

NOTIFICATION

Karachi, dated 25th February, 2006

No.09-294-03/SO-I/336. In exercise of the powers conferred by Sub Section(2) of Section 10 of the Colonization of Government Lands Act, 1912, and in supersession of all previous notifications issued in this behalf, the Government of Sindh are pleased to issue the following statement of conditions for grant of State Land for non-agricultural purpose including amenity, residential, flat site, incremental housing, residential cum commercial, commercial, industrial purposes, on lease upto 99 years.

1. This statement of conditions is issued subject to the provisions of the Colonization of Government Lands Act, 1912.
2. In this statement of conditions, unless there is anything repugnant in the subject or context:-
 - a) "Act" means the Colonization of Government Lands Act, 1912;
 - b) "amenity purpose" means a use of plot of land for park, garden playground, graveyard, educational institution, health institution, reading rood, library, community centre and places for religious worship;
 - c) "authority" means a development authority established by Government under a law for the time being in force;
 - d) "autonomous body" means an autonomous body under the control of Government established under a law and includes an authority but does not include a council;
 - e) "commercial purpose" means use of a plot of land for commercial purpose;
 - f) "company" means a company registered under the Companies Ordinance 1984;
 - g) "council" means a council constituted under the Sindh Local Government Ordinance, 2001;
 - h) "District Officer Revenue" means the District Officer (Revenue) as described in the Sindh Land Revenue Act, 1967 and includes:-
 - i) any Officer appointed by the Board of Revenue to perform all or any of the functions and exercise all or any of the powers of the District Officer (Revenue) under this Act; and
 - ii) any Colonization Officer or Assistant Colonization Officer appointed as such before the commencement of this Act, whether or not such Officer was by notification appointed to perform all or any of the functions of a Deputy Commissioner under the Act hereby repealed;
 - i) "Executive District Officer (Revenue)" includes any Officer appointed by the Board of Revenue to perform all or any of the functions and exercise all or any of the powers of a Executive District Officer (Revenue) under this Act;
 - j) "flat site" means any plot of land used or to be used for constructing residential flats;

- k) "Government" means the Government of Sindh;
- l) "incremental housing" means a housing scheme sponsored by the Government, or an authority, or an autonomous body or a company for providing residential land to a family not exceeding 120 square yards;
- m) "industrial purpose" means use of a plot of land as:-
 - a) a cottage, small, medium and large industry or
 - b) an Industrial Estate or
 - c) an Information Technology Park or
 - d) tourism activities including hotels that offer lodgings;
- n) "land" means lands vesting in Government, authority or autonomous body and includes the lands that is used and may be used for commercial, residential, residential cum commercial, industrial or amenity purposes;
- o) "market price" means the market price and includes the occupancy value of the land prevailing at the time of disposal of the land by the Government under the Act;
- p) "occupancy value" means the price paid by the occupant of Govt. land granted for non-agricultural purpose for a period not exceeding ninety nine years;
- q) "project" means commercial, incremental housing, residential, flat site, residential-cum-commercial, industrial and amenity projects for which land is granted;
- r) "residential cum commercial purpose" means use of land for construction of flats, shops and or private or public offices;
- s) "residential purpose" means use of a plot of land for constructing residential houses;
- t) "grant" means lease of land made under these conditions;
- u) "price committee" means the District Price Committee appointed under condition No. 8(1) (a);
- v) "scrutiny committee" means the Scrutiny Committee appointed under condition 8 (1) (b).

3. The land shall be disposed of by the Government in accordance with the provisions of the Act, to the Federal Government, a Provincial Government, autonomous and semi-autonomous bodies, and bonafide housing societies, authority, company, a person or a group of persons at the market price for any purpose mentioned in this statement of conditions.

