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SINDH ORDINANCE NO. XII OF 2005

THE SINDH CIVIL SERVANTS HOUSING FOUNDATION ORDINANCE, 2005.

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SINDH ORDINANCE NO. XII OF 2005

THE SINDH CIVIL SERVANTS HOUSING FOUNDATION ORDINANCE, 2005.

[26TH October, 2005]

An Ordinance to provide for the establishment of a Housing Foundation for providing houses on no profit no loss basis to the civil servants and the retired civil servants in the Province of Sindh.

Preamble.

WHEREAS it is expedient to establish a Housing Foundation for providing houses on no profit no loss basis to the civil servants and the retired civil servants in the Province of Sindh and to make provision for matters connected herewith or ancillary thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sindh 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 Sindh is pleased to make and promulgate the following Ordinance:-

Short title, commencement and application

1. (1) This Ordinance may be called the Sindh Civil Servants Housing Foundation Ordinance, 2005.

(2) This section shall come into force at once and the remaining provisions shall take effect on such date as may be notified by Government in he official Gazette.

Definitions

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

(a) "Board" means the Board of Directors of the Foundation;

(b) "civil servant" means –

(i) a person who is a member of a civil service of the Province; or

(ii) a person who holds a civil post in connection with the affairs of the Province; or

(iii) a civil servant of Pakistan who, while serving under Government, has opted to become a member of the Foundation and satisfies the conditions of membership as may be prescribed:

Provided that such person is not employed on contract or on work-charge basis, or is paid from contingencies;

(c) "family" in relation to a civil servant means his relations on the following order:-

(i) Wife, wise or husband, as the case may be;

(ii) Children, if residing with and wholly dependent upon him; and

(iii) Parents, sisters and minor brothers, if residing with and wholly dependent upon him;

(d) "Foundation" means the Sindh Civil Servants Housing Foundation established under this Ordinance;

(e) "Fund" means the fund established under this Ordinance;

(f) "Government" means the Government of Sindh;

(g) "Managing Director" means the Managing Director of the Foundation;

(h) "member" means a civil servant and a retired civil servant who is a member of the Foundation;

(i) "prescribed" means prescribed by rules and regulations;

(j) "regulation and rules" means regulations and rules framed under this Ordinance; and

(k) "retired civil servant" means a person who has retired from civil service of the Province.

Establishment of the Foundation

3. (1) As soon as may be after the commencement of this Ordinance, Government shall establish a Foundation known as the Sindh Civil Servant Housing Foundation.

(2) The Foundation shall be a body corporate, having perpetual succession and common seal with powers, subject to the provisions of this Ordinance, to acquire land in accordance with law and hold properties both movable and immovable and may sue and be sued by the said name.

(3) Government may, from time to time, transfer state or nazul land, free of cost, to be utilized for the purpose for which the Foundation is established.

Board of Directors

4. (1) The Foundation shall have a Board consisting of the Chairman and Directors as follows:-

(a)	Chief Secretary;	Chairman
(b)	Additional Chief Secretary Local Government Department;	Ex-officio Director
(c)	Additional Chief Secretary (Dev), Planning and Development Department	Ex-officio Director

(d)	Senior Member, Board of Revenue, Sindh;	Ex-officio Director
(e)	Secretary Finance Department;	Ex-officio Director
(f)	Secretary Works and services Department;	Ex-officio Director
(g)	Secretary (GA), Service, General Administration and Co-ordination Department;	Ex-officio Director
(h)	Three civil servants of the Sindh, one representing the civil servants in BS-17, to be appointed by Government for a specified period;	Directors
(i)	Three other persons as may be appointed by Government for a specified period; and	Directors
(j)	Managing Director of the Foundation who shall also be the Secretary of the Board.	Director

(2) A Director, not being an ex-officio Director, shall hold office during the pleasure of Government.

(3) Government may at any time remove any such director during the tenure of his office in the prescribed manner.

(4) A Director not being an ex-officio Director at any time resign his office

Casual Vacancy

5. A vacancy caused due to the death, resignation or removal of a Director, other than an ex-officio Director, shall be filled in by Government through appointment of a person qualified to fill vacancy and such Director shall hold such office for the un expired period of the term of this predecessor.

Meetings of the Board.

6. (1) The meetings of the Board shall be held in such manner at such time and place as may be prescribed by regulations; provided that until the regulations are made the meeting shall be convened and hold in the manner as directed by the Chairman.

(2) The quorum for a meeting of the Board shall be six Directors including at least three ex-officio Directors.

(3) The decisions of the Board shall be expressed in terms of the views of the majority and voting of the Directors present and if the Directors are equally divided, the Chairman shall have power to exercise a casting vote.

