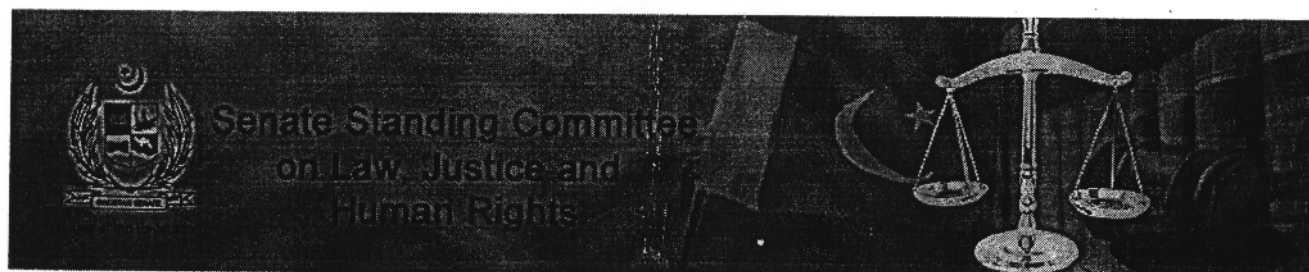


**INTERIM REPORT OF THE STANDING COMMITTEE ON
LAW, JUSTICE AND HUMAN RIGHTS**



**"Implementation of Building Code, with particular
reference to provisions regarding earthquake, for
suggesting penal provisions, measures and mechanism
regarding violation of said Code"**

**Report No. 11
(Thirteenth Parliamentary Year)**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

INTERIM REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS ON "IMPLEMENTATION OF BUILDING CODE, WITH PARTICULAR REFERENCE TO PROVISIONS REGARDING EARTHQUAKE, FOR SUGGESTING PENAL PROVISIONS, MEASURES AND MECHANISM REGARDING VIOLATION OF SAID CODE"

I, Chairman of the Standing Committee on Law, Justice and Human Rights, have the honour to present interim report on a matter referred by the House on 10th November, 2015 "Implementation of Building Code, with particular reference to provisions regarding earthquake, for suggesting penal provisions, measures and mechanism regarding violation of said Code".

2. The composition of the Standing Committee on Law, Justice and Human Rights is as under:-

1.	<i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2.	<i>Senator Raja Muhammad Zafar ul Haq</i>	<i>Member</i>
3.	<i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4.	<i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
5.	<i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
6.	<i>Senator Saleem Zia</i>	<i>Member</i>
7.	<i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
8.	<i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
9.	<i>Senator Saeed Ghani</i>	<i>Member</i>
10.	<i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>
11.	<i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
12.	<i>Senator Farooq Hamid Naek</i>	<i>Member</i>
13.	<i>Minister for Law, Justice and Human Rights</i>	<i>Ex-Officio Member</i>

3. The Committee considered the matter in its meetings dated 23rd November and 10th December, 2015, respectively.




4. The Committee invited Pakistan Engineering Council, Ministry of Housing and works, Capital Development Authority, to give their input on the instant issue. During the meeting it was informed that:-

- I. A Building Code of Pakistan (Seismic Provisions) – 2007 was formulated by the Ministry of Housing and Works through a consultative process by the core group of experts from Pakistan Engineering Council.
- II. Pursuant to the approval of Pakistan Building Code-2007 by the Cabinet in August, 2007, the Prime Minister advised all the Chief Ministers of the Provinces conveying instructions for the adoption of New Building code.
- III. The Provincial Governments have also accordingly been requested to instruct all their development authorities and departments concerned under their administrative control to ensure that all building plans approved by them are in compliance of the requirements laid down in the Building Code of Pakistan, 2007.
- IV. Implementation of Building Code is enforced by the development authorities in the provinces and CDA in ICT area being the concerned agencies for granting approval of building plans. These developments authorities and CDA have their own building bye-laws and building regulations and any violation made by any developers / builders is dealt with by them according to building regulations.

