



SENATE SECRETARIAT

Report No. 01

REPORT OF THE SENATE STANDING COMMITTEE ON HOUSING AND WORKS

“THE FEDERAL GOVERNMENT, EMPLOYEES HOUSING AUTHORITY BILL, 2019”

**PRESENTED BY
SENATOR MIR KABEER AHMED MUHAMMAD SHAHI
Chairman
STANDING COMMITTEE ON HOUSING AND WORKS**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON HOUSING AND WORKS ON "THE FEDERAL GOVERNMENT, EMPLOYEES HOUSING AUTHORITY BILL, 2019"

I, Chairman of the Standing Committee on Housing and Works, have the honour to present report on a Bill introduced by Chaudhry Tariq Bashir Cheema, Minister for Housing and Works in the Senate Sitting held on 25th April, 2019 regarding "The Federal Government, Employees Housing Authority Bill, 2019". The Bill was referred by the Chairman Senate to the Standing Committee on Housing and Works for consideration and Report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Mir Kabeer Ahmed Muhammad Shahi	Chairman
2.	Senator Lt. General (R) Salahuddin Tirmizi	Member
3.	Senator Chaudhary Tanvir Khan	Member
4.	Senator Sardar Muhammad Yaqoob Khan Nasar	Member
5.	Senator Mirza Muhammad Afridi	Member
6.	Senator Molana Abdul Ghafoor Haideri	Member
7.	Senator Behramand Khan Tangi	Member
8.	Senator Anwar Lal Dean	Member
9.	Senator Khanzada Khan	Member
10.	Senator Brig. (R) John Kenneth Williams	Member
11.	Senator Sajjad Hussain Turi	Member
12.	Senator Naseebullah Bazai	Member
13.	Senator Dr. Shahzad Waseem	Member
14.	Minister for Housing and Works	Ex-Officio Member

3. The Committee considered the matter in its meetings held on 2nd May and 28th May, 2019, respectively. Final consideration of the Bill was held in the meeting dated 28th May, 2019, under the Chairmanship of Senator Mir Kabeer Ahmed Muhammad Shahi, which was attended by the following members:-

- i. Senator Lt. General (R) Salahuddin Tirmizi
- ii. Senator Chaudhary Tanvir Khan
- iii. Senator Anwar Lal Dean



- iv. Senator Khanzada Khan
- v. Senator Sajjad Hussain Turi
- vi. Senator Shehzad Waseem

4. Chaudhary Tariq Bashir Cheema, Minister for Housing and Works briefed the Committee that the Federal Government Employees Foundation (FGEHF) is a public limited company registered with SECP under Section 42 of Companies Ordinance 1984 operating under auspices of Ministry of Housing & Works. The mandate of FGEHF is to provide affordable residential accommodation to Federal Government employees and other specified groups, on no profit no loss basis, without involving any funds from public exchequer. So far FGEHF has launched five housing schemes and provided approximately 23000 housing units to the FG employees and other specified groups. FGEHF has approximately 150,000 members, which will increase around 1 million with launching of new projects. The justification for establishment of the authority is as under:-

- The jurisdiction of FGEHF extends to whole of Pakistan with current projects at Islamabad/Rawalpindi and Karachi.
- FGEHF is not a regulatory body as per existing Memorandum and Article of Association of FGEHF, thus not vested with the status of authority to accord requisite approvals for its projects.
- FGEHF is in the process of launching new projects under Prime Minister's "Naya Pakistan Housing Programm (NPHP)" in Islamabad and other parts of Pakistan in order to clear the huge backlog, thus extending the jurisdiction to other major cities.
- The launching of NPHP projects may not be feasible on fast track basis without the fact that Housing Foundation has status of Authority.
- The process of land acquisition and securing approvals of layout plans to launch any project is extremely complex and time consuming as dependent on other regulatory bodies (Development Authorities & District Administration). (two major schemes i.e. f 14 & Park enclave pending adjudication in Supreme Court on Land Acquisition issues)
- It is extremely difficult to implement any scheme within the anticipated time frame, because of no controls / authority. The time overrunss thus lead to cost overruns.
- Maintenance of existing schemes not possible without the status of authority, thus the residents are suffering badly because of poor facilities and lack of basic utility services. (The sectors G 13&14, CDA neither performing not allowing FGEHF to provide basic services by collecting requisite revenues & disposal of assets)



5. The Committee held extensive deliberations on the Bill. Senator Lt. General (R) Salahuddin Tirmizi sported the Bill but proposed that there shall be a Governing Body to take policy decisions which may be added by the Minister concerned. Ministry of Housing and works has supported the constitution of Governing body but submitted that due to policy decision of the Government that elected representative should not head any public authority inclusion of minister in the Governing Body may not be feasible.

