



GOVERNMENT OF SINDH
LAW, PARLIAMENTARY AFFAIRS &
CRIMINAL PROSECUTION DEPARTMENT

SUMMARY FOR GOVERNOR

SUBJECT: THE SINDH COMMISSION FOR REGULARIZATION OF CONSTRUCTION ORDINANCE 2021.

Chief Minister may kindly refer to the subject noted above

2. Accordingly the draft the Sindh Commission for Regularization of Construction Ordinance 2021 was placed before the Cabinet ~~of Construction Ordinance 2021~~. The Cabinet has considered the same and approved the same by way of circulation vide minutes dated 29-11-2021, 2021.

3. The subject matter of the draft Ordinance falls within the provincial legislative field and the Governor is competent to promulgate it under Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973.

4. Chief Minister may kindly advise the Governor to sign two copies of the draft Ordinance (**Annex-A**) and promulgate it.

Ali Ahmed Baloch

(ALI AHMED BALOCH)
SECRETARY

S. ADVISOR TO CHIEF MINISTER FOR LAW

CHIEF SECRETARY

CHIEF MINISTER

GOVERNOR

Advised as at para 4.

29/12/2021

SUMMARY SECTION
C.M. SECRETARY NO. 2560
DATE 01/12/2021

PS TO CS D/NO. 5790

DATED

AN ORDINANCE

to ensure that the property and investment of the People of Sindh is secured and that they continue to have confidence with the official documents issued by the different Government organizations;

WHEREAS it is expedient to provide relief to the people of Sindh as over the last many years due to surge of population, widespread construction in different areas of the Province has taken place and many households or building or structures have been constructed either in violation of use of land rules or the building control rules;

Preamble.

AND WHEREAS the Sindh Assembly is not in session and the Governor is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor is pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be cited as the Sindh Commission for Regularization of Construction Ordinance 2021.

Short title, extent, commencement and application.

(2) It shall extend to the whole of the Province of Sindh except the areas notified as cantonments under the Cantonments Act, 1924 (II of 1924), or the Cantonments Ordinance, 2002 (CXXXVII of 2002), and such other areas under possession and direct control of the Federal Government; and such other areas as notified by Government.

(3) It shall come into force at once.

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

Definitions.

(a) "applicable laws" means the laws applicable to the provisions of this Ordinance which may include the following laws and rules or regulations made thereunder:-

- (i) the Sindh Local Government Act, 2013;
- (ii) the Sindh Building Control Ordinance, 1979;

- (iii) the Sindh Co-operative Societies Act, 2021;
- (iv) the Karachi Development Authority Order, 1957;
- (b) "built up area" means an area constructed in a unplanned area;
- (c) "Chairperson" means the Chairperson of the Commission;
- (d) "Commission" means the Commission established under section 3;
- (e) "competent authority" means the relevant authority empowered to approve a private building or construction carried out in accordance with the applicable laws and also includes a development authority or any other public authority, company or corporation owned or controlled by Government or a local government which is empowered to approve any construction in the Province;
- (f) "Government" means the Government of Sindh;
- (g) "local government" means councils constituted under the provisions of the Sindh Local Government Act, 2013 (**Sindh Act No.XLII of 2013**);
- (h) "irregular construction" means a private construction or a built-up area developed or a part of which is being developed or sold without approval of the competent authority or in violation of the approved layout plan or the applicable laws; or with the approval of the authority not competent to approve the construction;
- (i) "member" means a member of the Commission and includes a Chairperson;
- (j) "regularization" means the regularization of an irregular construction by the Commission;
- (k) "regulations" and/or "rules" means the regulations and/or rules made under this Ordinance;

- (1) "sponsor" means a firm, company, cooperative society, owner of a land or any other person who constructed wholly or partly or is constructing with or without approval of the competent authority under the applicable laws;

(2) The words, terms or expressions used but not defined in this Ordinance shall have the same meaning as provided in the applicable laws.

3. (1) Government shall, by notification in the official Gazette, establish a Commission known as the Sindh Commission for Regularization of Construction for carrying out the provisions of this Ordinance.

Establishment of Commission.

