allotted for Police Chowki	At junction of Ingham D'ha Road and Nasserwanji Road in Garden East. This site shall vest in the Government of Bombay, Police Department.

Statement showing lands reserved for future roads or for widening or improving existing roads.

(All reservations shown in dotted red lines on Plans Nos. 3 and 4.)

Serial No.	Land reserved out of Plot Nos.	Purpose of reservation.	Remarks.
<i>Talibara Quarter.</i>			
1	26, 29 and 30	Widening Police Lines Road to 35'
<i>Lawrence Quarter.</i>			
2	38	Widening of Police Lines Road to 40'
3	32 and 43	40' road	Connecting Hussainpore Road to extension of Mission Road.
4	51	Widening of Ireland Road
5	102	Widening of Pilgrim Road to 30'	North-west corner of the plot.
6	106	30' road	Unassessed land.
7	110 and 110	40' road
8	228	40' road	Connecting Lawrence road to Orange Street.
9	39, 41, 45, 47, 48, 110, 111, 112, 113, 118, 120, 162 and 164.	Widening of Lawrence Road to 30'
<i>Garden East Quarter.</i>			
10	372	Widening of existing 15' gully to a 40' road.	Connecting Lawrence road to Talibara Hussain Road.
11	231	Harcum Road
12	440, 450 and 461	35' road	To the south of India Flour Mills.
13	447, 448 and 449	Widening of Italy Street to 35' and extending same up to 35' road at north.	Do. do.
14	447	50' road	Extending Ghulam Hussain Road.
15	490	Widening of Jivraj Latha Street
16	508	40' road	Connecting Lawrence Road to River Bank.
17	509	40' road	Connecting Lawrence Road to River Bank.
18	542 and 543	40' road	Do.
19	555 to 587	40' road	Do.
20	277, 279, 280, 281, 307, 308, 370, 382, 383 and 384.	Widening of Lawrence Road to 30'
21	689	Widening of Marlin Road to 30'
<i>Curia East Quarter.</i>			
22	1028, 1075, 1080 to 1083.	Widening of Lawrence Road to 30'
23	803 to 863	Widening of Abdul Rahman Street to 35'.

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Plot No.	Land reserved out of Final Plot Nos.	Purpose of reservation.	Remarks.
24	730 to 734	Widening of Manekji Lane to 40'	
25	776, 780 and 781	Widening of 17' Cruz Road to 30'	
26	829	Opening of 10' lane on east	
27	872	Imposing Webb Street	To connect Silverton Street to Lawrence Road.
28	902, 908 to 908	Widening of Violet Street to 30'	
29	946	Connecting Possaman Street to 35' road	
30	998	Widening of Maggie Pir Road to 30'	
31	998, 1008 and 1001	Widening of Inbul Street	
32	1001	Widening of road to 30' on east	
33	1037	Widening of road to 30' on north	
34	1052	Widening of road to 30' on east	
35	1045, 1061 and 1052	Widening of road to 30' on south	
36	1045	35' road to west	
37	1074 and 1075	35' road	
38	1074 and 1045	35' road	To connect Nussurwanji Road to Lawrence Road.
39	1074 and 1080	35' road	
40	1085, 1014, 1085, 1080 and 1080	30' road	To connect Lewis Road to Lawrence Road.
41	1088	30' road	To connect Muggur Pir road to Lawrence Road.
42	1053	35' road	Extension of Nussurwanji Road.
43	1082, 1087 and 1098	Widening and extending Daghad Road and road to North. Both 35' wide.	Extension of Beach Street.
44	1078, 1070, 1075, 1074 and 1045	40' road	
45	1042, 1046 and 1087	35' road	To connect Dipchand Ojha Road to 50' Road in F. P. 1008.
46	1061 and 1044	35' road	To connect Daghad Road to Lawrence Road.
47	1007	Extension of Buraah Road Bar Street and Asha Street.	To connect 40' east-west road to Lawrence Road.
48	1121, 1124, 1125 to 1126	Widening of Muggur Pir Road to 30'	
49	1125 to 1126	35' road	
50	1129	Widening of road to east to 40'	
51	1129	Extension of Cumming Road and Richardson Road both 30' wide	
52	1130	35' road	
53	1130, 1131 and 1132	40' road	
54	1133	Widening of road to east 30' wide	
55	1132 to 1141	Widening of road to west 30' wide	Connecting Clayton Road to Martin Road.
56	1217	Widening of roads to east and west both 30'	Do.
57	1217, 1214 and 1215	40' road	Connecting Cumming Road to Martin Road.
58	1193, 1213 to 1215	Widening of Cumming Road to 30'	Extension of Tidland Road.
59	1211, 1222 and 1217	Widening of Martin Road to 30'	

1. Additional reservations of minor nature for rounding off corners of plots at street junctions or at bends are shown in dotted red lines on Plans Nos. 3 and 4.
2. All lands as are reserved under the scheme shall vest in the owners and shall be made use of for any purpose other than building until such time as the Local Authority would require them for the purposes specified heretofore.
3. The building regulations as regards open spaces to be left from road frontages shall also apply to the roads for which lands have been reserved.

REGULATIONS CONTROLLING THE DEVELOPMENT OF THE AREA UNDER THE SCHEME.

In addition to the existing by-laws as may be amended from time to time by the Local Authority, the following special regulations shall hold good within the area of the scheme provided that, in any case in which any of the under-mentioned regulations is in conflict with any regulation, law or by-law by any authority made, excepting an Act of Parliament or an Act of the Government of India, the provisions of the under-mentioned regulations shall prevail.

TAHLERAM AND LAWRENCE QUARTERS

The minimum size of a building plot shall be 1,000 square yards. This shall apply to Final Plots included in the scheme, which as a result of amalgamation made under the scheme, are incapable of amalgamation with other plots and are less than 1,000 square yards in area.

- 2. The maximum area on which buildings may be erected shall be one half the entire plot.
- 3. On Lawrence Road and on roads 80 feet or more in width and in the Bhillon Quarter buildings shall be allowed to abut on to the alignment line of the road as fixed by the Municipality. On all other roads no building excepting compound walls or entrance gates shall be erected nearer to the road boundary than 10 feet.
- 4. On Lawrence Road and on roads 80 feet or more in width any building may be erected to the full width of a plot to a depth of 35 feet from the alignment line, beyond that depth no building excepting compound walls or entrance gates shall be erected within 10 feet of the boundary of the plot. On all other roads no building excepting compound walls or entrance gates shall be erected within 10 feet of any boundary of a plot.

GARDEN WEST AND EAST QUARTERS.

- 5. The minimum size of a building plot shall be 1,000 square yards. This shall not apply to Final Plots included in the scheme, which as a result of redistribution made under the scheme, are incapable of amalgamation with adjoining plots and are less than 1,000 square yards in area.
- 6. The maximum area on which buildings may be erected shall be one-fourth the entire plot.
- 7. On Lawrence Road from Padshah Road to Mooradkhan Lane buildings up to a depth of 35 feet shall be allowed to abut on to the alignment line of the road as fixed by the Municipality. On all other roads no building or portion of a building other than compound walls or entrance gates shall be erected within 15 feet of the road boundary. In case of plots having more than one frontage the 15 feet shall apply on the main road or the more important road. The minimum distance from the other boundaries of the plot to the building line shall be at least 10 feet.
- 8. No building other than dwelling houses with appurtenances thereto shall be erected within this area, provided that the Local Authority may permit shops on roads of 50 feet width and above.
- 9. No factories shall be erected in this area.
- 10. No chawls shall be allowed except in the area situated between Lawrence Road, Dipchand Ojha Road and Muggur Pir Road in Garden East Quarter, but no chawl shall be erected within 120 feet of these roads.
- 11. No brothel shall be erected or maintained in any part of this area.

GENERAL.

- 12. Latrines, W.Cs. or Urinals shall be erected in the rear of a dwelling house away from the road frontage or frontages. This rule shall not apply to plots having water carriage system of drainage.

J. H. G. Stampfer

Poona,
7th March 1933.

F.S.I.,
Arbitrator.



Phone: 511220
Tajfar Ali Associates

8-Ekanek Mah...
Above General Post House
Zainuntra Street

43

The Town Planning Scheme.

Whereas the Governor in Council has been pleased to sanction the above scheme under section 40 (1) of the Bombay Town planning Act, 1915, and whereas a notification relating to such sanction has been published under No. 3442, General Department, dated 26th November 1935, at page 2204 of part 1 of Bombay Government Gazette, dated 28th November 1935, and whereas under section 40 (2) of the said Act all liabilities created by the said scheme have come into force from 1st January 1936, the date notified by Government in their above notification,

And whereas you have failed to pay a sum of Rs. 111/- due by you under the scheme, you are hereby called upon to pay the said sum within 15 days of the receipt hereof, failing which the same shall be recovered by process of law, and your attention is invited to section 28 of the Act which runs as under :

"Section 28.—Any sum due to the local authority under this Act which is not paid on the day when it becomes due shall be recovered by the collector, according to law and under the rules for the time being in force for the recovery of arrears of land-revenue, on application being made to him by the local authority."

A copy of the scheme can be obtained at the Government Central Press for Rs 8-20 or can be seen at the Municipal Office on week days during the office hours until the 31st December 1936.

On the payment of the above amount, the possession of the under mentioned land will be handed over to you as provided in the scheme.

Particulars of Land:—

Original area 1770 sq. yards.
Final " 1844 " "

[Handwritten signature]

Chief Officer,
Karachi Municipal Corporation.

To, Mrs Rosaline Pereira
232/5- G.E. Khial no. 748
Karachi

Date 25-11 March 1937.

57

C I R C U L A R.

The Collector requests that all Architects who submit building plans for his sanction in Garden, Lawrence and Tahilran Quarters should observe the following instructions.

GARDEN CHARTERS.

1. No buildings other than a bungalow or a cottage with the necessary out houses shall be constructed in a building plot but flats of a superior type may be permitted by the Collector at his discretion provided that the number of tenements in any one building plot shall not exceed four and no tenement shall contain less than four living rooms in addition to a kitchen, a store, a bath and a W.C.
2. The height of buildings shall not exceed two storeys including the ground floor.
3. A minimum distance of 10 feet shall be maintained between any two buildings within the same plot.

LAWRENCE QP. & TAHIRAN QP.

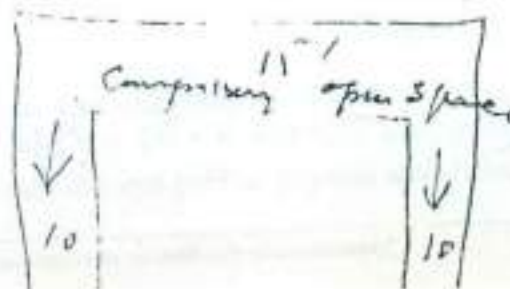
1. The height of buildings abutting Lawrence Road up to Mured lane shall not exceed four storeys including the Ground Floor.
2. The height of buildings in the plots abutting on roads other than Lawrence Road shall not exceed three storeys including the Ground Floor.
3. A minimum distance of 10 feet shall be maintained between any two buildings within the same plot.

Sd/- G.V. McElliny.
Collector of Karachi.

No. G.W. 288 of 1938
Karachi 29th July '38

City Deputy Collector
Karachi.

Main Road



FORM OF LEASE FOR BUILT ON PLOTS, GARDEN QUARTER.

THE SECRETARY OF STATE IN COUNCIL.

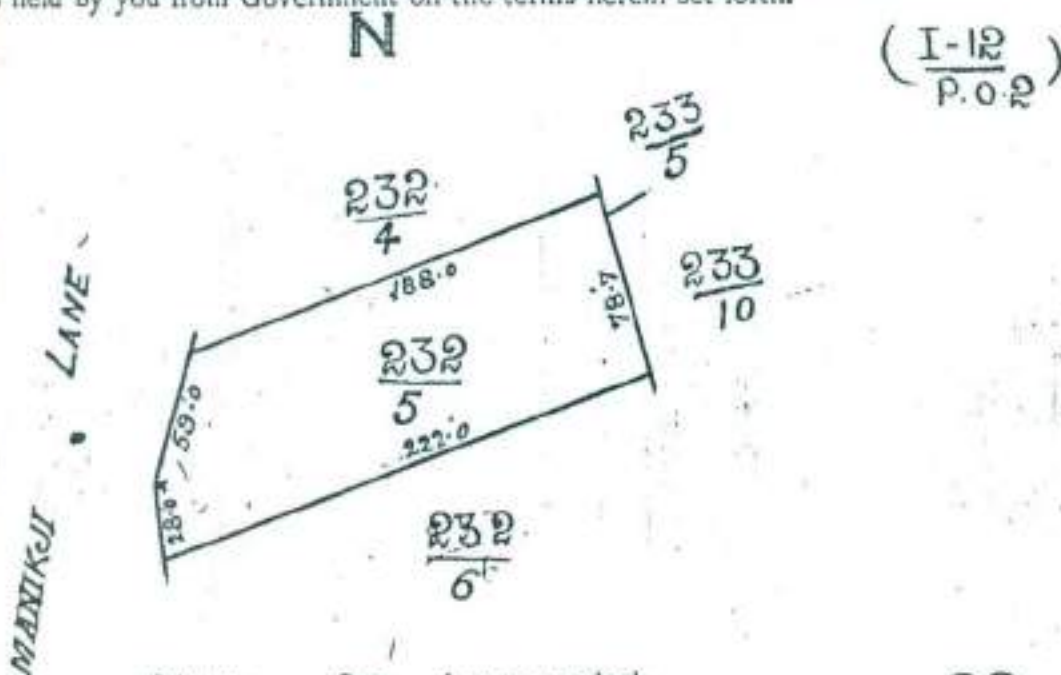
To

- 1. MRS: Rosaline Pereira
- 2. Porphyry Pereira



Whereas His Excellency the Governor of Sind with a view to the settlement of the land revenue and the record, and preservation of the proprietary and other rights connected with the soil, ^{had} ~~has~~, under the provisions of the Bombay Land Revenue Code, 1879, directed a re-survey of the lands within the City of Karachi and ordered the necessary inquiries connected therewith to be made, ^{the} ~~this~~ Sanad ^{was} ~~is~~ issued under section 133 of the said Code ~~to the effect that~~ ^{in respect of} ~~plot No 232 SHEET EAST Now this sanad is issued in respect of a sub divided portion of that plot to the effect that:-~~

There is a certain plot of ground occupied by you in the Garden Quarter of the City of Karachi, registered No ^{232/5} in the map, marked Sheet No. **EAST**, and of the following shape and about the following dimensions and containing about **1770** square yards ^{(of which} ~~of which~~ ^{square} ~~yards are held by you from the Karachi Municipal Corporation as alignment land on which assessment is payable to the Karachi Municipal Corporation) and remaining area is held by you from Government on the terms herein set forth.~~



The error in the dimensions does not exceed three per cent.

[Signature]
 Head City Surveyor
 Karachi

You are hereby confirmed in the occupancy of the above described ground subject to the payment of Rs. **40 - 14 - 0** and local cess at the rate at the time being in force on rent or other moneys paid or payable under this Sanad.

3

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the British Government, without any objection or question as to title, to whosoever shall, from time to time, be its lawful holder, subject to the condition of the payment annually of the above land revenue according to the provisions of the Bombay Land Revenue Code, or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of 20 years, reckoned from the 1st August 1923 and thereafter at successive periods of 20 years in perpetuity, and to the necessity for compliance with the provisions of the law, from time to time in force as to the time and manner of payment of the said assessment and to the following further conditions, namely:—

- (1) No further sub-division shall be made without the sanction of the Collector of Karachi, hereinafter referred to as the Collector.
- (2) You shall submit to the Collector and obtain his sanction to a plan and specification of the buildings to be erected before any building operations are commenced.
- (3) The maximum area on which building may be erected shall be one-fourth of the entire plot.
- (4) Where the boundary of a plot is a road, no building or portion of a building, other than compound walls or entrance gates, shall be erected within fifteen feet of such boundary.
- (5) For the purposes of condition (3) above, a verandah which projects beyond the plinth area of a building shall be included in the area occupied by buildings.
- (6) The minimum area of a building plot shall be one thousand yards.
- (7) If you will at any time fail to observe or fulfil any of the conditions of this grant above set out, you shall forfeit to Government all your rights under this grant and your right and title to any buildings, materials, or crops or produce on the said piece of land at the time of such failure, and it shall thereupon be lawful for the Collector to enter upon and take possession of the said piece of land, with any such buildings, materials, crops or produce on the same, and the said piece of land with such buildings, materials crops and produce shall, from the time of such failure, vest in the Government of Sind absolutely, free and discharged from all incumbrances of any kind whatsoever created on the said piece of land, buildings, materials, crops and produce by you.

This Sanad is executed on behalf of the Secretary of State for India in Council by order of the Governor of Sind, in supersession of any previous Sanad in respect of the same plot, by and under the hand and seal of the Collector of Karachi, this *forty one* ^{26th} day of *July* one thousand nine *hundred and* *forty one* A. D.

Mansoor
31/7/41
For Collector of Karachi.
26.7.41



Karachi
Development
Authority

ادارہ ترقیاتی کاراچی

Center, University Road
Karachi - 74200
T. 021-3700111

NO. PSDG/KDA/86/ 341

4th November, 1986

To

Controller of Buildings.

There is a complaint from the neighbours of Plot No.232/4, GR-6, Garden East for construction of multistoreyed building on this plot. Please ensure that no construction on this plot is allowed unless no objection from the neighbours has been obtained. Compliance should be reported to me within four days.

S/-
(Z.A.NIZAMI)
DIRECTOR GENERAL
K.D.A.

✓
Copy to Mr. Umer Haji Karim, 232/5, GR-6, Garden East, Karachi for information.

Z.A.Nizami
(Z.A.NIZAMI)
DIRECTOR GENERAL
K.D.A.

4/11/86

NOTIFICATION.

It is hereby notified that in Garden East & West Quarters, Karachi and in the jurisdiction of the Civil lines of Karachi South, construction shall be confined to double storied building (Ground plus one upper floor) only in-accordance with existing rules.

The Building Control Authority and the concerned Assistant Controllers of Buildings of the Garden East, West and Civil Lines Quarters, Karachi will be held responsible to ensure that no construction is allowed beyond the ground and first floor. The permissible height of ground plus one upper floor should strictly be in-accordance with the approved building plans.

Sd/- 1.9.88.
DEPUTY COMMISSIONER SOUTH, KARACHI.

Copy forwarded to :-

1. The Commissioner, Karachi.
2. The Controller of Buildings, KBCA, MP, KDA, Karachi for information and strict compliance.
3. The Assistant Commissioner South, Karachi.
4. The SEM, Civil lines, Garden Jamshed Quarters, Karachi.
5. The Senior Superintendent of Police, South/East, Karachi
6. The Superintendent, Sind Govt: Printing & Stationery for publication in next official Gazette.



Copy 2389
17/9/88

APPLICANT
APPLICANT
NAMED AS
INVESTED BY
MANAGED BY

Stamping fee 2.00
Company fee 0.75
Paper fee 0.25
2.00



Asstt. Commr. South, KARACHI

Dy Commr.

V/27/780/23

V/27/780/23

TOWN PLANNING

COURT LECTURE.

Western Countries.

WHAT THE BOMB ACT MEANS TO KARACHI. I may say may be of some practicable use in controlling the development of all

BY
M. A. E. MIRAMS

Consulting Surveyor to the Government of Bombay, Fellow of the Surveyors' Institution, Fellow of the Royal Society of Arts, Member of the Town Planning Institute, Member of the Royal Sanitary Institute, &c. &c.



Being a Report of two Lectures delivered in Karachi on Wednesday and Thursday, the 12th and 13th April 1916.

FIRST LECTURE.

Town Planning in Western Countries.

The problem of town-planning is one of the latest of those great questions which are engaging the attention of municipalities in India, and I have to congratulate the Municipality of this town on their far-sighted policy in having the provisions of the Bombay Town-Planning Act of last year extended to Karachi. Town-planning is the more pressing because it is concerned with the living conditions of the whole of the people. The problem is so vast and complex, so all-embracing as far as the life of the people is concerned, so vital to the well-being of a town that years spent in its study are amply repaid.

Town-planning may be said to be "the laying-out of a town in advance of construction" and it may be considered as dealing mainly with the development of the unbuilt-on areas round the existing towns, but that, comprehensive as it is, does not carry us far enough. It is impossible to consider the suburban areas by themselves. Town-planning really comprehends: "the whole question of the proper organization of city life," and I venture to give this as my definition, embracing as it does the preparation of the plan of a city in advance of construction.

This being so, you will, I hope, sympathise with me in my attempt to bring the subject before you in two brief lectures. I cannot, of course, do more than merely touch on the fringe, but in doing so I have a sincere desire that what

I may say may be of some practicable use to you in controlling the development of what is after all one of the most important towns in India to-day. This evening I deal with some aspects of town-planning and its growth and development in western countries. To-morrow I shall hope to deal with its application to India with special reference to the Town-Planning Act and the uses that can be made of that Act in Karachi.

Town-planning is not, as some people seem to consider, a modern freak. It is almost as old as the hills. We are safe in concluding that it was one of the burning questions of the day in more senses than one in the time of Nero. We have records shewing that in the fifth century B. C. the Greeks went in whole-heartedly for town-planning. Their principal architect was Hippodamus of Miletus and it was he who laid out the great cities of Piraeus (the port of Athens), Thurli in Italy, and Rhodes of historical fame. I now propose throwing on the screen in rapid succession a few illustrations of early town-planning in Europe, followed by examples of more recent date. (*Here slides were thrown on the screen.*)

In preparing a town-plan there are many things that must be considered. Primarily comes the question as to the needs of the district. Is provision to be made for mixed residences or will the population be largely artizan or mostly residential, or both? Having settled this, some regard should be paid to the

standards of limitation of houses to the ; the industrial development ; the method of providing areas for residential uses ; and how and where to secure open spaces, public or otherwise. The traffic development must be closely studied and a careful census taken of existing traffic to aid in settling the question of width of roads. There are many other obvious considerations, including decoration and furnishing, which comprises fountains, gardens, statues and terraces. After all the architecture of a town must have an important influence on its residents.

Here I may perhaps indicate some essentials of good town-planning, but it should be understood that the points mentioned are only given to emphasise their importance. One of the first is the conservation of beauty spots and then there must be play-grounds and parks. Good housing conditions, good drainage and good highway construction, which includes good road grading. Business and industrial traffic must have wide roads not necessarily straight, indeed sometimes slightly curved by design, to obtain effect. Subsidiary streets shall be laid out to look short. Long streets to be constructed with "places" at intervals planted with trees and flowers, to give a pleasant vista, from either approach. Provision must be made for a good water supply, good highway lighting and efficient traffic regulations.

The London Traffic Branch of the Board of Trade has stated that the insufficient width of the streets in London is the chief cause of the congestion of the traffic, but true as this undoubtedly is, there is a danger of running to the opposite extreme. The wider the road the more

refuges there must be, and to a limited extent a refuge naturally neutralises the value of a wide road. The Embankment in London affords an object-lesson of a dignified and spacious thoroughfare splendidly adapted for a number of lines of swiftly moving traffic, but causing considerable misgivings to timorous pedestrians desirous of crossing it. In towns and urban areas the necessity of further traffic facilities is always before us and we are frequently confronted with the problem as to whether to widen an existing road or make a new one. The widening of the streets when carried out under the most favourable conditions is bound to be expensive and of course entails interference with traffic and occupiers, and even when the widening is completed, there is but one street. A new road is frequently capable of construction at no greater initial cost and when done results in two roads being available, whereas before there was only one.

I am giving myself a moment in which to touch on the aesthetic side of town-planning in the hope that my remarks may reach some sympathetic ears. It is the ultra-practical man who scoffs at beauty in a town and who will have nothing to do with artistic street lamps or attractive electric light standards. A city, as a house, requires to be decorated and furnished. It is to this end that fountains have so often been used. At first sight it would seem that there were but few lessons to be learnt from them. But a further study convinces us that such is not the case. Position, character and utility can all be considered in a scientific manner. Probably no one city has so many fountains as Rome, and it is said that nowhere on earth are there

beautiful fountains as at Versailles. One who has seen them playing this game is not at all surprising. And here may I say after a town plan has been prepared on proper lines and with due regard to all interests, it is highly desirable that it should be carried through in its entirety. Personal idiosyncrasies should not be allowed to frustrate its details. It should be the aim of town-planning to have a complete scheme, one harmonious and homogeneous whole. It may be that only a part can be undertaken at a time, but each step will be towards a preconceived goal. As an instance of foolish interference it has been said that when the sculpture by Dalon was erected at the London Royal Exchange the City Fathers took exception to it because the figure symbolical of maternity had an infant at the breast but wore no wedding ring. The merits of this particular criticism would appear to have been ill-founded, a ring not being universally used as a symbol of marriage. Generally outside interference of this kind is to be deprecated as resulting in bad art. (*Here some further slides were thrown on the screen.*)

Planners of towns in the past have generally gone on some recognised method. Changing rapidly as one school of town-planners succeeded another their varying phases have been likened to "diseases." They are mostly juvenile. One of the first of these is what may be called "Diagonal disease!" It was thought necessary for the benefit of the modern traffic to drive in diagonal thoroughfares, no matter what the construction was. This diagonal disease soon degenerated into a more alarming malady which might be called the "Dismantling

disease." It developed into almost a system, as it was constantly demanding everywhere the radial, ring and diagonal streets. It was believed that from this magic system the only satisfactory routes for traffic could be obtained. Then there was another epidemic which might be termed the "Block" or "Rectangular disease." The infection was partly due to the example of the British Colonies and America. Its characteristic was, of course, the straight streets of the familiar chessboard pattern. After these visitations it was recognised that the planning of our cities was going the wrong way. An investigation into the cause of infection showed that town-planning was suffering from what might be called the bacillus of the straight line.