6. Senator Chaudhary Tanvir Khan objected to the provision of option of audit by the Auditor General of Pakistan or through a firm approved by the Auditor General and proposed that in order to ensure transparency and accountability only the Auditor General of Pakistan shall carryout the audit. The proposal was endorsed by the Committee and the Minister concerned.

7. The Committee proposed further amendments relating to by annual holding of meetings of the Governing Body, approval of budget and audit report by the Governing Body, inclusion of definitions of Governing Body, regulations and Rules, need to specify the 'specified groups' and some other ancillary amendments in the Bill. All amendments were endorsed by the Secretary, Ministry of Housing & Works.

8. In juxtaposition, the Committee recommended as under:-

(i) In Clause 2,

a. after paragraph (e), the following new paragraph shall be inserted and thereafter subsequent paragraphs shall be renumbered accordingly:-

"(f) "Governing Body" means governing body constituted under section 4;"

b. after paragraph (h), as renumbered, the following new paragraphs shall be inserted and subsequent paragraphs shall be renumbered accordingly,-

"(i) "regulations" means regulations made under this Act;

(j) "rules" means rules made under this Act;"

c. After paragraph (l), as renumbered, the following new paragraph shall be added,-

"(m) "Specified groups" means any group as decided by the Governing Body from time to time."



- (ii) After clause 3, the following new clauses shall be inserted and thereafter the subsequent clauses shall be renumbered accordingly.-

"4. Governing Body,- (1) *There shall be a Governing Body consist of the following :-*

- | | |
|--|-----------------------|
| (a) <i>Secretary of the Division concerned with the affairs of the Authority</i> | <i>President</i> |
| (b) <i>Secretary, Cabinet Division</i> | <i>Vice President</i> |
| (c) <i>Secretary, Establishment Division</i> | <i>Member</i> |
| (d) <i>Secretary Law</i> | <i>Member</i> |
| (e) <i>Chief Executive Officer</i> | <i>Member</i> |

(2) *The Chief Executive Officer shall also act as the Secretary of the Governing Body.*

5. Powers, Functions and meetings of the Governing Body,- (1) *Subject to the provisions of this Act, the Governing Body may take such decisions and exercise such powers, as may be necessary for carrying out the purpose of this Act.*

(2) *Without prejudice to the generality of forgoing powers but subject to the provisions of this Act, the Governing Body may:-*

- (i) *Review progress and activities of the authority;*
- (ii) *Lay down policy for guidance of the Executive Board.*
- (iii) *Transact such other business of the authority and as the Executive Board may place before it.*
- (iv) *Consider and approve budget and audit report of the authority.*

(3) *The decision of the Governing Body shall be through majority of its members present and voting. The President shall have casting vote.*

(4) *The President shall preside over meetings and in his absence the meetings shall be presided over by the Vice President:-*

Provided that if the President and the Vice President are unable to preside over the meeting of the Governing Body then any senior member chosen by the members present shall preside the meeting.



(5) *The Governing Body shall meet at least twice a year or as and when required or considered necessary by the President or on the request of Chief Executive Officer.*

(iii) In clause (4) renumbered as clause (6), in sub-clause (1),-

a. In paragraph (g) for the expression "*Joint Secretary*" the expression "*Additional Secretary*" shall be substituted;

b. After paragraph (g), amended as aforesaid, the following new paragraph shall be inserted and thereafter subsequent paragraphs shall be renumbered accordingly,-

"(h) *Managing Director, Pakistan Housing Authority Foundation Member*"

(iv) For clauses (5) and (6) renumbered as (7) and (8), respectively, the following shall be substituted namely,-

" 7. **Powers, Functions and meetings of the Executive Board:-**

(1) *Subject to the provisions of this Act, the Executive Board may take such decisions and exercise such powers, as may be necessary for preparation, planning, approval and development of schemes in the specified area for carrying out the purpose of this Act.*

(2) *Without prejudice to the generality of forgoing powers but subject to local laws, the Executive Board may:-*

(a) *purchase, procure through acquisition under the Land Acquisition Act, 1894 (1 of 1894) or any other prevailing law for the said purpose, as applicable at the site of the scheme, or otherwise any land or property in Islamabad or any part of Pakistan and hold, manage, reclaim and take possession of such land or property, in accordance with law;*

(b) *prepare plan, approve, develop, execute implement, maintain, manage and regulate any scheme in the specified area;*

(c) *accord approval of the layout plans, building plans of the scheme in conformity with the local municipal regulations;*

(d) *accord approval for collection of revenues for maintenance of the scheme and enforcement of regulations made under this Act;*

(e) *enter into contracts, arrangements, joint venture agreements with any person or firm, for preparation, planning, development, execution, implementation and maintenance of schemes in the specified area, for carrying out the purpose of this Act;*