(2) The Commission shall comprise the following;

(i) A retired Judge of the Supreme Court of Pakistan or Sindh High Court	Chairperson
(ii) Minister, Advisor or Special Assistant to Chief Minister for Law, Sindh	Member
(iii) Secretary, Local Government & Housing Town Planning, Government of Sindh	Member/Secretary
(iii) Chairman ABAD or a member nominated by Chairman ABAD	Member
(iv) An architect/town planner having at-least twenty years of experience	Member
(v) An Advocate or a legal expert having at least twenty years of experience in the applicable laws	Member
(vi) Any other member or professional from public or private sector	Member

(3) The members other than ex-officio members shall be nominated by the Chief Minister within fifteen days after the promulgation of this Ordinance.

(4) Government shall provide secretarial and logistic support and shall also provide the requisite funds for carrying out the functions properly under this Ordinance.

(5) The Commission shall frame its regulations to conduct its business.

(6) The Commission may hire any firm or expert on such fee as the Commission may determine for carrying out any of its functions under this Ordinance.

4. The Commission shall stand dissolved upon expiry of one year from the date of commencement of this Ordinance unless Government may, by notification in the official Gazette, extend its term for a further period of one year.

Dissolution of Commission.

5. (1) The Commission shall have the powers to -

Functions of the Commission.

- (a) take cognizance of any irregular construction on receipt of an application or through its own motion;
- (b) issue directions to a local government or the competent authority under the applicable laws for sustainable development of the area after taking into account the violation of planning standards in an irregular construction;
- (c) direct the local government or the competent authority, on an application of a resident or owner in any unapproved construction to finalize long pending applications and cases under applicable law within a stipulated period of time;
- (d) direct a local government or the competent authority or any other agency concerned to take punitive actions in accordance with the applicable laws including initiation of criminal proceedings under any other law against the sponsor for any illegality or violation of law which cannot be regularized under this Ordinance or the Sponsor fails to seek regularization under this Ordinance; provided that the Commission may direct the competent authority to exclude residents of such construction or building from such direction;
- (e) impose any penalty upon sponsors under this Ordinance;

- (f) recommend disciplinary action including initiation of criminal proceedings against the officers and officials responsible for illegal or irregular construction and for non-compliance of the directions of the Commission;
- (g) warn public at large in respect of any illegal or irregular construction through print and electronic media; and
- (h) recommend amendments in the applicable laws and the rules and/or regulations made thereunder.

(2) In exercise of its functions under sub-section (1), the Commission may -

- (a) call for record of any land from the relevant Government agency;
- (b) summon any officer of the relevant Government agency to produce requisite record, information and provide assistance; and
- (c) summon the owners or sponsors of irregular construction, or the persons having interest therein, or any other persons required for the purpose of disposal of the matter under consideration.

(3) All the proceedings before the Commission shall be judicious and the Commission shall have the power as vested in the Code of Civil Procedure, 1908.

(4) The Commission shall decide each application preferably not later than sixty days from the date of initiation of proceedings.

(5) The Commission may regularize or compound, through an order an irregular construction, after affording an opportunity of being heard to the applicant and the concerned local government or, as the case may be, the concerned development authority.

(6) In case of nonpayment of fine, non-rectification, non-fulfillment of a condition or any other penalty imposed

under subsection (5) within the stipulated time, the order of regularization shall cease to have effect and action shall be taken as per the applicable law.

6. The members shall be indemnified from any act done, function performed or power exercised in good faith under this Ordinance. **Indemnity.**

7. No court shall take cognizance of any matter covered under the provisions of this Ordinance. **Jurisdiction of courts barred.**

8. There shall be a moratorium or a temporary suspension on a demolition activity carried out by the relevant authority on the irregular construction/building for the period of ninety days after the commencement of this Ordinance. **Moratorium.**

9. Government may make rules for carrying out the purposes of this Ordinance. **Power to make rules.**

10. The Commission may make regulations for carrying out the purposes of this Ordinance. **Power to make regulations.**

11. (1) The provisions of this Ordinance shall have over-riding effect notwithstanding anything contained in any other law, rules, regulations or bye-laws, notifications and other legal instruments, for the time being in-force. **Overriding effect.**

(IMRAN ISMAIL)
GOVERNOR OF SINDH

_____ November, 2021