5. The Committee tasked Pakistan Engineering Council, Capital Development Authority and Ministry of Housing and Works to review the Building Code, 2007 and submit proposals regarding effective implementation and rectification of lacunas, if any, within a period of twelve days.

6. Accordingly, next meeting was convened on 10th December, 2015, wherein, all stakeholders were invited including Ministry of Housing and Works, Pakistan Engineering Council, Capital Development Authority, Earthquake Reconstruction and Rehabilitation Authority (ERRA), National Disaster



Management Authority (NDMA), Provincial Secretaries, Local Government, Provincial Additional Chief Secretaries, Association of Builders & Developers of Pakistan (ABAD) and Islamabad Developers and Citizens Association.

7. During the meeting, following important issues were highlighted :-


- i. Code implementation is in-effective so far and cannot be ensured without ownership and establishing comprehensive techno-legal regime.
- ii. Government shall develop "Techno-Legal Regime" for implementation of Building Code, vulnerability assessment, risk assessment, improvement of Building Bylaws of Federal, Provincial, Autonomous Bodies and local bodies, etc. throughout Pakistan consisting of relevant experts.
- iii. There shall be a proper mechanism for Construction Permits/Monitoring by Building Regulatory Authorities/Departments which shall include stage wise construction permission (Minimum at three stages: footing, column & beams).
- iv. For life safety, every building may be so constructed, equipped, maintained and operated as to avoid undue danger to life and safety of the occupants from fire, smoke, fumes or panic during the earthquake scenario.
- v. Construction of more than three storey building must be supervised by a professional Structure Engineer registered with PEC. Regular site monitoring by professional Structure Engineer with check list for seismic provision. Approval of the quality rebar and other building material manufacturers meeting the Code standards.
- vi. As per chapter 6 of Building Code of Pakistan (Seismic provision 2007), the owner shall employ one or more special inspectors who shall provide inspections during construction. However, the professional qualification of special inspector is not defined in Building Code of Pakistan which may be specified to ensure that only professionally qualified inspectors are employed on the supervision of the structures prone to earthquake loadings.




- vii. All the Government Contactors working on public works are required to be registered with Pakistan Engineering Council, while the registration with Pakistan Engineering Council is not required in case of private builders.
- viii. The Provisions of Pakistan Building Code should be made mandatory in the existing Building Bye-laws.
- ix. For seismic design of buildings, after earthquake of October 2005, Pakistan has been sub divided into 5 zones. Islamabad is in zone 2B with Peak Horizontal Ground Acceleration of (0.16 to 0.24g). Seismic provision and zoning of Pakistan may be reviewed keeping in view the subsequent earthquakes, especially the one with magnitude of 8.1, which hit Pakistan in October 2015.
- x. The issue of non-implementation of Building Code is serious in rural areas where informal settlements are being developed and people construct houses without getting approval of building plan because no authority is designated in rural areas for granting approvals of building plans.
- xi. Penalties may be incorporated in the building regulations of development authorities/TMAs.

8. The most important issue, which needs to be addressed, is the non-existence of any legal/statutory backing/protection available to the Building Code, 2007. Furthermore, the Building Code was developed in the year 2007, however, its implementation remains a serious concern which needs to be addressed. The Committee unanimously decided that Building Construction Act may be enacted empowering the government to promulgate the building code as a legally binding document by providing a comprehensive legal mechanism, wherein role of implementers as well as penalties for the violation shall be clearly spelled out.

9. Accordingly, the Committee has constituted a core group consisting of representatives from NDMA, Ministry of Housing and Works, Capital Development Authority and Pakistan Engineering Council. NDMA has been tasked as the



leading agency and the core group, after holding consultations with all the Federal and Provincial stakeholders, will formulate proposals in the form of a Bill. The said Bill, after vetting from the Ministry of Law and Justice will be presented before the Committee within a period of five weeks.



(RABEEA ANWAR)
D.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman