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SIND ORDINANCE NO. V OF 1982

THE SIND CO-OPERATIVE HOUSING AUTHORITY ORDINANCE, 1982

C O N T E N T S

Preamble

Sections

1. **Short title and commencement.**
2. **Definitions.**
3. **Ordinance to over-ride other laws etc.**
4. **Establishment and incorporation of the Authority.**
5. **Appointment of Managing Director and other officer & and staff.**
6. **Assignment of functions to the Authority.**
7. **Appointment of Managing Committee or Administrator.**
8. **Meetings.**
9. **Funds.**
10. **Budget.**
11. **Accountants and audit.**
12. **Directions of Government.**
13. **Delegation of powers.**
14. **Reconstitution of the management of the society.**
15. **[3][Eligibility to election"]**
16. **Winding up of the Authority.**
17. **Indemnity.**
18. **Rules and regulations.**
19. **Removal of difficulties.**

SIND ORDINANCE NO. V OF 1982

THE SIND CO-OPERATIVE HOUSING AUTHORITY ORDINANCE, 1982

[3rd June, 1982]

An Ordinance to provide for the establishment of a Sind Co-operative Housing Authority.

Preamble.

WHEREAS it is expedient to establish a Co-operative Housing Authority for the purpose of re-organising, regulating and supervising the activities of the co-operative societies dealing in the housing development in the Province of Sind ;

NOW, THEREFORE, in pursuance of the Proclamation of fifth day of July, 1977 and the Provisional Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance :--

Short title and commencement.

1. (1) This Ordinance may be called the Sind Co-operative-Housing Authority Ordinance, 1982.

(2) It shall come into force at once.

Definitions.

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

(a) "Authority" means the Sind Co-operative Housing Authority established under section 4;

(b) "Chairman" means the Chairman of the Authority;

(c) "Government" means the Government of Sind;

(d) "Managing Director" means the Managing Director appointed under section 5 and includes any person discharging the duties of the Managing Director for the time being.

(e) "member" means a member of the Authority and includes the Chairman;

(f) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(g) "society" means a society, whether registered under the Sind Co-operative Societies Act, 1925 or not, established solely or partly for the purpose of carrying

on business of co-operative housing, including acquiring, buying, allotting, selling, hiring, letting and developing land for that purpose and constructing buildings, roads and providing other amenities therefor.

Ordinance to over-ride other laws etc.

3. This Ordinance shall have effect, notwithstanding anything contained in any other law for the time being in force or in the constitution, memorandum, articles of association, or bye laws of a society, or in any agreement, or in any award, order, decree, injunction or Judgment of any court.

Establishment and incorporation of the Authority.

4. (1) Government may, by notification, establish an Authority called the Sind Co-operative Housing Authority.

(1) The Authority shall be a body corporate, having perpetual succession and common seal, with power, subject to the previsions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and may, by the said name, sue and be sued.

(2) The Authority shall consist of a Chairman and such number of official and non-official members, as may be appointed by the Governor;

Provided that the Chairman may co-opt any person as a member for any particular purpose; provided that no such member shall have right of vote.

(3) An official member appointed by virtue of his office shall cease to be member on vacating such office.

(4) A non-official member shall hold office at the pleasure of Government, unless he resigns earlier by addressing a letter to Government.

Appointment of Managing Director and other officer & and staff.

5. (1) Government shall appoint a Managing Director possessing requisite qualifications and terms and conditions as may be prescribed by rules and he shall hold the assignment at the pleasure of Government.

(2) The Managing Director shall be the Chief Executive and Secretary of the Authority an shall exercise such powers and perform such duties as may, from time to time, be assigned to him by the Authority.

(3) The Authority may appoint such officers and staff as it may considers necessary for performance of its functions on such terms and conditions as may be prescribed by regulation;

Provided that the Chairman may, until the framing of regulations, temporarily appoint such officers and other staff as may be necessary for a period not exceeding one year on such terms and conditions as he may determine.

Assignment of functions to the Authority.

6. (1) Government may, on being satisfied that a society has failed to perform its duties in accordance with laws, rules or bye-laws, or constitution, memorandum or articles of association of the society, or has indulged or is indulging in mis-management of the affairs thereof, or has acted or is acting in any manner prejudicial to the interests of the members of the society, issue such directions to the society as it deems fit or order an enquiry to be made into the affairs of the society in the manner as may be prescribed.

(2) Where the society fails to comply with the directions or the order of enquiry is made under sub-section (1), Government may, by notification, direct the Authority to take over the charge an control of the affairs of the society.

