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PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

10 March 2004

No. PAP-Legis-2(5)2004/594. The Punjab Government Servants Housing Foundation Bill 2004, having been passed by the Provincial Assembly of the Punjab on 23 February 2004, and assented to by the Government of the Punjab on 9 March 2004, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB GOVERNMENT SERVANTS HOUSING FOUNDATION ACT 2004

ACT X OF 2004

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 10 March 2004.]

An
Act

*to provide for the establishment of
Housing Foundation for the Government Servants.*

Preamble. - Whereas it is expedient to establish the Punjab Government Servants Housing Foundation in order to introduce a scheme for providing houses on no profit no loss basis to Government servants on their retirement, or to their families in case of death during service and to make provisions for matters connected therewith or ancillary thereto.

It is hereby enacted as follows:-

- 1. Short title, extent, commencement and application.-** (1) This Act may be called the Punjab Government Servants Housing Foundation Act 2004.
(2) It extends to the whole of the Province of the Punjab.
(3) It shall come into force at once but shall take effect on such date as may be notified by the Government in the official Gazette.
(4) It shall apply to all Government servants.
- 2. Definitions.-** In this Act, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-
(a) "Board" means the Board of Directors of the Foundation;

(b) "family" in relation to a Government servant means his or her relation in the following order:-
 - (i) Wife, wives or husband, as the case may be;
 - (ii) Children, if residing with and wholly dependent upon him or her;
 - (iii) Parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;

- (c) “Foundation” means the Punjab Government Servants Housing Foundation established under this Act;
- (d) “fund” means the fund established under this Act;
- (e) “Government” means the Government of the Punjab;
- (f) “Government servants” means a person holding a Government post and includes –
 - (i) a person who is a member of a civil service of the Province of the Punjab; or
 - (ii) a person who holds any civil post of any scale of pay from BS-1 to BS-22, in connection with the affairs of the Province; or
 - (iii) a member of the Civil Service of Pakistan who, while serving under the Provincial Government, has opted to become a member of the Foundation and satisfies such other conditions as may be prescribed:Provided that such a person is not employed on contract or on work-charge basis, or is paid from contingencies;
- (g) “member” means a Government servant who is a member of the Foundation;
- (h) “prescribed” means prescribed by the rules made under this Act;
- (i) “regulations” means the regulations framed under section 22 of this Act; and
- (j) “rules” means the rules made under section 21 of the Act.

3. Establishment of the Foundation.- (1) As soon as may be after the commencement of this Act, the Government shall establish a foundation to be known as the Punjab Government Servants Housing Foundation.

(2) The Foundation shall be a body corporate, having perpetual succession and a common seal with power, subject to the provision 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) The 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. Board of Directors. - (1) The Foundation shall have a Board of Directors comprising the following:-

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| (a) Chief Secretary to the Government of the Punjab; | Chairman/ Director |
| (b) Additional Chief Secretary to the Government of the Punjab; | Director |
| (c) Chairman, Planning and Development Board Punjab; | Director |
| (d) Senior Member, Board of Revenue, Punjab; | Director |
| (e) Secretary to Government of the Punjab; Finance Department; | Director |
| (f) Secretary to Government of the Punjab, Housing, Urban
Development and Public Health Engineering Department; | Director |
| (g) Three civil servants of the Punjab, one representing the civil
Servants from BS-1 to BS-17, to be appointed by the
Government for a specified period; | Directors |
| (h) three other persons as may be appointed by the Government
for a specified period; and | Directors |
| (i) Managing Director of the Foundation | Director/ Secretary |
- (2) Six Directors including at least three ex-officio Directors shall constitute quorum in a meeting of the Board.

(3) Decisions shall be taken by the Board by simple majority and the Chairman shall have the casting vote in case of equality of votes.

5. Removal of a Director. - (1) A Director, not being an ex-officio Director, shall hold office during the pleasure of the Government.

(2) Government may remove any such Director during the tenure of his office in the prescribed manner.

6. Casual Vacancy. - Any vacancy caused due to the death, resignation or removal of a Director, other than an ex-officio Director, shall be filled in by the Government through appointment of another person as Director and such appointee shall, subject to the provisions of section 4, hold such office for the unexpired period of the term of his predecessor.

