

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 18TH SEPTEMBER, 2013.**

NO.PAS/Legis-B-19/2013-The following Bill is hereby published for general information as required by Rule 83 of the Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH BUILDING CONTROL (AMENDMENT) BILL, 2013.

SINDH BILL NO. 19 OF 2013.

**A
BILL**

to amend the Sindh Building Control Ordinance, 1979.

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

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Building Control (Amendment) Act, 2013. **Short title and commencement.**

(2) It shall come into force at once.

2. In the Sindh Building Control Ordinance, 1979, hereinafter referred to as the said Ordinance, in section 2, in sub-section (1), after clause (s), the following shall be inserted:- **Amendment of section 2 of Sind Ordinance No.V of 1979.**

"(s-a) "Special Court" means the Special Court established under section 18-A;

3. In the said Ordinance, in section 6 - **Amendment of section 6 of Sind Ordinance No.V of 1979.**

(i) in sub-section(5), for the word "Government", the word "Authority" shall be substituted;

(ii) for sub-section(6), the following shall be substituted :-

"(6) Where any order is passed under sub-section(5), the matter shall be reprocessed by the Authority in accordance with the procedure, prescribed by regulations."

4. In the said Ordinance, after section 18, the following new sections shall be inserted :- **Insertion of section 18-A in Sind Ordinance No.V of 1979.**

"18-A.(1) **Establishment of Special Court.** Government shall, by notification in the official gazette, establish as many Special Courts as it considers necessary and appoint a Judge for each of such Courts and where it establishes more than one Special Court, it shall specify in the notification, the place of sitting of Judge of each Special Court and the

territorial limits within which it shall exercise the jurisdiction under this Ordinance.

(2) A Judge of Special Court shall be appointed by Government after consultation with the Chief Justice of the High Court of Sindh and no person shall be appointed as Judge of the Special Court unless he is or has been a Sessions Judge, Additional Sessions Judge or has ten years standing as an Advocate.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all cases relating to the violation of the provisions of this Ordinance, shall be triable exclusively by a Special Court.

(4) All cases relating to the violation of the provisions of this Ordinance, pending in any court immediately before the appointment of a Judge of Special Court, shall stand transferred to the Special Court, having jurisdiction over such cases.

(5) In respect of cases transferred to a Special Court by virtue of sub-section(4), the Special Court shall not, by reason of the said transfer, be bound to recall and re-hear any witness, who has given evidence in the case before transfer and may act on the evidence already recorded by or produced before the Court which tried the case before transfer.

18-B. Conferment of powers upon officers and officials. Government may empower the officers and officials of Sindh Building Control Authority -

Insertion of section 18-B in Sind Ordinance No.V of 1979.

- (i) to check unauthorized construction made in violation of approved plan, law, rules and regulations;
- (ii) to ensure the enforcement of the provisions of this Ordinance and enforcement of the orders of Special Court.

18-C. Notification of Police Stations. Government shall notify as many Police Stations in the District or Taluka as it considers necessary, to take cognizance of the offences falling under this Ordinance.

Insertion of section 18-C in Sind Ordinance No.V of 1979.

18-D. Procedure of Special Court. (1) A Special Court shall take cognizance of an offence falling under this Ordinance, on receiving the complaint and

Insertion of section 18-D in Sind Ordinance No.V of 1979.

a report in writing by any police officer for violating the provisions of the Ordinance which constitute an offence under the Ordinance.

(2) A Special Court shall, in all matters with respect to which no procedure has been prescribed under the Ordinance, follow the procedure as laid down in the Code of Criminal Procedure, 1898.

18-E. Jurisdiction of Special Court. A Special Court shall try the offences exclusively falling within the provisions of the Ordinance.

Insertion of section 18-E in Sind Ordinance No.V of 1979.

18-F. Appeal. An appeal against the judgment or an order of the Special Court, shall be filed in the competent Court of law within thirty days of the judgment or order announced.

Insertion of section 18-D in Sind Ordinance No.V of 1979.

18-G. Provision of utility services. No Authority shall -

Insertion of section 18-G in Sind Ordinance No.V of 1979.

(i) provide the utility services including electric connection, gas connection, water connection and sewerage disposal facility to any premises unless the approved completion plan is produced before it; and

(ii) register the sale deed, lease or sub-lease in respect of the newly constructed premises unless the approved completion plan with the deed is produced before it.

5. In the said Ordinance, in section 19, in sub-section (1), for the words "two years", the words "three years" and for the words "twenty thousand", the words "fifty thousand" shall be substituted respectively.

Amendment of section 19 of Sind Ordinance No.V of 1979.

STATEMENT OF OBJECTS AND REASONS

To curb the menace of violation of the Sindh Building Control Ordinance, 1979, which is increasing day by day in the Province of Sindh, while constructing the building, it is expedient to make suitable amendments in the provisions of the Ordinance.

The Bill seeks to achieve the above object.

MEMBER-IN-CHARGE

G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH