

Suffice to say that the words “body corporate” cannot be read in isolation. The entire section is to be read in totality and likewise in order to ascertain the intention of the legislature, the entire statute is to be read together and all the relevant provisions in a statute are to be read together and the conclusions are to be drawn which emerge out of the totality of a scheme contained in the Statute, in a manner which is harmonious with all the relevant provisions contained in an enactment. It is very rare that a particular section is a complete code in itself in any statute. **The ordinary definition of the words “body corporate” is “a corporation consisting of a body of persons legally authorized to act as one person, while being distinct from that person”. But it cannot consist of a single individual.** It is now well settled principle of interpretation of statute that the words of an enactment are to be given their ordinary, popular and natural meaning. If such meaning is clear and unambiguous, the effect should be given to a provision of a statute in the same manner whatever may be the consequences. The basis of this principle is that the object of all interpretations is to know what the legislature intended, whatever was the intention of the legislature has been expressed by it through words which are to be interpreted accordingly, because the intention of the legislature can be deduced only from the language through which it has expressed itself. If the language of a statute is clear, the only duty of the Court is to give effect to it and the Court has no business to look into the consequences of such interpretation. The Court is under an obligation to expound the law as it exists and leave the remedy to the legislature, even if harsh conclusions result from such exposition. Equally, it is now well recognized proposition of law that mandatory

provisions and command of law have to be complied with in the same manner as envisaged and mandated by any statute and it cannot be interpreted otherwise. If the intention of the legislature is conveyed clearly by plain words, the same should not be bypassed by twisting the law in derogation to the settled principles of interpretation. **In view of the explicit intention of the legislature, Director General cannot be appointed to act as a “body corporate”, council, department, functionary or an organization in his individual capacity;** there shall be an Authority whereas in earlier notification KDA was appointed to act as Authority as well as District Council under the system of Nazim added as Authority. *Prima facie* this notification was issued in flagrant violation and derogation of Section 4 of the SBCA Ordinance 1979. **Thus Government of Sindh shall issue notification within the scope of section 4 of the Ordinance 1979 with the consultation of Law Department within a period of one month.**

2. Additional Chief Secretary to Government of Sindh, Local Government, has submitted notification dated 24.08.2020 through which Oversee Committee was constituted within the scope of section 4 of the Ordinance 1979, under the chairmanship of Secretary Local Government with the terms of reference which are that :-

- (i) To Oversee all affairs of the SBCA and monitor the grant of permission for High Rise Buildings in accordance with the Sindh Building Control Ordinance, 1979, Karachi Building and Town Planning Regulation 2002 and other laws of the land.
- (ii) To take measures to ensure that the provisions for amenity parks, playgrounds public services and

recreational areas in various housing and other schemes are properly utilized and allotted.

- (iii) To make recommendations for the effective preservation and restoration of buildings of architectural, cultural or historical interest.
- (iv) To coordinate with any Task Force, advisors, experts or other persons performing any functions under the Sindh Building Control Ordinance 1979.
- (v) To recommend further amendments in laws, Building Regulations and Services Rules / Review the previous KBTP&R or other rules or notifications with a view to achieve the object of the promulgation of SBCO-1979, KBTP&R 2002 and other laws of the land in letter and spirit.
- (vi) To monitor and make sure to comply the Orders or Judgments or the Honourable Supreme Court of Pakistan and High Court of Sindh strictly in accordance with the spirit of the said orders and judgments.
- (vii) To examine the professional obligations or statutory duties of the all officers or officials of the authority (SBCA) and submit their respective recommendations to all the Government for perusal and necessary action.
- (viii) Any other assignment as assigned by the Government of Sindh.

3. At this juncture learned A.A.G. contends that this Committee was abolished through notification dated 21.12.2022 issued by Additional Chief Secretary. Thus it is pertinent to mention that Oversee Committee (as provided in section 4-B) is not functioning however learned AAG has submitted Notification dated 28.12.2022 (annexure B) which reflects that a Sub-Committee was constituted by the provincial cabinet regarding amendment in section 4-B of the Ordinance 1979 by replacing the Oversee Committee with the government body. This letter shows that Local Government Department has failed to comply with sections 4 and 4-B of the Ordinance, by none-appointment since therefore whole burden is shifted upon courts to examine illegalities/irregularities allowed by

SBCA officers/officials with regard to construction of building(s). Accordingly, Oversee Committee shall be notified by joining all stakeholder(s) as per law, within a period of one month.

4. With regard to mechanism of recruitment in the SBCA, it is contended by DG, SBCA that around 300 posts are vacant and as per Rules, committee constituted by Government of Sindh is required make recruitments. Needless to mention that Government of Sindh has approved policy to recruit the officials from BS-5 to BS-15 through third party testing agency; hence that method shall be adopted by the SBCA. Accordingly, Local Government Department shall amend respective Rules in view of amended Rules in the Civil Servant Act and for other institutions and corporate bodies.

To come up on 04.04.2024 at 11.00 a.m. being part heard.

J U D G E

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