4. ~~No~~ land shall be disposed of:-

- a) for commercial purpose except by open auction at a price not less than the market price;
- b) exceeding one hundred and twenty square yards under the incremental housing at a price not less than twenty five percent of the market price;
- c) for residential purpose exceeding one hundred and twenty square yards at a price not less than fifty percent of the market price;
- d) for industrial purpose price not less than twenty five percent of the market prices;

- e) for residential-cum-commercial purpose at a price not less than seventy five percent of the market prices;
- f) for amenity purpose a price not less than fifty percent of the market price; however for mosques and grave yard land can be granted on concessional rates.
- g) The land can be granted to the Sindh Govt. Employees Housing Societies or for the housing projects for Sindh Govt. Employees on concessional rates.
5. No person shall, as a right, be entitled to the grant of land under these conditions, and Government shall have absolute discretion in selection of grantees. Discretion in selection of grantees.
6. (1) No land shall be granted within the prohibited area of Super highway, National highway, roads, jails, railway lines, port or any other area notified by the Government. Prohibited areas.
- (2) No land which is already reserved or used for any specific public purpose shall be granted without its relinquishment by the concerned Department or organization.
7. The land under these condition shall be granted for a period not exceeding ninety nine years as may be fixed by the Government. Period of grant.
8. (1) There shall be appointed— Procedure of determination of market price.
- (a) a price committee consisting of the Executive District Officer (Revenue) to be the convener, Executive District Officer Finance, District Officer (Revenue), District Registrar, Deputy District Officer (Revenue) and two nominees of the Local Chamber of Commerce and Industries, one of them shall be from the real estate business shall propose the market price;
- (b) a scrutiny committee consisting of the Senior Member, Board of Revenue as convener, Secretaries of the Land Utilization, Finance and the concerned Department of the Government, Chairman Investment Cell Chief Minister's Secretariat and two representatives of the Karachi Chamber of Commerce and Industry, one of them shall be from the real estate business, to process the market price proposed by the Price Committee and make recommendations to Government in this behalf.
- (2) The Price Committee shall propose the market price in the District after taking into consideration:-
- (i) the price of land transferred in the same area for similar use during the past twelve months.
- (ii) the valuation table notified by the Board of Revenue, Sindh under the Stamp Act, 1899 for the purpose of levy of stamp duty at the time of registration of a sale-deed in respect of sale of similar land; and
- (iii) such other modes as deemed fit to provide a fair basis for assessment of such price.
- (3) The Price Committee shall submit its recommendations to the Scrutiny Committee which shall after such further enquiry as deemed fit submit its recommendations to Government for determination of the market price.

(4) The market price determined under condition 8 (3) may be reviewed at least after every three years.

9. (1) Auction of land shall be held by the Executive District Officer (Revenue) after publication of auction notice in the leading English, Urdu and Sindhi newspapers.

Procedure of auction of land.

(2) The upset price shall be fixed by the Land Utilization Department in consultation with the Finance Department but such price shall in no case be below the market price.

(3) The bidders shall deposit ten percent of the upset price in advance as security deposit.

(4) The successful bidder at the close of bidding shall deposit twenty five percent of the bid money including the security deposit on the day of auction or on the next day, failing which the security deposit shall stand forfeited to Government.

(5) The final bid shall be subject to the confirmation by the Government.

(6) On confirmation, the bidder shall deposit the remaining seventy five percent of the bid money within thirty days of communication of confirmation of the bid, failing which the twenty five percent amount deposited by him shall stand forfeited to the Government.

10. (1) Applications for grant of land shall be submitted to the Chief Executive of the Province who may require the Land Utilization Department for processing.

Procedure for grant of land

(2) The Land Utilization Department shall send such applications to the Executive District Officer (Revenue) to report the availability of the land with the site plan.

(3) On receiving the report under Condition 10 (2), the Land Utilization Department shall convene a meeting of the Scrutiny Committee to consider the report and formulate the recommendation for submission to the Government.

11. Government may at any time resume the land granted on lease if the whole or any part thereof is required for public purposes on refund of the lease money deposited by the lessee and such additional sums as may be determined by the District Officer (Revenue) in accordance with the Land Acquisition Act for the improvement, if any, made by the lessee on the land.

Resumption of grant for public purposes.

12. After the grantee has paid the lease money, a lease agreement prescribed by the Land Utilization Department shall be executed, stamped and registered by the lessee at his own cost.

Execution of Lease Agreement Deed.

13. If the lease granting authority is satisfied that the lessee or his successor-in-interest, as the case may be, has committed any breach or non-observance of any condition hereinbefore contained in the lease agreement, shall be liable to action under section 24 of the Act.


SECRETARY TO GOVERNMENT OF SINDH,
LAND UTILIZATION DEPARTMENT