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SIND ORDINANCE NO. IV of 1987.

THE SIND GOTH ABAD (HOUSING SCHEME) ORDINANCE, 1987.

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THE SIND GOTH ABAD (HOUSING SCHEME) ORDINANCE, 1987.

[25th May, 1987]

An Ordinance to make provision for housing facilities to the deserving persons in the rural areas of the Province of Sind.

Preamble.

WHEREAS it is expedient to make provision for housing facilities to the deserving persons in the rural areas of the Province of Sind and to provide for matters connected therewith or ancillary thereto;

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

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

Short title extent and commencement.

1. (1) This Ordinance may be called the Sind Goth Abad (Housing Scheme) Ordinance, 1987.

(2) It shall come into force at once.

(3) It shall apply to all rural areas in the Province except the rural areas as may be excluded by Government, from the operation of this Ordinance, by notification in the Official Gazette.

Definitions.

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

(a) "allottee" means the deserving person who has been allotted land under this Ordinance;

(b) "Allotment Committee" means a Committee consisting of not more than seven person set up by the Collector in the prescribed manner for one or more dehs;

(c) "Asaish" means the land adjacent to a village and reserved for grazing and other common use of the village community;

(d) "Collector" means the Collector of the District and includes any officer specially empowered by Government to perform the functions of the Collector under this Ordinance;

(e) "deh" means a deh or estate as defined in the Sind Land Revenue Act, 1967;

(f) "deserving person" means a person residing in rural area who is in genuine need of residential accommodation in a village;

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

(h) "grant" means the grant of the proprietary rights in land;

(i) "housing scheme" means a scheme prepared under section 4;

(j) "land" means land owned by Government and includes land acquired for the purposes of this Ordinance;

(k) "prescribed" means prescribed by rules;

(l) "rules" means rules made under this Ordinance;

(m) "village" means a settlement or habitation including Goth, Wahan or Tando, but excluding urban area as defined in the Sind Local Government Ordinance, 1979.

(2) Save as otherwise provided in this Ordinance or where the context otherwise requires all expressions used but not defined in this Ordinance shall bear the same meaning as they bear in the Sind Land Revenue Act, 1967 and the Sind Local Government Ordinance, 1979.

Allotment of land.

(3) Subject to the other provisions of this Ordinance, the Collector may on the recommendations of the Allotment Committee allot land not exceeding two ghuntas for construction of a house to a deserving person in the union council in which he ordinarily resides free of cost in such manner and in such terms and conditions as may be prescribed.

Provided that the aforesaid limit shall not apply to the land or Asaish whereupon a deserving person has built a house before the coming into force of this Ordinance with a view to taken up permanent residence.

Housing Scheme.

(4) (1) To give effect to the provisions of section 3, the Collector may, in consultation with the Allotment Committee, prepare a housing scheme in the prescribed manner.

(2) The scheme under sub-section (1) may include a village situated on the private land but no such land shall be included in the Scheme with out obtaining the consent of the owner in writing.

Grant of land.

5. The proprietary rights in respect of the land allotted under section 3 shall be conferred on the allottee by a grant in the form and in the manner and on the terms and conditions as may be prescribed.

Cancellation of allotment or grant.

6. Notwithstanding the allotment of land or conferment of proprietary rights in respect thereof the Collector may, after giving the allottee or grantee an opportunity of being heard, cancel the allotment or grant and resume the land if he is satisfied that the allottee or grantee has---

(a) Furnished wrong information for securing allotment or grant; or

(b) Committed a breach of the conditions of the allotment or grant;

Provided that before the land is resumed for breach of any conditions of the allotment or grant the allottee or grantee may be given reasonable time to rectify such breach.

Re-entry.

7. (1) Where land has been resumed under section 6, the Collector shall issue an order requiring the allottee or grantee to remove all buildings, structures and other property, if any, belonging to him from the site and to deliver vacant possession of the site to the Collector within a period not exceeding sixty days from the date of the order.

(2) If the allottee or grantee fails to comply with the order issued under sub-section (1), the Collector may re-enter, take possession of the land and execute the order under sub-section (1).

(3) In the case of re-entry under sub-section (2), the building, structure and other property mentioned in sub-section (1) shall be sold.

(4) The cost incurred in connection with the resumption of land shall be recovered from the sale proceeds accruing under sub-section (3) or where there is no or insufficient sale proceeds, the cost will be recoverable as arrears of land revenue.

Liability of Acquisition.

8. Notwithstanding anything to the contrary contained in any law for time being in force, any land including the Asaish and residential sites on which houses have been built for permanent residence shall be liable to a acquisition at any time for the purposes of this Ordinance in accordance with the provisions of the Land Acquisition Act, 1894.

Provided that the land or residential sites shall not be acquired if the house is built by the owner of such land or residential site.

Appeal.

9. (1) An appeal shall lie to the Collector of the District from any order passed by any officer under this Ordinance and to the Commissioner from the order passed by the Collector not being an appellate order of the Collector.

(2) Appeal under sub-section (1) shall be heard and disposed in the manner as may be prescribed.

Overriding effect.

10. This Ordinance shall have over-riding effect notwithstanding anything contained in the Colonization of Government lands Act, 1912 and any rule, policy or order made thereunder.

Relaxation.

11. Nothing in this Ordinance or in any rule shall be construed to limit or abridge the power of Government to deal with any case in such manner as may appear to it to be just and equitable.

Power to make rules.

12. Government may make rules to give effect to the purpose of this Ordinance.