Accordingly the straight line was removed and gave way to the curved line. At last it seemed we were rid of disease, and harmony between traffic and building requirements had been established, but surprise and chagrin followed and altogether a new epidemic set in—"the worm disease." There was a positive mania for making nothing but crooked streets which became so chronically curved that it seemed impossible to get rid of them. One associated with it certain feelings of dizziness. It was partly a violent waving of the crooked line whereby you seemed to hear the squeaking of tram line curves; it was partly those lightly waving slenderly swaying lines of the street which slowly but surely suggested the sensations which came to one upon the rolling sea.

In order to do away with these extravagances of design, it was found necessary to introduce a more severe style. A beginning was made with more regular curves—

...schemes that could, if required, be made to approach more to the simplicity of straight lines or the pure circle. But even here nineteenth century town-planners were not out of the wood; there was a mad craze for all kind of wonderful patterns and generally a disposition to treat the surface of the earth like a sheet of paper. The beauties of these spectacular designs would probably be revealed to those of us who are accustomed to the use of airships and aero transit. This epidemic can only satisfactorily be designated as the "Zeppelin disease." Ladies who had the gift for embroidery took a surprising delight in this phase of Town-Planning.

Regarded seriously, however, all these schemes had a certain amount in their favour, but invariably each erred on the side of excess. They were given too exclusive a meaning and importance. But it is by studying and really learning the lessons that all these experiences teach us, that we shall be able to deal with our town development problems in a proper and workmanlike manner. One of the points I desire to make is that no account should fanciful designs be considered as a part of a Town-Planning Scheme. Their practical laying down on the site produces nothing but a maze. They do not even have the effect of the "formal" garden, the *ensemble* of which is often very attractive. The reason, as has been hinted at, is the obvious one, that the town can only be seen in part and from its own plane, and that in a very small part.

Competitive designs have enormously aided the study of town-planning, but competitions certainly have had the effect of producing plans which have

evidently been made as the result of striving after effect. There has been an attempt to please the eye of the "committee." The committee appointed by the municipality as often as not consists of a majority of gentlemen who know little or nothing of the practical applications of plans, and it is they who will be easily led to believe that the pretty picture is the best plan. Often and often is it, that the most severely plain and inartistic plan is the most suitable design. It requires a strong man to put forward the ideal when it lacks the appreciation of the eye, but a first year's pupil can sketch out a pretty design without regard to the peculiarities of the site. It is an application of the old proverb "all is not gold that glitters." Municipalities are beginning to understand this. The plan is merely a means to an end and should never be thought of as a pretty picture.

The lecturer in conclusion threw on the screen a slide entitled "What Town-Planning Means" which gave concisely the case for town-planning and also shewed what it did not mean. Some of the points are well-worth quoting. "The bringing into the market of land suitable for building, which without a Town-Planning Scheme would in all probability never be anything but agricultural land." "Not the levying of heavy improvement charges without commensurate benefits." "Conformity to a definite plan of orderly development, into which each improvement will fit as it is wanted." "Not the immediate execution of the whole plan." "Preservation of historic buildings and buildings of religious veneration with all their traditions." "Not the destruction of land marks and temples." "The deve-

ment of an Indian city worthy of civic
 "Not an imitation of European
 cities but a utilisation of what is in them."
 control over the future growth of your

town with adequate provision for future
 requirements." "Not haphazard laying-
 out of buildings and roads with results in
 costly improvement schemes."

SECOND LECTURE.

What the Bombay Town Planning Act Means to Karachi.

I am particularly pleased to see Mr. Crouch occupying the chair here to-night. It was eight years ago almost to the day that he lectured on this very spot to an enthusiastic audience, taking for his subject "The City of Karachi ; What is to be its Future." I have had an opportunity of reading what he said on that occasion and I confess to you a feeling of admiration for the man who was able to address to his fellow citizens the inspiring words of warning and encouragement with regard to the development of the city, that he did. Excellent as he is as a judge, I venture to think he would have made a better town-planner.

I concluded my lecture last night with a slide—entitled "What Town-Planning Means," and for the benefit of those who were not present I put it on the screen this evening and then pass rapidly before you scenes from different towns in Western India reproduced from photographs, which I have taken, to illustrate various phases in town life and development.

Here the lecturer, commencing with Salsette near Bombay and going to Poona, Bombay, Ahmedabad, Sholapur, Belgaum, Bhusaval, Bijapur, Surat, Sukkur and Delhi to some familiar slides of Karachi, showed illustrations of improvement schemes and instanced the bad results arising from the absence of proper municipal supervision and bye-laws in various towns, and finally pointed the moral as far as the "Garden Quarter" of Karachi is concerned.

Turning to the Bombay Town Planning Act Mr. Mirams said :—

The Town Planning Act when applied to a municipal area confers upon that municipality one of the most valuable powers yet entrusted to a local authority. In a word it enables them to provide the environment which plays so important a part in the life of us all. With improved environment the habits of the people and their outlook on life will undergo a transformation. Town-planning is not a bad but a wise and beneficial provision for the future. As in the past so at the present moment vast sums are being spent on remedying the mistakes of the past. We cannot undo the past but we can control the future. Surely it is sounder finance and only common sense to spend not only money if needs be, but time and energy in producing the conditions which will assist the growth of a healthy, happy and more contented people. To-night I want, if I may be allowed to do so, to discuss the Act rather intimately and to touch on the sections and where necessary to explain them. I propose to give special prominence to the financial aspects of a Town Planning Scheme and to show you by means of slide show the financial clauses work. I shall be glad if at the end of my address, you have any questions you would like to ask that you will not hesitate to put them to me.

The lecturer then dealt with the provisions of the Town Planning Act in considerable detail, specially dealing with

its scope and illustrated the financial clauses by means of cartoons. One very important point which was emphasised was the power of the municipality to regulate development by means of regulations under a scheme.

TOWN PLANNING ACT I, OF 1915.

Section 1.—The Town Planning Act was passed because it is desirable that land should be developed on orderly lines with the object of securing proper sanitary conditions, amenity, and convenience to not only the people in the particular area but in the neighbourhood. That is eminently sound.

Section 3 is of enormous importance as it gives the Town-Planning authority statutory powers of the most far-reaching character. Armed with this section there should be little to hinder the authority from the preparation of a really *pucca* scheme.

The power of construction, alteration or removal of roads and bridges would naturally be expected as would the sanction to define the sites of open spaces, gardens, recreation grounds, schools and markets and other public buildings.

Sub-section (c) which provides for the plotting out of building sites, when read in conjunction with section 12, means a tremendous gain to the owners of land. It means that an owner of land may be given in exchange for an irregular shaped plot, which in the ordinary course of events could not become useful for building, one or more plots of good shape which he could dispose of at a sum many times in excess of what he could have obtained without the intervention of the Town Planning Act.

In an ordinary scheme the majority of the land an owner was given would be

the same as he had before, only trimmed up and improved in shape.

Clause (i) will appeal to all sanitarians. It allows of regulations for the provision of proper open spaces about buildings and also enables the local authority to make building bye-laws. It further allows of defined areas being set apart for special kinds of buildings.

Sections 9, 10 and 14 clearly lay down the procedure to be followed by the local authority desirous of carrying out a scheme and indicate six simple but necessary steps.

First—By resolution to declare its intention to make a scheme for a specified area.

Second—To send within 21 days a copy of the resolution for publication in the Bombay Government Gazette.

Third—To apply to the Governor-in-Council for sanction to the making of the scheme.

Fourth—Prepare a draft scheme after the notification of Governor-in-Council's consent has been received. Attention is drawn to the clause which provides for consultation with the owners. This is symptomatic of good government and means taking the people into the municipal confidence.

It is an axiom of Town-Planning, that to be a success a town planning scheme must have the support of the people.

Fifth—Publish the draft scheme within one year of receipt of Governor-in-Council's consent to the making of the scheme.

The Sixth and final step is the submission by the local authority of the draft scheme, with any objections the Local Authority may have received to it, to the Governor-in-Council, with an application for his sanction.

Sections 16 to 28 deal with finance and are of considerable interest and treat the problem of paying for improvement schemes on what is to this country an entirely novel basis. The effect of section 16 is to give power to acquire the necessary lands for the scheme; at the cost of the scheme.

Section 17 is the "Increment" section and should be clearly understood. To ascertain the meaning of increment or increased value under this section, first consider the case of a plot of land in the final scheme after the whole thing has been carried out.

Assume that it was worth originally Rs. 100 when the scheme was declared by the local authority. Now ascertain its value on the day the final scheme comes into operation, having regard to its potentialities and considering its possibilities as a building site and so fourth, say it is Rs. 500. The difference of Rs. 400 will be the increment. It should be noticed however that it is only improvement of *land* value that is to be considered and no notice is to be taken of buildings.

Section 18.—The costs are to be met by contribution from owners who have been benefited. But a maximum of one half of the increment derived from the scheme by each owner is as much as he can be called upon to pay. That is to say, if his increment was Rs. 400 then he could not be called upon to pay more than Rs. 200 towards the costs of scheme.

Section 19.—Makes it clear that if land is taken from a person he shall be credited with the value of it and if on the other hand an owner has given to him land of greater value than he originally possesses (without thinking about the benefits derived from the scheme) then he shall

be charged in his account with the excess. That is only fair and reasonable.

It is perfectly clear that some provision must be made for settling differences of opinion and giving an impartial judgment on the several questions which arise out of a Town Planning Scheme.

The Act provides in the first instance in section 29 after the draft scheme has been sanctioned for the appointment by the Governor-in-Council of an Arbitrator.

It is perfectly clear that it was the desire of the legislature to leave no stone unturned to provide an absolutely impartial authority which, would at once appeal to the people, especially in connection with the financial side of the question. Section 33 provides for the constitution of a Tribunal of Arbitration which in the District of Karachi shall be as follows:—

President.—Such additional Judicial Commissioner as may be appointed by the Judicial Commissioner.

Two Assessors.—One is the Arbitrator referred to above. The other would be an impartial person to be appointed by such Additional Judicial Commissioner (the President).

I do not think a more unbiased Tribunal could be set up. Mark you, there is nothing in the Act to prevent either the owners or the municipality, or both jointly submitting suggestions to the District Judge, Chief Justice or the Judicial Commissioner, as the case may be as to the latter appointment. It would not be an impartial Tribunal if say the owners were to be allowed to appoint a representative. The tendency of such a representative would always be to reduce the contribution payable by the owners as against the municipality, and similarly if the

municipality were allowed to appoint a representative, he would have a tendency to always argue in favour of the municipality as against the owners. That would defeat the whole object of impartiality. On the other hand under section 35 the owners can be represented before the Tribunal, and so can the municipality, if needs be, so that there need be no fear that both sides would not have an equal chance of stating their case.

The lecturer continued:—I have now completed my task as far as the Act is concerned but I am told you would like to hear a few words as to the practical application of improvement schemes to Karachi and some suggestions as to the lines on which they could be developed. You do not need to be reminded that the "Old Town" situate to the south-west of Karachi is to a large extent shut in on all sides except the north-east and is very much over-crowded and congested. It is congested because it at one time was surrounded by a city wall and every available inch inside the wall was built upon before the bonds were broken and by very force of circumstances new buildings were put up outside the walls, but as near to them as possible. As far as one can foresee, this quarter will for all time be the hub of the business life of Karachi.

Now that the bed of the Lyaree is being filled in, there is with careful planning no reason to suppose that some of the additional land thus made available will not be utilized for business premises. If this is so and I think time will show that I am right, then the question of devoting all or much of the money earmarked for "set-backs" in the congested areas, to the extension of the business

quarter in the only direction in which it can extend, *viz.*, on and near the reclaimed Lyaree bed, should be very seriously considered. It has been and is customary for large towns faced with narrow traffic roads to attempt the improvement of such thoroughfares by the acquisition of frontages of properties abutting on the roads. This policy should only be indulged in when all other means have failed, firstly because of the vast cost incurred in buying expensive properties, and secondly because the result of turning people out of one property is frequently to cause congestion in others. Faced with the great cost of this method of improvement municipalities have had recourse to what is called the acquisition by means of set-backs. In other words they acquire a little piece at a time. Usually when an owner desires to rebuild he is made to set back to a defined line and the land in front of that line is then purchased and thrown into the public highway. In the case of the Duralal Street Improvement, which I understand was adopted in 1890, only 16 frontages have been acquired to date out of such a number that before the road is finally completed, over 100 years will have elapsed, assuming the same rate of progress in the future as in the past. Each widening increases the value of the remaining properties and so the municipality is not only paying for the frontage value, but for the value they themselves have put into it. It will be appreciated that as further provision is made for business premises the values of the congested districts will decrease, because after all value is merely a measure of supply and demand. Again the compensation which is paid for set-backs

usually quite out of proportion to the benefits received. The closing of the branch of the Lyaree has made a considerable difference to the area on the other side and there is little doubt that in years to come the so-called Lyaree Quarter will be pretty thickly populated. It has an area of about 1,300 acres, and I understand already supports a population of less than 37,000 persons. I ask you to think of that figure when I remind you that only 78 years ago (1838) the population of the whole of the town and suburbs of Karachi was only 14,000. If the figures I have given for the Lyaree area are correct then there is already a population of 28½ persons per acre living there. Long ago as 1874 small portions of this area were plotted out on a sort of police plan pattern, but subsequently and until recently the place like "Topsy" just "grewed." There are still very large areas not built upon, and surely now, never, is the time for something to be done to regulate the future development of sanitary lines.