(f) *incur any expenditure and procure land, buildings, plant, machinery, equipment, instrument and necessary materials;*




- (g) *carry out, maintain, arrange, manage and provide all facilities, services and utilities including water, electricity, gas and sewerage in schemes in the specified area;*
 - (h) *impose, vary and recover development charges, transfer fee, service charges, toll or other charges in respect of any land or buildings within any scheme in the specified area;*
 - (i) *lease, purchase, procure, sell, exchange, mortgage, rent out or otherwise dispose of any property vested in the Authority;*
 - (j) *modify, re-plan or cancel any scheme or a part thereof in the specified area;*
 - (k) *do all such acts and deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of residential and commercial property in the schemes in the specified area;*
 - (l) *plan, approve and execute mergers and amalgamation with other housing schemes or cooperative housing societies;*
 - (m) *obtain loan for the purpose of generating capital for its scheme or seek contributions from members of schemes or drives announced and floated by the Authority; and*
 - (n) *receive grants from the Federal Government for the purpose of generating capital for its scheme or seek contributions from members of schemes or drives announced and floated by the Authority.*
 - (o) *Accord approval of launching of schemes for Federal Government employees and other specified groups to be determined by governing body.*
- (3) *The decision of the Executive Board shall be through majority and its quorum shall be simple majority of its members. The Chairman shall have casting vote.*
- (4) *The Chairman shall preside over meetings and in his absence any senior member chosen by the members present shall preside the meeting.*
- (5) *The Executive Board shall meet as and when required or considered necessary by the Chairman or on the request of Chief Executive Officer.*
- (v) In clause (10) renumbered as clause (11), after the expression "*constitute committees*", the expression "*including Finance Committee, Budget and Accounts Committee and such other committees as may be deemed necessary for carrying the functions of the Authority*" shall be inserted.
- (vi) In clause (11), renumbered as clause (12), in sub-clause (4),
- c. For the expression "*Executive Board*", the expression "*Governing Body*" shall be substituted; and
 - d. For the expression "*rules*", the expression "*regulations*" shall be substituted.



- (vii) In clause (11), renumbered as clause (12), in sub-clause (5), the *expression "or through a firm of chartered accountants approved by the Auditor General."* shall be omitted.
- (viii) In clause (12), renumbered as clause (13) after the expression "(I of 1894)", the expression "*or any other prevailing law for the said purpose*" shall be inserted.
- (ix) In clause (19), renumbered as clause (20), for the expression "The Federal Government" the expression "*The Authority may with the approval of the Federal Government*" shall be substituted.

9. Accordingly, the Committee recommends that "The Federal Government, Employees Housing Authority Bill, 2019" as reported by the Committee may be passed by the House. (Copy of Bill as reported by the Committee is annexed as "A" and Bill as introduced in the Senate is annexed as "B").



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MIR KABEER AHMED MUHAMMAD SHAHI)
Chairman
Standing Committee on Housing & Works

[AS REPORTED BY THE STANDING COMMITTEE]

A

Bill

to provide for establishment of Federal Government Employees Housing Authority

WHEREAS it is expedient to establish the Federal Government Employees Housing Authority for the purposes of planning and development of housing schemes for serving and retired Federal Government employees and other specified groups and matters connected therewith and ancillary thereto;

It is hereby enacted as under:-

1. Short title, extent and commencement.- (1) This Act may be called the Federal Government Employees Housing Authority Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise require,-

(a) "Authority" means the Authority established under section 3;

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

(c) "Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under section 8;

(d) "Executive Board" means the Executive Board constituted under section 6;

(e) "Foundation" means the Federal Government Employees Housing Foundation duly registered with the Securities and Exchange Commission of Pakistan;

(f) "Governing Body" means governing body constituted under section 4;

(g) "member" means a member of the Executive Board;

(h) "prescribed" means prescribed by rules or regulations, as the case may be;

(i) "**regulations**" means regulations made under this Act;

(j) "**rules**" means rules made under this Act;

(k) "scheme" means any scheme, plan, facility or project for development of land for residential or commercial purposes undertaken, planned or approved by the Authority including the schemes earlier launched and started by the Foundation before commencement of this Act;

[AS REPORTED BY THE STANDING COMMITTEE]

A

Bill

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WHEREAS it is expedient to establish the Federal Government Employees Housing Authority for the purposes of planning and development of housing schemes for serving and retired Federal Government employees and other specified groups and matters connected therewith and ancillary thereto;

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(h) "prescribed" means prescribed by rules or regulations, as the case may be;

(i) "**regulations**" means regulations made under this Act;

(j) "**rules**" means rules made under this Act;

(k) "scheme" means any scheme, plan, facility or project for development of land for residential or commercial purposes undertaken, planned or approved by the Authority including the schemes earlier launched and started by the Foundation before commencement of this Act;

(l) "specified area" means all lands owned, purchased, acquired or procured by or vested in or leased to the Foundation under any law before the commencement of this Act and such other land as may be purchased or procured or acquired or vested in or leased to the Authority in Islamabad Capital Territory or other parts of Pakistan; and

(m) "specified groups" means any group as decided by the Governing Body from time to time.