7. Power and Functions of the Board.- Subject to the provisions of this Act, the Board shall exercise such powers and takes such measures as may be necessary for carrying out the purposes of this act, including -

- 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 arrange, purchase or acquire land, where ever necessary, with in the Province of the Punjab;
- c) to develop the land for the purpose of setting up residential colonies and units with provisions for market and social, recreational, educational health or other activities necessary for the benefit and welfare of the members and their families;
- d) to prepare a master plan for the development of land in order to construct houses, flats, quarters or dwelling units for ultimate transfer to the members in accordance with the provisions of this Act and the rules;
- e) to create organizations and employ such persons as may be necessary for running affairs of the Foundation.
- f) to exercise control over the housing schemes and look after the operation and maintenance of all essential services;
- g) to receive such fees and other user charges as may be prescribed;
- h) to sell or dispose of assets, movable or immovable, of the Foundation in such a manner as may be determined by the Board;
- i) to appoint employees and determine their terms and conditions of service;
- j) to authorize spending from the fund;
- k) to delegate any of these powers and functions to a person or to a body of persons; and
- l) to do such acts as are ancillary and incidental to the above functions.

8. Management. - Executive authority and management of the Foundation shall vest in the Board

9. Committees. - The Board may constitute such committees as may be necessary for carrying out the purposes of this Act.

10. Managing Director.- (1) There shall be a Managing Director of the Foundation who shall also be the chief executive of the Foundation.

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

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

(4) The Managing Director shall hold office during the pleasure of the Board.

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

11. Annual progress report. - (1) The Foundation 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.

12. Establishment of fund. (1) As soon as may be, after the commencement of this Act, the Foundation shall arrange establishment of a fund with the help and assistance of the Government.

(2) The fund shall consist of -

- (a) such grants as may, from time to time, be made by the Government
- (b) other contributions and donations by private or public organization
- (c) such loans and advances as may be obtained from financial institutions with the help of the Government wherever necessary;
- (d) contribution made by members from time to time;
- (e) income and profits from investments from various sources;
- (f) fees or other user charges;
- (g) amounts 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 monies credited to the fund shall be kept in such custody as may be prescribed.

13. Membership of the Foundation.- (1) A Government servant may become member of the Foundation in the manner as prescribed in the rules.

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

14. Termination of membership.- Membership of a Government servant may be terminated by the Board in the manner as prescribed in the rules.

15. Manner of collection of contributions and maintenance of accounts.- (1) All monthly contributions shall be deducted at source from the salary of the member concerned by the Accountant General or the District Accounts Officers, as the case may be, within whose jurisdiction the disbursement of salary is made to that member.

(2) The Accountant General Punjab shall allocate a separate sub head for deduction of contributions from the pay bills of the Government servants and pass on the credit to the Foundation regularly within one month of such deduction

(3) The Foundation shall maintain separate account in respect of each member and be responsible to ensure that the amounts of contributions paid by the member or deducted from his pay bills by the Accountant General or the District Accounts Officer, as the case may be, have been received and accounted for in the books of the Foundation.

16. Disposal of residential units.- Subject to provisions of this Act, the Foundation shall dispose of the residential units in favour of its members at the time of their retirement, or in favour of their families in case of death during service:

Provided that in case the number of residential units exceeds the above requirement, the same may be disposed of in favour of other members in the manner as may be prescribed.

17. Location, categorization, allocation and price of residential units. - (1) The housing schemes shall be carried out at locations as may be determined by the Board but initially a scheme shall be started at Lahore 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 his seniority, date of retirement or any other deserving special circumstance.

(3) 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 markup, as may be determined by the Board from time to time.

(5) Possession of a residential unit shall not be delivered unless the price of the unit is paid in full

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

18. Budget and audit. - The budget of the Foundation shall be approved and its accounts shall be audited in the manner as may be prescribed.

19. Directions by Government. - The Foundation shall, in discharging its functions, act and be guided by such directions as the Government may give to it from time to time.

20. Public Servants.- 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 (XLV of 1860)

21. Power to make rules. - Government may make rules for carrying out the purposes of this Act.

22. Power to make regulations. - Subject to the provisions of this Act and the rules, the Board may frame regulations to give effect to the provisions of this Act.

SAEED AHMAD
Acting Secretary