The most important consideration of the plan and one to which everything ultimately leads will be the system of roads. It is obvious that for business and transport purposes the main traffic roads should be straight and should lead directly from that quarter which will be the centre of the suburb. At the same time they should connect up with the centre of the city itself. Mechanical traction must be provided for. Minor streets should be so provided as to discourage through traffic and should generally connect with the main roads at right angles, and in the design of these subsidiary roads there is ample scope for imagination. The width of the roads can only be decided after a study of future possibilities.

The planting of roadside trees will naturally be considered as providing the requisite shade. Wide roads do not connote expensive construction. They allow of free ventilation; and metalling need only be done over a minimum area, strips planted with trees can well be left until such time, it may be 50 years, as a greater metalled surface is desired. On account of the level character of the topography street grades are relatively unimportant and the flow of traffic and the direction of play of the Sun's rays will therefore be determining factors when deciding the question of direction. Shop plots with a north light should generally fetch a higher price than those constantly requiring a lot of artificial shading.

The problem of drainage is a difficult one owing to the low lying nature of a considerable part of the area, but this can be dealt with by mechanical means as occasion requires. Generally speaking, it is apparent that open gullies are all that is required for surface drainage.

Another important consideration arising from the low lying areas will be the filling required to make the land suitable for building purposes. The old bed of the Lyaree now bounded should be filled in. This is I know already being done, but it will pay to accelerate this to give any practical result either by means of pumping as is contemplated by the Port Trust in connection with the swamps or by carting at a much greater rate than at present.

Still another important point is the provision of parks and open spaces for recreation. It is no longer necessary at this time of day, to insist on the general value of parks and play grounds to the community. They are as essential to a community as large windows are to a

dwelling. The location of play grounds for children should be carefully thought out and when provided, the play grounds should be fitted with simple apparatus which will encourage the attendance of the children.

Sites and situations must be found for factories and shops, a market should be provided and school plots *not* on main roads will be wanted. The water supply and sanitation will require provision to be made for them.

It will be desirable that some sort of zone development should be provided for. The land contiguous to the main traffic roads will be more valuable than that in subsidiary thoroughfares, and consequently the sites for dwelling for the poor class of tenants should be more remote. In order to allow of an economic rent being paid, road costs must here be kept as slow as is compatible with sanitation and convenience. I strongly deprecate the building of high chawls and am of opinion that, if properly developed, ground floor structures can be profitably built for coolies whose average pay is 12 annas *per diem*. It should not be thought that the whole area will be solely devoted to the coolie class. Good planning will induce a better class to migrate to the improved area and low rents will have a considerable bearing on this aspect of the question.

Before the present population is interfered with, provision must be made for their re-housing, and possibly in the first instance this could best be done in part by the Municipality laying out a portion of the site, when the plan is ready, as a sort of model garden suburb and building themselves. I have had lengthy talks with the President and Chief Officer

of the Municipality on the question, so do not propose to enlarge on that subject now.

Turning to the north-east of the city we find a splendid area entirely suitable for building known as the Garden Quarter (by the way cannot someone think of a suitable name for it?). The Lawrence Road connects it directly with the centre of the city. I believe an 80 feet road is projected to run along the eastern bank of the now dry water course. An obvious but none the less splendid scheme. The land on either side of the Lawrence Road has become ripe for building and one notices bungalows and other buildings dotted here and there. Some sort of *kutchha* plan seems to have been thought of, but only in parts. It is imperatively necessary that a comprehensive development plan should be prepared, in which the roads are clearly defined; and what is equally important regulations passed which will control the erection of the buildings. If that is done there is a great future for this district.

I wonder if the military authorities would come to an arrangement to continue the Bunder Road to the Muggur Peer Road. If that were done, and land now occupied by the police lines and immediately to the south of them was developed, an excellent opportunity would be provided for a nice scheme.

Coming back to "Old Town" once more and going due east we are within $\frac{1}{2}$ of a mile confronted with the "bone of contention," the Artillery Maidan. Some 200 acres in extent, its value as part of a city extension scheme cannot be over-estimated. At present it is a barrier which prevents the natural growth

of the town, but I agree with Mr. Crouch when he says "It may be assumed that when the matter arrives at the stage of negotiation, there is no reason to suppose that the military authorities will willfully put any unnecessary obstacle in the way of the progress of Karachi." Accepting this position it is then at once evident that there are splendid possibilities for a really fine piece of a monumental development. There would be ample room for the several Government offices required, which might be made a central feature and the remainder of the site could be used for bungalows or other purposes.

Am I too optimistic as to the future of Karachi? When I look around I feel that there is every reason to believe that Karachi is as yet in its infancy, in spite of its wonderful growth during the past 12 years. The contemplated linking up of Gujerat and Karachi by way of Viramgaon by direct railway; the proposed conversion to broad-gauge of the Hyderabad-Jodhpur Railway to Delhi; the opening up of Persia *via* Bussrah and Kut and (perhaps as important as any) the scheme of the great Sukkur barrage, are all things which show which way the wind blows, and if any or all of them "come off" Karachi benefits. So I say then, it behoves the people of Karachi to take their courage in both hands and go forward.

It is quite clear that if the various suggestions for development which I have referred to are to be carried to a successful issue, some special organization will be required. It is too much to expect that a committee could be formed of public spirited citizens, conscious of the needs of the city and impressed with a

desire of improving not only the conditions under which the people live but the future prospects of Karachi as a great port? The committee should not be a large one, but it certainly should include such gentlemen as our chairman to-night, Mr. Crouch, Mr. Westropp, Mr. Mul Mr. Webb and the President of the Municipality. The method of appointment is a simple matter; it might be either by the Municipality, the Collector or the instance of Government; but with representatives of all parties here to-night there should be no difficulty about the preliminary steps. I might be asked what would be the functions of the Committee? Firstly I suggest, to ascertain the facts and tabulate them in a convincing manner, and secondly to formulate the remedies. It would seem a truism to state that the first duty is the ascertainment of the facts, yet probably no one thing is harder to impress upon persons taking up a movement for town development than this. It is true that the facts are known in a general way, but that is not what is meant. They should be known accurately, carefully and scientifically and should embrace:—1 Physical characteristics, 2 means of communication—land and water—and their improvement; 3 industries, commerce and manufactories and their encouragement; 4 population—growth of—movement—occupation—distribution and density; 5 traffic—roads, tram and rail; 6 insanitary areas and their treatment; 7 town conditions—areas and lines of growth—present and possible expansion—housing, etc., etc.

As to the remedies or recommendations for improvement, and the method of carrying them out much will depend on

the result of the enquiry; but I should not at all be surprised if the committee recommended in view of the importance of the undertaking the appointment by Government of an Improvement Trust, especially perhaps in connection with the development of the as yet unbuilt-on areas in and near the city. Whatever their recommendations may be, the work they would be engaged on would be of the profoundest importance to the future of Karachi. It only remains for me to say that personally I should if desired be only too pleased to render whatever assistance I could towards making Karachi a brighter, better and a nobler city.

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Town Planning

in

Bombay.

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a lecture.
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1919

"TOWN PLANNING IN BOMBAY

UNDER THE

BOMBAY TOWN PLANNING ACT, 1915."

A LECTURE

delivered by

MR. A. E. MIRAMS,

Consulting Surveyor to the Government of Bombay, Fellow of the Surveyors' Institution, Fellow of the Royal Society of Arts, Fellow of the Royal Sanitary Institute, Member of the Town Planning Institute (Eng.), Member of the Tribunal of Appeal (Bombay).

before the

TOWN PLANNING INSTITUTE,

On the 5th December, 1919.

"TOWN PLANNING IN BOMBAY UNDER THE BOMBAY TOWN PLANNING ACT, 1915."

BY

A. E. MIRAMS, F.S.I., F.S.A., F.R.S.I.

(Member).

Mr. Chairman and Gentlemen,

When the President of our Institute did me the honour of asking me to address you this evening on the subject of Town Planning in India, I fancy he did so with the conviction that I should have something to say which would be of real interest, and under the impression that a knowledge of the Bombay Town Planning Act would stimulate a desire for amendment of the English Town Planning law.

If I succeed in fulfilling those expectations, I shall feel that I have not addressed you in vain. In the course of my duties as Consulting Surveyor to the Government of Bombay, I have had occasion times without number to lecture on Town Planning to all sorts of audiences, but at those times I have almost invariably dealt at some length with Town Planning in Europe and Western countries, with a view to creating a desire on the part of my hearers to emulate the Western World in so far as the orderly and controlled development of their towns and cities was concerned.

To-day I am faced with a complete reversal of the position. I am asking my audience to consider the advantages which would accrue as the result of copying the Town Planning methods of the East; at any rate, that portion of the East which is represented by our great Indian Empire and the Bombay Presidency in particular. One can easily believe and well understand that those of you who have not studied the Act which I shall have the privilege of explaining to you, will consider it presumption for a man from the wilds of India to think for one single instant that he can come before this august assembly of expert professional Town Planners and expect to teach them anything in connection with Town Planning from the experiences of the land of jungles and tigers.

I therefore crave your indulgence, the more so as I am thousands of miles away from my office table, and have, as a result, not been able to illustrate my remarks as I should like to have done with full-scale drawings and photographs.

Town Planners invariably like to get a bird's-eye view of the site before getting down to details, and it would be as well, therefore, to remind you that India has a population of over 300 millions of people, or nearly six and a half times the population of Great Britain and Ireland; that the bulk of the 300 millions is absolutely uneducated and illiterate and lives in the most elementary way possible.

For the purposes of administration India may be said to be divided into the six provinces of Bombay, Madras, Bengal, United Provinces, Punjab and Burma, and the Native States. To-day it is proposed to confine the subject to Bombay, the great Presidency comprising a large portion of the West of India, extending from latitude N. 14° to latitude N. 29° and covering 122,984 square

miles, or over 2,000 miles more than the area of Great Britain and Ireland together. Truly a large "parish"! The capital town of Bombay is the City of Bombay—the gateway of India—with a population of over a million persons, or about one-nineteenth of the whole Presidency. A fine city in the mass, with a splendid harbour and many fine buildings which it would be difficult to beat, even in London, Paris, or Rome, whilst the bay forming its western boundary has been likened in beauty to the bay of Naples.

To the Bombay Presidency belongs the credit of being the first in India to pass into law a Town Planning Act. It is known as the Bombay Town Planning Act, 1915, and was a sincere attempt to embody in one measure all that was best from every other Town Planning Act extant. The Act itself is not a long one, although it has fifty-two sections in five chapters. It would probably be as well at this stage to deal in detail with some of the more important sections, and then go on to show how it works in actual practice.

Section 1 gives the short title and extent of the Act, and Section 2 is the Interpretation Clause. Section 3 reads as follows:—

3. A Town Planning scheme may make provision for any of the following matters:—
- (a) the construction, diversion, alteration and stopping up of streets, roads and communications;
 - (b) the construction, alteration and removal of buildings, bridges and other structures;
 - (c) the plotting out of land as building-sites whether such land is intended to be used for building purposes in the immediate future or not;
 - (d) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and public purposes of all kinds;
 - (e) drainage inclusive of sewerage and of surface drainage and sewage disposal;
 - (f) lighting;
 - (g) water-supply;
 - (h) the preservation of objects of historical interest or natural beauty and of buildings actually used for religious purposes or regarded by the public with special religious veneration;
 - (i) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, height and character of buildings allowed in specified areas and the purposes to which buildings or specified areas may or may not be appropriated;
 - (j) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule having the force of law, bye-law, Act, or other provision which is in force in the area included in the scheme; Provided that it shall not be lawful to suspend in any such area any Act of Parliament or, without the sanction of the Governor-General, any Act of the Governor-General in Council;
 - (k) such other matter not inconsistent with the objects of this Act as may be prescribed.

This section is of enormous importance, as it gives the Town Planning authority statutory powers of the most far-reaching character. Armed with it there should be little to hinder the authority from the preparation of a really complete scheme.

The power of construction of roads and bridges, drainage, lighting and water supply should be particularly noted.

Sub-section (c), which provides for the plotting out of building sites, when read in conjunction with Section 12, which deals with the pooling and redistribution of plots, indicates a tremendous gain to the owners of land. It means that an owner of land may be given in exchange for an irregular shaped plot, which in the ordinary course of events could not become useful for building, one or more plots of good shape which he could dispose of at a sum many times in excess of that which he could have obtained without the intervention of the Town Planning Act.

