

THE SINDH CIVIL SERVANTS HOUSING FOUNDATION ACT, 2005

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THE SINDH CIVIL SERVANTS HOUSING FOUNDATION ACT, 2005

[22nd December, 2006]

An act 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.

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;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Civil Servants Housing foundation Act, 2005.

**Short title,
commencement
and application**

(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 the official Gazette.

2. In this Act, unless there is any thing repugnant in the subject or context.

Definitions.

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

(b) "civil servant" means—

(i) a person who is a member of 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, 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 in the following order:-

(i) wife, wives or husband, as the case may be;

(ii) children, if residing with and wholly dependent

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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 Act;

(e) "fund" means the fund established under this Act;

(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 Act; and

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

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

(2) The Foundation shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provisions of this Act, 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.

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

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- | | |
|--|---------------------|
| (a) Chief Secretary; | Chairman |
| (b) Additional Chief Secretary
Local Government
Department; | Ex-officio Director |
| (c) Additional Chief Secretary
(Dev.), Planning &
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), Services,
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.

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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 his predecessor.

Casual vacancy.

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.

Meetings of the Board.

(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 Sindh;
- (e) to develop the land for the purpose of setting up residential colonies and units with provision 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;

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- (f) to prepare a master plan for the development of land for construction of houses, flats, quarters for dwelling units for ultimate transfer to the members in accordance with the provisions of this Act and the rules;
- (g) to create organizations and employee 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 users 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 of sub-committees as may be necessary for carrying out the purposes of this Act;
- (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.

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

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(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 functions as may be determine by the Board.

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

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

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

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

(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 credited to the fund shall be kept in such custody as may be prescribed.

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

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

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

Termination of membership.

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

Manner of Collection of contribution and maintenance of accounts

(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 been received and accounted for in the books of the Foundation.

14. Subject to provisions of this Act, 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:

Disposal of residential units.

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

15. (1) The housing schemes shall be carried out at locations 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.

Location, categorization, allocation and price of residential units

(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 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.

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.

Budget and audit.

17. (1) The Foundation shall, in discharging its functions, act and be guided by such directions as Government may give

Functions by Government.

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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.

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

19. Government may make rules for carrying out the purpose of this Act. **Power to make rules.**

20. Subject to the provisions of this Act and the rules, the board may frame regulations to give effect to the provisions of this Act. **Power to make regulations.**