7. The Board shall have the following powers:- **Powers and Functions of the Board.**

(a) to take steps for the establishment of a Fund in the manner hereinafter provided, for carrying out the purposes of the Foundation including incurring of expenditure and investment of money;

(b) to hold, control and administer the property, funds and resources of the Foundation and raise funds for the purpose of the Foundation upon such security as may be prescribed;

(c) to consider plans of work and approve annual budget of the Foundation;

(d) to arrange, purchase or acquire land, wherever necessary, within the Province of the Sindh;

(e) to develop the land for the purpose of setting up residential colonies and units with provisions for mosques, markets, social recreational, educational and health centers or for other activities necessary for the benefit and welfare of the members and their families;

(f) to prepare a master plan for the development of land for construction of houses, flats, quarters or dwelling units for ultimate transfer to the members in accordance with the provisions of this Ordinance and the rules;

(g) to create organizations and employ such persons as may be necessary for running the affairs of the Foundation;

(h) to exercise control over the housing schemes of the Foundation and look after the operation and maintenance of all essential services;

(i) to receive such fees and other user charges from the occupants as may be prescribed;

(j) to sell or dispose of assets, movable or immovable, of the Foundation in such manner as may be determined by the Board;

(k) to determine terms and conditions of service of the employees of the Foundation;

(l) to authorize spending from the Fund;

(m) to delegate any of its powers and functions to a person or to a body of persons;

(n) to constitute such committee or sub-committees as may be necessary for carrying out the purposes of this Ordinance;

(o) to supervise the entire management of the Foundation;

(p) to approve regulations and their amendments; and

(q) to do such act as are ancillary and incidental to the above functions.

Managing Director

8. (1) There shall be a Managing Director of the Foundation who shall be the Chief Executive of the Foundation.

(2) The Managing Director shall be appointed by the Board with the approval of Government for a specified period.

(3) The Managing Director shall exercise such powers and perform such function as may be determined by the Board.

(4) The Managing Director shall cease to hold office in the manner as may be prescribed.

Annual progress report

9. (1) The managing Director shall prepare an annual progress report at the end of each financial year.

(2) This report shall be submitted in a meeting of the Board whenever such meeting takes place after the preparation of the report.

Establishment of fund

10. (1) As soon as may be, after the commencement of this Ordinance, the Foundation shall establish a fund with the assistance of Government.

(2) The fund shall consist of-

(a) such grant as may, from time to time, be made by Government;

(b) other contributions and donations by private or public organizations;

(c) such loans and advances as may be obtained from financial institutions with the help of Government wherever necessary;

(d) contributions made by members from time to time;

(e) income and profits from investments from various sources;

(f) fees or other user charges;

(g) amount received from sale or disposal of assets of the Foundation; and

(h) all other sums received by the foundation and income from any other source.

(3) The income provided to the fund shall be kept in such custody as may be prescribed.

Membership of the Foundation

11. (1) A civil servant and a retired civil servant may become member of the Foundation in the manner prescribed by rules.

(2) A member shall be liable to pay such monthly contribution as may be determined by the Board from time to time.

Termination of membership

12. The membership of a member may be terminated by the Board in the manner as prescribed by rules.

Manner of Collection of contribution and maintenance of accounts

13. (1) All monthly contributions shall be made in the manner as may be prescribed.

(2) The Foundation shall maintain separate account in respect of each member and be responsible to ensure that the amount of contributions paid by the member has ben received and accounted for in the books of the Foundation.

Disposal of residential units

14. Subject to provisions of this Ordinance, the Foundation shall dispose of the residential units in favour of its members or in favour of their families in case of death of the member;

Provided that in case the number or residential units exceed the above requirement, the same may be disposed of in the manner as may be prescribed.

Location, categorization, allocation and price of residential units

15. (1) The housing schemes shall be carried out at location as may be determined by the board but initial scheme shall be started at Karachi as a pilot project at one or more suitable places and when the housing schemes are commenced at other locations a member may be given three options of preference of the locations of his choice.

(2) A member shall be allocated by the Board, a residential unit of a particular category, keeping in view of his seniority, date of retirement or any other deserving special circumstance.

(3) The price of each residential unit or each category of residential units shall be determined by the Board.

(4) All payments made by a member shall be updated annually at the rate of the markup, as may be determined by the Board from time to time.

(5) The possession of residential units shall not be delivered unless the total price of the unit is paid in full.

(6) A member shall not alienate the allocated residential unit for the prescribed period.

Budget and audit

16. The budget of the Foundation shall be approved by the Board and its accounts shall be audited in the manner as may be prescribed.

Directions by Government

17. (1) The Foundation shall, in discharging its functions, acts and be guided by such directions as Government may give to it from time to time.

(2) Government may require the Board to furnish to it any report, document, return or any information in respect of any matter concerning the Board and the Board shall comply with such requisition.

Public Servants

18. All persons acting or purporting to act in pursuance of any provision of this Ordinance, shall be deemed to be public servants as defined in section 21 of the Pakistan Panel Code, 1860.

Power to make rules

19. Government may make rules for carrying out the purposes of this Ordinance.

Power to make regulations

20. Subject to the provisions of this Ordinance, and the rules, the Board may frame regulations to give effect to the provisions of this Ordinance.