It also means that if there is no immediate demand for those plots for building that he can still go on with his cultivation as before, until he gets a fair price offered for the land, or until such time as he himself is ready to build. In an ordinary scheme the majority of the land he was given would be the same as he had before, only trimmed up and improved in shape.

Sections 4 to 7 deal with questions of disputed ownership, rights of entry, and powers of local authorities to borrow money and to make and execute Town Planning schemes.

Sections 8 to 15 deal with the Local Authorities' declaration of intention to make a Town Planning scheme and the preparation of the draft scheme.

Section 8 provides *inter alia* that a scheme may be made in respect of any land which is in course of development or likely to be used for building purposes and the decision of the Governor in Council as to whether it is or not is final.

Section 9 lays down the procedure to be followed by a Local Authority in the initial stages, and provides that the Governor in Council may either sanction the making of a scheme or refuse to give sanction.

Section 10 provides that within twelve months of the sanctioning of the making of a scheme the Local Authority shall, in consultation with the owners, prepare and publish a draft scheme.

Section 11 runs as follows:—

The draft scheme shall contain the following particulars:—

- (a) the area, ownership and tenure of each original plot;
- (b) the land allotted or reserved under clause (d) of Section 3, with a general indication of the uses to which such land is to be put;
- (c) the extent to which it is proposed to alter the boundaries of original plots;
- (d) an estimate of the net cost of the scheme to be borne by the local authority;
- (e) a full description of all details of the scheme under such clauses of Section 3 as may be applicable; and
- (f) any other prescribed particulars.

The rules prescribe that the scheme shall also include a map not smaller than one inch to the mile showing the area of the scheme and the country within at least two miles of the area, as well as three plans on a scale not smaller than fifty feet to the inch—one showing the original plots; another the original and proposed final plots, etc., combined; and the third the proposed final scheme as it would appear after completion, with the levels and contours properly defined. In addition, a valuation statement, showing the amount to be paid to, or by, each owner in the scheme (Form A), all works contemplated, and a statement of the dates on which it is estimated the respective works will be completed. The dates must be correct to within six months, and the Local

Authorities will be liable to damages if longer time is taken. The whole of the draft scheme is accompanied by a statement (Form B) explaining the finance of the scheme as estimated.

Hung for your inspection are four reduced scale plans of a small scheme which has been actually completed, and adjoining them is a copy of the redistribution and valuation statement in Form A, as well as Form B, which explains the finance of the scheme.

Section 12 constitutes one of the most progressive and far-reaching features of the Act. The words "reconstituted plot" in the Section may be said, roughly, to mean a plot which is in any way altered by the making of a Town Planning Scheme.

The Section reads as follows:—

12. (1) In the draft scheme the size and shape of every reconstituted plot shall be so determined as to render it, so far as may be, suitable for building purposes.

(2) In order to render original plots more suitable for building purposes the draft scheme may contain proposals—

- (a) to form a reconstituted plot by the alteration of the boundaries of an original plot,
- (b) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot,
- (c) to allot a plot to any owner dispossessed of land in furtherance of the scheme, and
- (d) to transfer the ownership of a plot from one person to another.

It will be noticed that the Section allows of the provision of decent building plots, and where the plots in the ownership of small owners are too small for building, it enables the Local Authorities, with the consent of the owners, to combine the interests of two or more parties and give them one or more plots to be held in ownership in common. This is the spirit of true co-operation and results in considerable financial gain to the owners. For instead of the small proprietor having his plot bought from him under the scheme at the value it had at the date of notification of the scheme, he is able to combine with another owner and thus reap any benefits the scheme confers. If an owner is dispossessed because his land is required for a road or public garden or any other purpose, he can be given land somewhere else in the scheme.

It will be observed that these principles are largely based on the German *Lex Adickes*, which originally dealt with land in Frankfort-on-Maine. The plans of the first scheme are exhibited here and are probably familiar.

Section 13 provides for the consideration of objections to the scheme and enables the Local Authority to amend the Draft Scheme.

Section 14 deals with the submission of the draft scheme to Government and the powers of Government to modify and sanction, or refuse sanction to the scheme.

Section 15 deals with restrictions on development after the Local Authority has published a declaration of intention to make a scheme.

Sections 16 to 28 deal entirely with finance, and are of considerable interest; as they treat the problem of paying for the execution of an improvement scheme on what is to this country an entirely novel basis.

Section 16 defines the costs of the scheme, and reads as follows:—

(1) The costs of a Town Planning scheme shall include—

(a) all sums payable by the Local Authority under the provisions of this Act which are not specifically excluded from the costs of the scheme;

(b) all sums spent or estimated to be spent by the Local Authority in the making and in the execution of the scheme;

(c) all legal expenses of the Local Authority incurred in the making and in the execution of the scheme; and

(d) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme with all the buildings and works thereon at that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(2) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the original plots, each of such plots being estimated in the manner provided in Clause (D) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme, as defined in sub-section (1).

It will be observed that the costs shall include all sums spent in the making and execution of the scheme.

Clause (d) is really simple. The values of all the original plots taken as at the date of declaration of intention to make a scheme are added together. The values of all the plots included in the final scheme are similarly totalled and their value is also considered to be as at the date of declaration. The value of the final plots on this basis is then deducted from the first total and the balance, which is really the market value of the land taken for roads, etc., after allowance has been made for increase in value of plots due to improvement of *shape* as at the date of declaration, forms part of the costs.

This Section consequently gives power to acquire the necessary lands at the cost of the scheme. If by any chance the total values of plots in the final scheme, without reference to improvements contemplated in the scheme other than the improvements due to alteration of boundaries, are greater than the total of the values of the original plots, then the excess is to form a deduction from the costs of the scheme. This latter position would arise in cases of small schemes where owing to rearrangement of boundaries possibly the total increase in value of plots is more than the compensation for land taken up.

Section 17—the "Increment" Section—should be clearly understood. It reads as follows:—

17. For the purposes of this Act the increment shall be deemed to be the amount by which the value of a plot included in the final scheme estimated on the assumption that the scheme has been completed exceeds the value of the same plot estimated at its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme:

provided that in estimating such values the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

To ascertain the meaning of increment or increased value under this Section, first consider the case of a plot of land in the final scheme after the whole of the works have been carried out.

Eliminate any increase in value that has accrued as the result of improvement of shape, and then assume that it was worth originally Rs. 100 when the scheme was declared by the Local Authority. Its value on the day the final scheme comes into operation, having regard to all its potentialities and considering its possibilities as a building site and so forth is Rs. 500. The difference of Rs. 400 will be the increment. Only improvement of land value is to be considered and no notice is to be taken of buildings.

Section 18 is a vital part of the Act and reads :—

(1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Local Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Tribunal of Arbitration :

provided that—

(i) no such contribution shall exceed half the increment estimated by the Tribunal of Arbitration to accrue in respect of such plot; and

(ii) where a plot is subject to a mortgage with possession or to a lease, the Tribunal of Arbitration shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution.

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Thus the owners of land can be called upon to contribute towards the costs in proportion to the amount of benefit they receive. But payment under this Section is in no case to exceed half the amount of the increment; if the costs are little, then it would be much less.

Section 14 makes it clear that if land is taken from a person he shall be compensated for it, and if on the other hand he receives land back of greater value (apart from the increment value), he shall pay for it. That is only fair and reasonable. The Section reads as follows :—

The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or added to, as the case may be, the contributions leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Sections 20 to 28 are of less importance and deal with transfer of "rights," and compensation for "injurious affection," and the method of payment by, or to, the Local Authority, etc. Payment by instalments is provided for.

Sections 29 to 40 are the arbitration Sections.

It is obvious that some provision had to be made for settling differences of opinion and the giving of an impartial judgment on the several matters arising out of a Town Planning scheme, and Section 29 provides that "After a draft scheme has been sanctioned the Governor in Council shall appoint an arbitrator with sufficient establishment whose duties shall be as hereinafter provided."

Section 30 lays down the arbitrator's duties and reads:—

In accordance with the prescribed procedure the arbitrator shall—

(1) after notice given by him in the prescribed manner define and, where it is in his opinion necessary, demarcate the areas allotted to, or reserved for, the Local Authority, and the reconstituted plots;

(2) after notice given by him in the prescribed manner determine, in a case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons;

(3) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the final scheme, in accordance with the provisions contained in clause (d) of sub-section (1) of Section 16;

(4) estimate the increment to accrue in respect of each plot included in the final scheme, in accordance with the provisions contained in Section 17;

(5) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme, in accordance with the provisions contained in Section 18;

(6) calculate the contribution to be levied on each plot included in the final scheme;

(7) determine the amount to be deducted from, or added to, as the case may be, the contributions leviable from a person, in accordance with the provisions contained in Section 19;

(8) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot, in accordance with the provisions contained in Section 20;

(9) estimate in reference to claims made before him, after notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a Town Planning scheme, in accordance with the provisions contained in Section 21 and subject to the provisions contained in Section 22;

(10) draw up in the prescribed form the final scheme in accordance with the draft scheme:

provided that—

(i) he may make variations from the draft scheme;

(ii) any variation estimated by him to involve an increase of ten per centum in the costs of the scheme as described in Section 16 shall require the sanction of the Governor in Council:

provided further that he shall make no substantial variation without the consent of the Local Authority and without hearing any objections that may be raised by the owners concerned; and that in the case of any substantial variation made by him the owners concerned shall have the right of appeal to the Governor in Council.

Sections 31 to 33 provide that every decision of the arbitrator shall be final, conclusive, and binding on all persons with exception that his calculation of "increment" and of damages due to "injuriously affected" shall be subject to revision by a Tribunal of Arbitration consisting of a judge as president, the arbitrator, and an impartial person to be appointed by the judge.

It is perfectly clear that it was the desire of the Legislature to provide an impartial authority which would at once appeal to the people, especially in connection with the financial side of the scheme.

The remaining Sections of the Act—Nos. 34 to 52—deal with miscellaneous matters which time will not permit even mentioning.

Government has seen fit to appoint me Arbitrator in each of the ten schemes so far submitted, and it would therefore be as well if I briefly illustrate the practical working of the Act, before concluding with a few remarks on the preparation of schemes.

Six final schemes are in print and are either completely executed or are on the road to completion, and the remaining four are going through the formal stages preparatory to receiving final Government sanction.

It should be noted that the Act was extended, in the first instance, to the Island of Salsette, an extensive suburb connected with the mainland and Bombay by main roads running over causeways, but the Governor in Council was given power to extend it to the whole or any part of the Presidency, subject to the proviso that in the case of Bombay City previous application assented to by a majority of the Municipal Corporation shall be made by the Corporation for its extension to the Municipal area of Bombay.

It is interesting to recall that the Corporation has now had the Act extended to a portion of its area, and furthermore that it has been extended to fifteen other municipal areas.

The first scheme to be dealt with (Bandra No 1) comprised an area of only $7\frac{1}{2}$ acres, whilst the last one, or nearly the last (Poona), is 1,500 acres.

All towns of importance in India have their municipalities, which are largely elective, and it will have been observed that the Act works through them. The Municipal Engineers in the majority of cases had no knowledge of Town Planning principles, and the municipal members generally had no conception of orderly town extension, and it thus became necessary, as soon as the Act was passed, to visit as many towns as possible and explain the advantages of development on Town Planning lines and particularly under the Town Planning Act.

New legislation is usually looked upon with suspicion, and it was some time before real progress was made, but now that several schemes are in actual working order, prejudice is breaking down and the municipalities are becoming keener and keener as time goes by. Running through the Act is the idea that the people concerned shall be encouraged to take a personal interest in the scheme, and consultations with the owners are provided for at every stage. This is as it should be, and it has been very gratifying to the Arbitrator to note the change of attitude of land owners affected as enquiry under the schemes proceeds, from possible open hostility to undisguised gratitude for benefits conferred.

At present, of course, the duties of the Arbitrator are very onerous and exacting. It is the exception to find accurate plans prepared, for generally speaking we have few such detailed ordnance sheets as are to be found in England, and it is obvious that when the actual values of plots, both large and small, have to be ascertained to the greatest degree of accuracy, that correct large-scale plans must be available.

Before a Local Authority decides on the area for a Town Planning scheme they usually ask for the advice of the Consulting Surveyor to Government, and more often than not he surveys the

area and indicates the line of development. He has a trained staff of engineers and surveyors, who by now are conversant with Town Planning work, and Government encourages Local Authorities to avail themselves of his services, making no charge for the work done.