[1]["(2-A") Government shall, before taking action under sub-section (2), afford an opportunity of hearing to the society:

Provided that if, as an emergent measure, taking of immediate action is necessary, such opportunity may be dispensed with, but such opportunity shall be afforded to the society as soon. Thereafter, as is possible:

Provided further that in a case where such opportunity to the society is duly afforded before the action is taken, Government may pass such interim orders, for preventing the commission of mischief or abuse by the society, as it may deem fit.".]

[1] In section 6, new sub-section inserted vide Sind Act No.XIII of 1989. Dated August 8, 1989.

(3) If immediately before the coming into force of this Ordinance, the management of a society stands superseded and the administration of its affairs stands assigned to a person or body of persons under any law for the time being in force, the Authority shall, notwithstanding such supersession, and the provisions of sub-section (1), take over the charge and control of the affairs of the society.

(4) Where a notification under sub-section (2) has been issued or the charge and control of the affairs of society has been taken over by the Authority under sub-section (3), the Authority shall exercise the powers and perform the functions of the society.

Appointment of Managing Committee or Administrator.

(5) Where the charge or control of the society has been taken over by the Authority, the management of the society or the person or body of persons administering the affairs of the society shall put the Authority or any member or officer thereof named by the Authority in possession of all assets and records belonging to or in possession of the society or in possession of any person on its behalf.

(5) Where the management of the society or the person or body of person administering the affairs of the society has failed to make compliance of sub-section (4), the Authority shall take all such steps including reasonable force as may be necessary to ensure compliance thereof.

Meetings.

7. The Authority may appoint a Managing Committee consisting of such number of persons as it may determine form amongst the members of the society, or an Administrator for performance of such duties and functions of the society as may be assigned by the Authority.

Funds.

8. (1) Meetings of the Authority shall be held after such period and, at such places and in such manner as may be prescribed by regulations and until the regulations are framed, the meetings shall be held as directed by the Chairman.

(2) No act or proceeding of the Authority shall be invalid merely by reason of any vacancy or defect in its constitution.

Budget.

9. There shall be a fund of the Authority known as the "Sind Co-operative Housing Authority's Fund", consisting of grants made by Government or any other amounts specified by Government which shall be maintained and administered in such manner as may be prescribed by rules.

Accountants and audit.

10. The annual budget of the Authority shall be prepared in such manner as may be prescribed by rules.

11. (1) The Authority shall maintain or cause to be maintained its accounts and records in such manner as may be prescribed by rules.

(2) The accounts of the Authority shall be audited at least once in every financial year by such firm of Chartered Accountants as may be approved by Government.

Directions of Government.

12. Government may, from time to time, issue such directions as it may consider necessary for carrying out the purposes of this Ordinance and it shall be the duty of the Authority to comply with such directions.

Delegation of powers.

13. The Authority may delegate any of its powers under this Ordinance to any of its members or employees.

Reconstitution of the management of the society.

14. (1) The Authority shall, within a period of [1]["one year"] of taking over the charge and control of the affairs of a society, hold elections of the office bearers of the society and hand over the charge and control of the society to the office bearers holding office immediately before the enquiry.

Provided that if on receipt of the report of enquiry under section 6, Government is satisfied that the charges against the society referred to in that section are not correct, it may restore the management of the society to the office bearers holding office immediately before the enquiry.

(2) Government may, by notification in the official Gazette, extend the period under sub-section (1) but such extension shall not exceed [2]["two years"].

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[1] In section 14, of its sub-section (1), words substituted vide Sind Act No.IV of 1985. Dated December 12, 1985.
[2] In section 14, of its sub-section (2), words substituted vide Sind Act No.IV of 1985. Dated December 12, 1985.

[1]["14-A". Except with the permission of Government, no person who was an office bearer in a society immediately before its taking over under section 6 shall be eligible to contest election under sub-section (1) of section 14.".] **[3][Eligibility to election"]**

15. The Authority may be wound up by order of Government in such manner and with such consequences as Government may specify in the order. **Winding up of the Authority.**

16. No, suit, prosecution, or other legal proceeding shall lie against the Authority or any of its members or employees in respect of anything done or purported to be done in good faith under this Ordinance or the rules or regulations made thereunder. **Indemnity.**

17. (1) Government may take rules for carrying out the purposes of this Ordinance. **Rules and regulations.**

(2) Subject to the provisions of this Ordinance and the rules, the Authority may make regulations for carrying out the purposes of this Ordinance.

18. If any difficultly arises in giving effect to any of the provisions of this Ordinance, Government may make such order, not inconsistent with the provisions of this Ordinance as may appear to it to be necessary for the purpose of removing the difficultly. **Removal of difficulties.**

[1] Insertion of section 14-A vide Sind Act No.IV of 1985. Dated December 12, 1985.