For a scheme to be successful and fair, it is of the greatest importance that a trained valuer should prepare the financial accounts, as it will be his figures that the Arbitrator will be called upon to consider when estimating the contribution payable by each of the owners in the scheme. Here, again, India is at a disadvantage. She possessed until quite recently very few real property valuers, and fewer still who knew anything of the theory of valuation. But that is being altered, and slowly but surely men are being trained who can be relied upon for accurate and scientific work. Assuming at this stage that the scheme has reached the Arbitrator, he issues individual notices to all concerned that on a certain day he will inspect the site and define the areas of all the plots in the scheme. His staff then proceeds to demarcate on the ground by means of lime wash lines the boundaries of each plot and road. The plots each have a number plate fixed in the ground corresponding with the number of plot in the final plan. On the day of inspection he hears any practical suggestions for alterations of the boundaries that may be made to him. It may be that one owner specially desires the inclusion of certain trees, or a wall or fence in his final plot. The adjoining owner is consulted, and the Arbitrator may then give an immediate decision or may elect to reserve his decision on the point. It may be that some owners desire the alignment of a particular road to be changed, either for reasons of amenity or of convenience. On one occasion I was asked to alter by 10 feet the alignment of a road in order to give the applicant a better view from his valuable house. In this case I acceded to the request as the result would pleasingly close the vista from the road and the other owners concerned raised no objection.

It will be seen that these site inspections fulfil very important functions. They enable an owner or his surveyor to draw attention to qualities of the soil, or it may be disabilities which he proposes to argue before the Arbitrator during the subsequent proceedings, and they also give an opportunity to the owners to see the actual state of affairs on the land, which he oftentimes would not understand on the plan. When the inspection is completed it may take one day or it may be a week, the hearing proceedings commence. At these proceedings the owner can appear in person or by counsel or solicitor or some person duly authorised on his behalf, but as it is desired to put the owner to the least possible expense, legal representatives are not encouraged, unless there is some point of law which the owner desires to have argued. The Local Authority is, of course, represented.

Personally, I invariably attempt to meet the wishes of owners as far as possible without doing injustice to others or injury to the scheme, and it is this policy which has created a very favourable opinion of the working of the Act.

After hearing all the evidence presented to him, the Arbitrator promulgates his award and sends it to the Tribunal of Arbitration, which is empowered to deal with questions of increment and injurious affection. All other findings in the award are final and binding upon the parties.

The Tribunal hears any objection that may be offered on the before-mentioned points, and communicates its decision to the Arbitrator, who then draws up the final scheme and submits it to the Governor in Council through the Local Authority concerned. Government, on sanctioning the final scheme, publish a notification in the Government Gazette, etc.

On and after the date fixed in the notification the scheme shall have effect as if it were an "Act" of the Legislature and all the lands required by the Local Authority, unless otherwise determined in the scheme, vest absolutely in the Local Authority, free from encumbrances; and all rights in original plots which have been reconstituted determine, and the reconstituted plots become subject to the rights settled by the Arbitrator.

The Local Authority then proceeds with the execution of the works provided for in the scheme. Experience has proved beyond any doubt that the Act is working smoothly and well and is a measure which will have the most far-reaching results on the growth not only of towns and suburbs, but of the villages of the Presidency.

The importance of Local Authorities making civic and regional surveys prior to the preparation of Town Planning schemes is being constantly impressed upon them, and your attention is directed to the maps of Ahmedabad and Bombay which are exhibited for your inspection. Other studies, such as the economic conditions of different classes of society, density of population, areas of congestion, traffic density, rainfall, and so on, are made and plotted in the usual manner. Of these, however, I have selected for brief remarks the classification and visualising of traffic as being most interesting to professional Town Planners.

All scientific statistics have a great deal that is common in method—in the establishment of averages, in the description of variations, and in problems of causation. Just as the general problem of sociological statistics is to define or delimitate and enumerate classes, to specify attributes or characteristics of the members of these classes, to measure their attributes, and describe their variation, and to discover relation and causal connections, so I endeavour to regard traffic as an organic whole and to give a reasoned quantitative analysis of all its parts.

The purpose of the study is twofold. First, there is the purely scientific end of description, of classification, and of investigation of causes. Second, there is the utilitarian end of obtaining such knowledge of conditions and their relations, as will enable us to modify them with a view to constructing a traffic system more in accordance with the ideal, whatever it may be.

It is admitted that no scientific road improvement scheme can be undertaken without first definitely knowing what the state of affairs is to-day, and it is with that knowledge before him that the Town Planner can commence to gauge the requirements of the future.

Like other investigators, I had to invent my own unit of measurement and the allocation of that unit to various classes, and before the cartoons are described it ought to be made clear that the value of each of the classes as compared with the unit may vary in every town as the result of the variation of the character of the class.

You are asked to consider for a moment a study made of the traffic in the walled city of Ahmedabad in connection with a big Town Planning and improvement scheme involving the widening of old and the making of new roads and the demolition of a portion of the city walls. The census having been taken, the following units were assigned to the various classes of traffic:—

1 Person	= 1 unit.
1 Carriage	= 5 "
1 Cart	= 7 "
1 Cycle	= 2 "
1 Motor	= 4 "

(Had it been necessary, further sub-divisions could have been made, e.g., two- and four-wheeled carriages, "push bicycles," motor bicycles, camels, and so on.)

Prolonged and careful observation led me to the conclusion that at a certain point the traffic might be considered as normal, *i.e.*, the capacity of the road was just sufficient for the traffic it carried. By ascertaining the average volume of traffic (average volume = total traffic in units divided by total minutes observed) and finding the average density, *i.e.*, the volume per 10 feet of road width, at the selected spot, one was able to mathematically state and thus to plot the normal road for purpose of comparison. Similar observations and calculations were made at all the points enumerated. The average density enables the town engineers to properly compare one thoroughfare with another from a traffic aspect. It is merely a question of proportion to discover exactly the width any road should be to enable it to bear a normal traffic.

The enumeration has enabled me to prepare diagrams which are plotted on maps of the city.

Diagram A (Appendix VII.) shows the different classes of traffic entering the city.

Diagram C (Appendix VI.) shows the volume of traffic reduced to one common unit for the purpose of comparison.

The different classes of traffic have been shown by different colours; *e.g.*, pedestrians are shown in vermilion, and so on. The width of colour represents to scale the number in the particular class of traffic.

A glance at these diagrams will at once indicate—

Firstly, at which gate or junction the traffic is greatest.

Secondly, at which gate or junction any particular class of traffic (*e.g.*, motors, animals, pedestrians, etc.) reaches its maximum.

A cartoon (see Diagram D) showing the volume and the density of traffic at the different traffic centres will be very helpful to the Municipal Engineer, as it will enable him at a glance to see which of the roads inside the city are congested and which are sufficiently wide for the *present* traffic.

I have not been able, as the result of the length of other necessary explanations, to go into details of the finances of any particular scheme or schemes, but I will quote briefly some remarks I recently made on Finance, in connection with a Town Planning and Improvement scheme for the City of Ahmedabad. They read in the report as follows:—

FINANCE.

" I have indicated two methods of financing the present scheme, *viz.* :—

" (1) excess condemnation or the acquiring of more land than is actually needed for the construction of the works themselves, and

" (2) the levying of betterment or a charge on land improved by reason of the execution of the scheme.

" The first of course implies the purchasing of land at a low price and the disposal of it at such higher prices as is justified by the benefits accruing to it resulting from the improvements. This forms part of my scheme.

" The second presupposes the application of the Town Planning Act, and I recommend that the whole project, as well as areas contiguous to it, should be included in a Town Planning scheme and submitted to Government at the earliest possible moment.

" It is hardly necessary to remark that under a Town Planning scheme not more than half the betterment accruing can be demanded. This means that the present owners of the property not being acquired but embraced by a Town Planning scheme are certain of securing at least half of the increase in value.

" I may be asked what is the necessity for a Town Planning scheme if there is to be no ultimate cost to the Municipality. My reply is that the constructional costs merely covered the expenses incidental to the bare necessities of road construction, filling, garden lay-out, surface drainage and latrines—sufficient in themselves to do all that I promised, but no provision was made for reservation of sites for public buildings or their erection, main drainage, tramway construction, and rehousing. All these things are highly desirable to a comprehensive scheme. Municipal offices and public markets are wanted, a tramway, whether for petrol or electrically driven cars, is an absolute necessity for a great commercial city, and main drainage speaks for itself. Housing should be self-supporting. A scheme under the Town Planning Act will enable all these things to be done with the assistance of the betterment contribution, at the bare minimum of cost to the public funds.

" It will thus be seen that excess condemnation and betterment are calculated to relieve the burden on the general revenue by a fairer distribution of the cost of improvement over the areas benefited. There remains one other method, which should be complementary to the others, viz., the distribution of the net cost over a period of years.

" The Municipality should borrow money by the issue of Municipal bonds and the efficient life of the things constructed should be the measure of their term.

" How shall we equitably provide payment for things needed now which will hereafter be needed in the same or a greater measure? This question of financing will find an answer to some degree in a differentiation among the things constructed. Take for purposes of illustration the case of outlying parks; we who purchase them now should pay the minimum. Fifty years hence these parks, now suburban, and somewhat of a luxury, will be indispensable to their neighbours. The Municipality should be able to issue bonds for such parks with a very small Sinking Fund charge to-day, graded up to a much larger charge fifty years hence—further, the bonds should run for 75 or 100 years and make their present amortization charges negligible.

" Bonds to meet the cost of land acquisition for main roads should similarly run as long, but here I see no objection in keeping the amortization charges at one figure throughout, although in the case of our circular avenue where the benefits will be felt more and more as time goes on, the charge should be an increasing one."

My time is exhausted, but I think I have said enough to show you that the Bombay Town Planning Act aims at distributing the cost of development schemes over the lands improved thereby, and yet at the same time allows a fair margin of profit to the owners of the land, who as a rule have done absolutely nothing to improve the value of their property. At the same time, the Act brings into the market large areas of land which without co-operative action would for untold years remain agricultural land. In this way the community at large is able to obtain land at a reasonable price.

I will gladly answer any questions that may be put to me. I have on exhibition prints of three or four final schemes, which are open to the inspection of anyone interested.

APPENDIX. A.

FORM B.

Drawn up by the Arbitrator under Section 30 (10) of the Bombay Town Planning Act.

Finance of Bandra Town Planning Scheme No. 1.

	Rs.
Expenses under Section 3 (a)	22,647
Cost of re-erecting Fakir's shed	75
Cost shown in Form A, Column 11	27,427
Cost of Publication	50
Compensation under Section 15 (2)	Nil.
Legal Expenses	Nil.
Compensation under Section 21	2,886
Salaries of Arbitrator's Staff and Tribunal of Arbitration and their Staff, and cost of demarcation, etc.	600
Gross cost of Scheme	<u>53,685</u>
Total of increments	Rs. 51,660
Total of contributions at 50 per cent. of increments (as shown in Form A)	<u>25,828</u>
Net cost of scheme	<u>Rs. 27,857</u>

*Copy of the Estimate of all work contemplated in the Scheme.**Specifications.*

The proposed road AB is 70 feet wide between the boundary stones. The central portion of 40 feet will be metalled and the sides filled with hard murum 6 in. thick on the top. Hard rubble packing is provided below the metal; and the Goregaon metal will be used as the road is intended to be a first-class one. Longitudinally the road is level and barrelling of 1 in 30 is given from the centre to edge. Dressed kerbing with slab side drains are provided with 10 feet footpaths on both sides of road. Trees with circular tree guards of iron are provided at every 20 feet on both the footpaths. Extension of masonry culvert up to the proposed Slaughter House-wall is provided.

Estimate of Cost of Works in the Scheme.

Items.	Amounts. Rs.
70 feet road in Bandra Town Planning Scheme No. 1	14,091
30 feet road in Bandra Town Planning Scheme No. 1	2,401
Filling of the Slaughter House land which is to be taken, and the rebuilding of the Slaughter House compound wall	<u>6,155</u>
Grand Total	<u>22,647</u>

19th February, 1918.

A. E. MIRAMS, F.S.I., F.S.A., F.R.S.I.,
Arbitrator.

It will be noticed that in this small scheme the net cost to be borne by the Local Authority only slightly exceeded the *constructional* cost. As the principal part of the scheme was to make an arterial road, it is only right that the general purse should contribute.

APPENDIX B.

WHAT TOWN PLANNING MEANS

UNDER THE BOMBAY TOWN PLANNING ACT, I OF 1915.

CARE and PRESERVATION of human life and energy, particularly child life.	NOT merely superficial beautification.
CONFORMITY to a DEFINITE PLAN of orderly development, into which each improvement will fit as it is wanted.	NOT the immediate execution of the whole plan.
THE BRINGING INTO THE MARKET OF LAND suitable for building, which without a Town Planning Scheme would in all probability never be anything but agricultural land.	NOT the levying of heavy improvement charges without commensurate benefits.
PROVISION of GOOD BUILDING SITES where no possibility of building with any success now exists.	NOT the leaving of awkward and narrow-shaped plots.
ENCOURAGEMENT of TRADE and increased facilities for business.	NOT the interruption of trade.
PRESERVATION of HISTORIC BUILDINGS and buildings of religious veneration with all their traditions.	NOT the destruction of old land-marks and temples.
The DEVELOPMENT of an INDIAN CITY worthy of civic pride.	NOT an imitation of European cities, but the utilisation of what is best in them.
HAPPINESS, COMFORT and HEALTH for all residents.	NOT merely expensive roads and parks available only for the rich.
MUTUAL INTERCHANGE of the cities activities.	NOT wholesale alterations at great expense, with no assured financial returns.
CONTROL over the FUTURE GROWTH of your town with adequate provision for future requirements.	NOT HAPHAZARD laying out of buildings and roads with resultant COSTLY improvement schemes.
ECONOMY.	NOT extravagant fads.

Who is the 'Authority' under Section 4(1) of SBCO 1979?

STAR REPORT

The Sindh Building Control Ordinance (SBCO) 1979 was promulgated on 3-3-1979.

"to provide for regulation of the planning, construction, control and demolition of buildings and disposal of the buildings and plots in the province of Sindh". All responsibilities and powers under SBCO 1979 are given to the "Authority". Who is this "Authority" for the Karachi District, ask the citizens of this city?

Section 4(1) of SBCO 1979 provides that "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 (emphasis added) or any organisation to act as Authority for such an area as may be specified in notification." The various "Authorities" that have notified for Karachi Division since the promulgation of the SBCO 1979 are listed below. On 30th April 2002, the Nazim of the City District Government Karachi was notified as the "Authority".

SBCO 1979, he has had virtually nothing to do with the implementation of the processes under SBCO 1979 over the past 5 months, because these processes have been hijacked by Brig (R) Ahmedullah Sharif Nasir, Executive District Officer (Building Control Group of Offices), formerly known as the Chief Controller of Buildings, KBCA.

The septuagenarian ex-military officer acts like a power vate himself and defies his superiors under SLGO 2001, both the Nazim and the DCO, allegedly because of his good relations with the 5 Corps Commander and the MQM, for whom he demolished the Haqiqi headquarters in Korangi some time ago.

The ex-brigadier is also under the mistaken impression that he is still the "Chief Executive" of the KBCA (although the body does not exist any longer, having been absorbed into the CDGK many months ago as a "Group" of the City Government), a title he was given through Sindh government Notification No SO(LAND)/HTP/KBCA/

ous scams and corrupt practices that are proliferating there, and make the appropriate changes to ensure that, as stated in the preamble of SBCO 1979, the "Authority" actually provides for "regulation of the planning, construction, control and demolition of buildings."

Being neither an engineer nor an architect nor a town-planner, the much-retired ex-brigadier Nasir is at the technical mercy of Akhlaq Ahmed, a diploma-holder retired government servant who was brought by him on contract to the KBCA in mid-2002. Most of the wrong-doings in building control over the past two years (wrongful regularisations, incorrect approvals, non-implementation of applicable regulations, etc) has been under the expert guidance of Akhlaq, who intimidated, cursed, and coerced officials in KBCA into being the line.

Even after the cancellation of his contract some months ago, Akhlaq continued to maintain an office in the building control premises in Civic Centre Annex, with the blessing of the ex-

Date	Notification	Authority's title of SBCO 79	Jurisdiction
17-3-1979	SOLKDA/19-1274	KDA	Karachi Division
18-5-1979	SOLKDA/19-1274	KDA (Master Plan & Employment Control Department)	Karachi Division
23-03-1979	SOLKDA/19-10278-91	KMC & KDA	KMC for certain areas KDA for the rest of Karachi Div.
23-04-1979	SOLKDA/19-10278-91	KDA	Karachi Division
04-04-2002	SOLAND/HTP/4299	Housing & Town Planning Dept	Karachi City District
30-04-2002	SOLAND/HTP/55/KBCA/03	Nasir, CDGK	Karachi City District

It will be noted from the above listing that the Karachi Building Control Authority (KBCA) has never, ever been the notified "Authority", and the mandate under SBCO 1979 has merely been sub-delegated to KBCA by an entity that has been the lawful "Authority". In 1991, the KBCA was split into two parts for the two "Authorities" under SBCO 1979, one operating under KDA and the other under KMC. In 1996, KDA once again became the "Authority" for the whole Karachi Division and the two parts of KBCA were reunited.

Today, the entire powers and responsibilities under the SBCO 1979 rest with the Nazim of the City District Government, Naimatullah Khan. Strangely enough, even though Naimatullah is the lawful power under

64/199/Vol-III dated 12-10-2002, which read: "With the approval of the Competent Authority and in supercession of this Department's Notification of even number dated 4th April 2002, the powers of Chief Executive of Karachi Building Control Authority (KBCA) are delegated to Chief Controller of Buildings with immediate effect, all further orders."

Although this notification may have made the ex-brigadier the "Chief Executive of KBCA", but it did certainly not make him the "Chief Executive of the Authority" under SBCO 1979, simply because the KBCA has never been the "Authority" under SBCO 1979. In his delusions of grandeur, he has even promoted himself to "Director-General of KBCA" in a recent letter in the press.

It is important to remember that KBCA (which does not exist as such today) has never been the "Authority" under SBCO 1979! The tennis-playing ex-brigadier has been misusing the 12-10-2002 notification to confuse everyone, and to do things that he is not allowed doing under law, including making promotions and double-promotions of corrupt officials.

brigadier. It is with difficulty that he was ejected a few weeks ago by the governor's secretariat. His powers, however, through the good graces of ex-brigadier Ahmedullah Sharif Nasir, have not diminished an iota.

Akhlaq has now established a 'consulting office' in the nearby 'Mashriq Centre' opposite the cricket stadium (Room 612, Phone: 453-6205, Mobile: 0320-430-4556) and is in the process of setting up a branch office on the 5th floor of the illegal 'Saima Trade Tower' on I. I. Chundrigar Road, courtesy of the infamous builder, Salim Zaki. Illegal builders of Karachi are now being encouraged to use Akhlaq's considerable 'talents' and 'contacts' to facilitate their projects. Even building control officials are being summoned to his office on a daily basis.

Akhlaq Ahmed was able to demonstrate his 'powers' recently when he orchestrated the reinstatement, within 24 hours on Tuesday, of DCB Interar who had been suspended on Monday 13th September. Apparently, the errant DCB was deflected in his duty to promptly demolish the illegal 'Women's Complex' building construction.

B ①

GOVERNMENT OF SIND
HOUSING, TOWN PLANNING LOCAL GOVT.
AND RURAL DEVELOPMENT DEPARTMENT

N O T I F I C A T I O N .

Karachi, dated the 17th March, 1979:

No. 501(KDA)10-102/78. In exercise of the powers conferred by Section 10 of the Sind Building Control Ordinance, 1979, the Government of Sind are pleased to appoint the Karachi Development Authority to be the Authority for the purpose of the said Ordinance for the Karachi Division.

M. Salman Faruqi
Secretary to Government of Sind

501(KDA)10-102/78; Karachi, dated the 17th March, 1979.

Copy forwarded to the Superintendent Sind Govt. Press Karachi for publication in the next extra ordinary Gazetted Edition and with a request to supply 20 copies of the above notification for official use.

Masoom Ali Shah
(MASOOM ALI SHAH)
SECTION OFFICER-I. C

501(KDA)10-102/78, Karachi, dated the 17th March, 1979.

Copy forwarded to:-

- The Commissioner Karachi Division Karachi.
- The Director General, KDA Karachi.
- The Member (Technical) KDA Karachi.
- The Additional Director Master Plan Deptt. KDA Karachi.
- The Incharge Architect Control K.D.A. Karachi.
- The Administrator K.M.C., Karachi.
- The Chief Engineer, K.M.C., Karachi.
- The Incharge Architect Control K.M.C., Karachi.
- The Executive Officer Contonment Board Karachi/Maliv. High Road/Korangi Creek/Mandra.

Copy forwarded to the Director Information Govt. of Sind for information and necessary action.

Masoom Ali Shah
SECTION OFFICER-I. C



The Sindh Government Gazette

Published by Authority

KARACHI, THURSDAY, FEBRUARY 28, 1979

No. 9

Special notice is given to the Post in order that it may be filed as a separate compilation

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PART I

Notifications by the Government of Sindh

TRICES AND GENERAL ADMINISTRATION DEPARTMENT

Karachi, the 19th June, 1979

SO. III(S&GAD)-5-1/79. On his services being placed at the disposal of Sindh Government, Mr. Iqbal Khan, D.I.G. of Police and Secretary Pakistan Finance Corporation (Grade-19), is posted as Director (Enquiries) Enquiries & Anti-Corruption Wing, Services & General Administration Department, with immediate effect and until further orders.

By order of the Governor of Sindh,

M. MASUD ZAMAN,

Chief Secretary to Government of Sindh.

EDUCATION DEPARTMENT

Karachi, the 10th June, 1979

No. SOE-III(S&GAD)-49/79.—Leave ex-Pakistan, on the basis of half average pay, for two months, with effect from the date of relief, is granted to Mrs. MARYAM KHAN, Lecturer in Urdu, Government College of Education, Karachi.

in Karachi, on the condition that no extension in leave will be allowed and she will comply with all other formalities connected with such a visit.

II

Leave salary in foreign exchange will not be admissible.

DR. RASHID SIAH

Secretary, Education.

COMMUNICATIONS AND WORKS DEPARTMENT

Read :—Services and General Administration Department's advice No. SOIII. (S&GAD) 13-29/79 dated 26th May, 1979.

Karachi, the 12th June, 1979.

No. EC(C&W)/1-206/70.—Government are pleased to allow Mr. N. M. Khan, Superintending Engineer (Civil) deputation with Mechanized Construction of Pakistan, Lahore) to retire on completion of twenty-five years service and to grant him L.P.R. for one year with effect from the date he is relieved by the M.C.P. not later than 15th July, 1979, subject to the condition that if Mr. Khan is not relieved by the M.C.P. by 15th July, 1979, his L.P.R. will be granted from the date he is relieved by the M.C.P.

July, 1979, he shall be deemed to have proceeded on L.P.R. with effect from 15th July 1979.

2. Government are further pleased to permit Mr. Khan to take up employment in or out side the Country during L.P.R. after retirement.

By Order of the Governor of Sind,

S. G. MURTAZA SHAH,

Secretary to the Government of Sind,
Communications and Works Department.

Karachi, the 14th June, 1979.

No. SOP-110 & W/V-5/79. In pursuance of Government of Sind, Services and General Administration Department's order No. 15&AS&CAD-1(33) 1111, dated 12th May, 1979, the following postings of Sub-Divisional Officers (Grade-16), on their absorption in Communications and Works Department, are hereby ordered in public interest: -

Mr. Ghulam Qadir Laghari, SDO, (Grade-16), is posted as Sub-Divisional Officer, Provincial Buildings Sub-Division Dada, relieving the senior most Sub-Divisionary of the Sub-Division charge.

II

Mr. Fida Hussain Soomro, SDO, (Grade-16), is posted as Sub-Divisional Officer, Highways Sub-Division Digi against an existing vacancy, due to proceeding of Mr. Nooruddin Khatib, SDO, on Leave.

S. G. MURTAZA SHAH,

Secretary to the Government of Sind,
Communications and Works Department.

HOUSING, TOWN PLANNING, LOCAL GOVT. AND RURAL DEVELOPMENT DEPARTMENT

Karachi, the 31st May 1979.

NO. SQ10(D)10-102/78. In exercise of the powers conferred by Section 4 of the Sind Building Control Ordinance, 1972, and in pursuance of the Government of Sind, Housing, Town Planning, Local Government and Rural Development Department Notification No. SQ10(D)10-102/78, dated the 27th March, 1979, the Government of Sind are pleased to appoint the Karachi Master Plan & Environmental Control Department as the Authority for the purpose of the said Ordinance for Karachi Division.

Karachi, the 17th June, 1979.

No. SQ111102(5)75. -- WHEREAS Charge Sheet was served under the Sind Civil Servants (Efficiency and Discipline) Rules, 1973 to Mr. Asghar Ali, Assistant Engineer, Public Health Engineering Department;

AND WHEREAS, the reply given by the said Mr. Asghar Ali to the Charge Sheet, has been considered and found unsatisfactory;

NOW THEREFORE, the Authority after taking lenient view has decided to penalise the said Mr. Asghar Ali through stoppage of one Annual increment with cumulative effect.

M. SALMAN FARUQUI,
Secretary to Government of Sind,

FOOD DEPARTMENT

Karachi, the 16th June, 1979.

No. SOPV-2(104)/77. -- On his nomination by the Auditor-General, of Pakistan, Lahore, Mr. Jamil-ud-din Siddiqui, Assistant Accounts Officer, Office of the Accountant-General, Sind, Karachi, is appointed as Regional Audit Officer, (Grade-16), Sukkur Food Region, Sukkur, against the available vacancy, on the following terms and conditions:

1. He will be entitled to draw his pay in his own grade admissible to him in his present office from time to time, plus deputation pay equal to 70% of the basic pay subject to the condition that the total pay inclusive of deputation pay will be limited to the pay that would be admissible to him on promotion to the next higher grade in the ordinary line of his service under Government.
2. No change in his status, duties and emoluments will be made without the prior approval of the Auditor-General.
3. The period of his deputation will be three (3) years, but he is liable to be recalled by the Auditor-General earlier, if considered necessary in public interest.
4. He will be entitled to T. A. including Recreation Allowance to admissible under the rules of the Federal Government.
5. The annual confidential report of the officer will be written/counter signed by the borrowing department (Food Department) and sent to his parent office by the end of January of each year.
6. No application for appointment to other Departments/Organisations should be forwarded, except through the office of the Auditor-General of Pakistan.

2. Mr. Jamil-ud-din Siddiqui, should be relieved immediately to join his new assignment as Regional Audit Officer at Sukkur.

ABDUL KARIM LODHI,
Secretary, to Government of Sind,
Food Department.

MOTIFICATION

No. SOI(K.A)10-102/78-91: In exercise of the powers conferred by Section 4 of the Sindh Building Control Ordinance, 1979 and in partial modification to this Department Notification of even number dated 31.5.1979, the Government of Sindh are pleased to appoint KMC to be the Authority for the purpose of the said Ordinance for the areas mentioned below:

- Ghulam Hussain Qrts; O.T. Qrts; N.P. Qrts; M.R. Qrts; R.C. Qrts; L.R. Qrts; KPT; Keamari; R.J. Qrts; H.V. Qrts; L.R. 172 Qrts; Lea Qrts; B.R. Qrts; S.R. Qrts; East and West Wharf; Preedy Qrts; Queens Road; C.I. Chundrigar Road; Saddar Bazar; Old Clifton Qrts; PECHS Society; KCHS union; Drigh Road; Drigh Colony; Cattle Colony Landhi; Railway Qrts; Preedy Qrts; Mahmoodabad; F.E. Area; Nazimabad; North Nazimabad; Old and New Golimar; Golden Town; Firdous Colony; Rivia Colony; Liaquatabad; Usmania Colony; Pak Colony; Sher Shah; Jarshed Quarters; KDA Scheme No:1; Bath Island; Gulshan-e-Faisal; F.T. Qrts; A.M. Qrts; Civil Lines; Lyari Qrts; Garden West and East; PIB Colony; Hyderabad Colony; Fatima Jinnah Colony; Muslimabad; Baldia; Qasba; Orangi Township; Shamsi CHS; Raza-e-Asm Society; Green Town; Landhi; Korangi and Lines Area Redevelopment Project.

direct that the Karachi Development Authority and Master Plan and Environmental Control Department shall cease to be the Authority for the said areas.

SECRETARY TO GOVT. OF SINDH

Karachi, dated the 21st October, 1981.

No. SOI(KDA)10-102/78-91

A copy is forwarded to:-

1. The Additional Chief Secretary to Govt. of Sindh, Local Government, Public Health Engineering, Katchi Abadi & Rural Development Department.
2. The Secretary to Chief Minister Sindh, Karachi.
3. The Mayor, KMC, Karachi.
4. P.S. to Minister, Housing Town Planning & Public Health Engineering.
5. P.S. to Minister, Local Government & Katchi Abadis.
6. P.S. to Chief Secretary Sindh, Karachi.
7. The Commissioner, Karachi/Chairman, KDA, Karachi.
8. The Director General, KDA, Karachi.
9. The Member(Tech.), KDA, Karachi.
10. The Director, Master Plan Deptt., KDA, Karachi.

11. The Controller of Buildings, KWA, KDA, Karachi.
12. The Municipal Commissioner, KMC, Karachi.
13. The Superintendent-cum-Controller, Sindh Govt. Printing Press, Karachi, for publication in the next issue of Gazette.
14. Office order file.


(ABDUL QADIR MANGI)
SECTION OFFICER-I

for Secretary to Government of Sindh

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Karachi, the 25th April, 1996.

NOTIFICATION

No. SIII(KDA) 10-102/79-91. In exercise of the powers conferred by Section 4 of the Sindh Building Control Ordinance, 1979, and in supersession of this Department Notification No. SIII(KDA) 10-102/79-91 dated the 29th October, 1991, the Government of Sindh are pleased to declare Karachi Development Authority to be the Authority for the purpose of the said Ordinance for the Karachi Division.

[Handwritten signature]
15/9/91

SECRETARY TO GOVT OF SINDH

No. SIII(KDA) 10-102/79-91

Karachi, dated 25th April, 1996.

A copy is forwarded for information to:-

1. The Additional Chief Secretary to Govt. of Sindh, Planning & Development Department.
2. The Secretary, Local Government Department.
3. The Secretary to Chief Minister, Sindh.
4. The Commissioner, Karachi.
5. The Administrator, K.M.C. Karachi.
6. P.S. to Minister, Local Government.
7. P.S. to Chief Secretary, Sindh.
8. The Director General, K.D.A.
9. The Director General, Malir Development Authority.
10. The Director General, Lyari Development Authority.
11. The Director, Master Plan, K.D.A.

[Handwritten signature]

(ALI MOHAMMAD SADIQ)
DEPUTY SECRETARY, H.P.

GOVT. REPUBLICA
Diary No. 442
Date: 16/12/99



GOVERNMENT OF SINDH
HOUSING & TOWN PLANNING
DEPARTMENT

Handwritten notes:
H. A. T. ul. da
16/12/99
P. (A)
11/12

NOTIFICATION

NO. SOI (LAND) / 6-41/99. In exercise of the powers conferred under Section-4 of the Sindh Building Control Ordinance 1979, with the approval of the competent authority and in supersession of this Department Notification No. SOI(KDA)/10-102/78-91, dated 27.04.1996, the Government of Sindh are pleased to declare Housing and Town Planning Department, Government of Sindh to act as "AUTHORITY" for the purpose of said Ordinance for Karachi Building Control Authority/Karachi City District.

ALJAZ HUSSAIN KAZI
SECRETARY TO GOVT. OF SINDH

NO. SOI (LAND) / 6-41/99.

Karachi, dated 4th April, 2003.

A copy is forwarded for information and necessary action to:-

1. Zila Nazim, City District Government, Karachi.
2. The Additional Chief Secretary (Dev) P&D Department, Karachi.
3. The Senior Member, Board of Revenue, Karachi.
4. The Principal Secretary to Governor, Sindh.
5. The all Administrative Departments.
6. The D.S. (St-1) to Chief Secretary Sindh, Karachi.
7. The Chief Controller of Buildings KBCA, Karachi.
8. The Registrar Sindh High Court, Karachi.
9. The Secretary BOR Sindh, Karachi.
10. The Superintendent Sindh Government Printing Press, Karachi for immediate publication in the official Gazette.
11. The PRO to Secretary, HTP.
12. The P.S. to Minister HTP.

Signature:
ALJAZ HUSSAIN KAZI
SECTION OFFICER (LAND)
SECRETARY TO GOVT. OF SINDH



GOVT. REFERENCE
Diary No. 1424
Date: 2/11/02

GOVERNMENT OF SINDH
HOUSING AND TOWN PLANNING
DEPARTMENT

NOTIFICATION

NO.SO(LAND)/HTP/KBCA/6-41/99(Vol-III) With approval of the Competent Authority and in supersession of this Department's Notification of even number dated 4th April 2002, the powers of Chief Executive of Karachi Building Control Authority (KBCA) are delegated to Chief Controller of Buildings with immediate effect, till further orders.

SECRETARY TO GOVERNMENT OF SINDH

NO.SO(Land)/HTP/KBCA/6-41/99(Vol-III)

Karachi, dated the 12th October, 2002

Copy is forwarded for information and necessary action to:

- 1) The City Nazim, CDGK, Karachi.
- 2) The Chief Secretary, Sindh Karachi.
- 3) The ACS(Dev), Planning & Development Department, Karachi.
- 4) The Principal Secretary to Governor Sindh, Karachi.
- 5) The All Administrative Secretaries.
- 6) The DCO, Karachi.
- 7) The EDO (W&S), Karachi.
- 8) The Chief Controller of Buildings, KBCA, Karachi.
- 9) The Director Information, Karachi.
- 10) The P.S. to Minister, HTP.
- 11) All officers in HTP, Karachi.

(Signature)

Section Officer (Land)

For secretary to Government of Sindh
Housing & Town Planning Department



GOVERNMENT OF SINDH
LOCAL GOVERNMENT, KATCHI ABADIS
& SPATIAL DEVELOPMENT
DEPARTMENT

KARACHI DATED THE 30TH APRIL, 2004

NOTIFICATION

No. SO(L&C)HTP/1-8/KBCA/03: - In exercise of the powers conferred by section 35 read with section 14 of the Sindh Local Government Ordinance, 2001, the Government of Sindh are pleased to declare 16th Group of offices in City District Government, Karachi under the name and title "Building Control group of offices".

CHIEF SECRETARY
GOVERNMENT OF SINDH

Copy : forwarded for information and necessary action to: -

1. The Chairman, NRB, Islamabad.
2. The Chief Secretary, Sindh, Karachi.
3. The Principal Secretary to Governor, Sindh.
4. The Principal Secretary to Chief Minister, Sindh.
5. The ACS (Dev), Planning & Development Department, Karachi.
6. The All Administrative Secretaries
7. The City Nazim, CDGK, Karachi
8. The DCO, Karachi
9. The Nazim, Town _____, Karachi along with a copy of the approved organogram for his Town for information and necessary action
10. The Director General, Katchi Abadis, Karachi.
11. The Director Information, Karachi
12. The Superintendent Sindh Government Printing Press for publication in next Sindh Government Gazette and supply 100 copies to this Department.

WASIM HYDER 30/4/04
SECTION OFFICER (LAND)

OFFICE OF THE DISTRICT COORDINATION OFFICER,
CITY DISTRICT GOVERNMENT KARACHI

No.PA/DCO/CDGK
Karachi, the September, 2004.

To,

The Additional Chief Secretary,
Local Government Department,
Government of Sindh,
Karachi.

SUB: NOTIFICATION No. SO(L&C)/HTP1-8/2004(P-1)/3776 DATED 21ST JUNE 2004.

Kindly refer to my earlier letter No. PA/DCO/CDGK-673 dated 28th July 2004, regarding the anomaly in the notification issued by the Local Government Department.

Since a modification in the said notification has not yet been effected, the undersigned would request you to kindly consider the following provisions of law:

- (a) As per notification No.SO(L&C)/HTP1-8/KBCA/03 dated 30th April 2004 the Government of Sindh has created a Group of Office in the City District Government Karachi called "Building Control Group of Office" which provides the legality to KBCA to be a part of City District Government Karachi.
- (b) According to Section 27(2) a Group of Office shall be headed by an Executive District Officer. Thus the Chief Controller of Buildings, as per SLGO 2001, is an Executive District Officer.
- (c) As per Section 28 (2) the District Coordination Officer shall be the coordinating head of the District Administration and shall initiate the performance evaluation reports of the Executive District Officers.
Further, in the explanation to this sub-section the expression "Coordinating Head" has been defined as the authority to call for review and assess the performance of the Groups of Offices individually and collectively. This is also supported by Rules- 6 & 7 of the District Governments (Conduct of Business Rules) framed by the Government of Sindh.
- (d) The Sindh Local Government Ordinance 2001 over-rides all other laws, and no Office or Group of Offices functioning within the City District Government Karachi can be declared to be excluded from the ambit of SLGO 2001.

The above facts are explicit and clear. As such it is requested that the notification issued by the Local Government Department may kindly be immediately withdrawn so that effective good governance is ensured in City District Government Karachi.

(MIR HUSSAIN ALI)
DISTRICT COORDINATION OFFICER

- Cc:
1. The Chief Secretary Sindh.
 2. The Principal Secretary to Governor Sindh.
 3. City Nazim Karachi.
 4. The E.D.O (Building Control)/ CCOB KBCA.



GOVERNMENT OF SINDH
LOCAL GOVERNMENT, KATCHI ABADIN
& SPATIAL DEVELOPMENT
DEPARTMENT

KARACHI DATED THE 30TH APRIL, 2004

NOTIFICATION

NO. SO(L&C)HD/1 8/KR/AD/3. In exercise of the powers conferred by section 4 of the Sindh Building Control Ordinance, 1979 and in supersession of all notifications issued in this behalf, the Government of Sindh are pleased to appoint Nazim, City District Government Karachi to act as Authority for District, Karachi for the purpose of the said ordinance

CHIEF SECRETARY
GOVERNMENT OF SINDH

Copy forwarded for information and necessary action to

- The Chairman, NRW, Islamabad
- The Chief Secretary, Sindh, Karachi.
- The Principal Secretary to Governor, Sindh.
- The Principal Secretary to Chief Minister, Sindh.
- The ACS (Dev), Planning & Development Department, Karachi
- The All Administrative Secretaries
- The City Nazim, CDGK, Karachi
- The DCO, Karachi
- The Nazim, Town _____, Karachi along with a copy of the approved organogram for his Town for information and necessary action
- The Director General, Katchi Abadiz, Karachi.
- The Director Information, Karachi
- The Superintendent Sindh Government Printing Press for publication in next Sindh Government Gazette and supply 100 copies to this Department.

WASIM HYDER
SECTION OFFICER (LAND)