3. Authority.— (1) The Federal Government shall, by notification in the official Gazette, establish the Federal Government Employees Housing Authority, within thirty days of the commencement of this Act.

(2) The Authority shall be a body corporate having perpetual succession and common seal with power to purchase, procure through acquisition or otherwise, land as well movable and immovable properties and assets with the object to hold, possess, sell, lease, transfer, exchange any property including landed property and to regulate the schemes undertaken by it in the specified area.

(3) The head office of the Authority shall be at Islamabad. The Authority may establish regional offices in other parts of Pakistan with the approval of Executive Board.

(4) The Authority shall also be the local authority in the specified area and shall be responsible for all public services and facilities.

(5) While making or arranging, planning, designing and executing a scheme in specified area, adherence to local municipal regulations and master plan of the concerned district shall be ensured.

4. Governing Body.— (1) There shall be a Governing Body consisting of the following :-

(a) Secretary of the Division concerned with the affairs of the Authority	<i>President</i>
(b) Secretary, Cabinet Division	<i>Vice President</i>
(c) Secretary, Establishment Division	<i>Member</i>
(d) Secretary Law and Justice Division	<i>Member</i>
(e) Chief Executive Officer	<i>Member</i>

(2) The Chief Executive Officer shall also act as the Secretary of the Governing Body.

5. Powers, Functions and meetings of the Governing Body,- (1) Subject to the provisions of this Act, the Governing Body may take such decisions and exercise such powers, as may be necessary for carrying out the purpose of this Act.

(2) Without prejudice to the generality of forgoing powers but subject to the provisions of this Act, the Governing Body may:-

- (a) Review progress and activities of the Authority;
- (b) Lay down policy for guidance of the Executive Board.
- (c) Consider and approve budget and audit report of the Authority.
- (d) Transact such other business of the Authority and as the Executive Board may place before it.

(3) The decision of the Governing Body shall be through majority of its members present and voting. The President shall have casting vote.

(4) The President shall preside over meetings and in his absence the meetings shall be presided over by the Vice President:

Provided that if the President and the Vice President are unable to preside over the meeting of the Governing Body then any senior member chosen by the members present, shall preside the meeting.

(5) The Governing Body shall meet at least twice a year or as and when required or considered necessary by the President or on the request of Chief Executive Officer.

6. **Executive Board.-** (1) The general administration, supervision and control of the affairs of the Authority shall vest in the Executive Board, which shall consist of;-

- | | |
|---|-----------------|
| (a) Secretary of the Division concerned with the affairs of the Authority | <i>Chairman</i> |
| (b) Additional Secretary, Cabinet Division | <i>Member</i> |
| (c) Additional Secretary, Ministry of Interior | <i>Member</i> |
| (d) Additional Secretary, Finance Division | <i>Member</i> |
| (e) Additional Secretary, Establishment Division | <i>Member</i> |
| (f) Draftsman Law and Justice Division | <i>Member</i> |

- | | | |
|-----|--|---------------|
| (g) | Additional Secretary of the Division concerned with the affairs of the Authority | <i>Member</i> |
| (h) | Managing Director, Pakistan Housing Authority Foundation | <i>Member</i> |
| (i) | Director General, Pakistan Public Works Department | <i>Member</i> |
| (j) | Chief Commissioner, Islamabad Capital Territory | <i>Member</i> |
| (k) | Chairman, Capital Development Authority Islamabad | <i>Member</i> |
| (l) | Chief Executive Officer | <i>Member</i> |

(2) The Chief Executive Officer shall also act as the Secretary of the Executive Board.

7. Powers, Functions and Meetings of the Executive Board.- (1) Subject to the provisions of this Act, the Executive Board may take such decisions and exercise such powers, as may be necessary for preparation, planning, approval and development of schemes in the specified area for carrying out the purposes of this Act.

(2) Without prejudice to the generality of forgoing powers but subject to local laws, the Executive Board may:-

- (a) purchase, procure through acquisition under the Land Acquisition Act, 1894 (I of 1894) or any other prevailing law for the said purpose, as applicable at the site of the scheme, or otherwise any land or property in Islamabad or any part of Pakistan and hold, manage, reclaim and take possession of such land or property, in accordance with law;
- (b) prepare plan, approve, develop, execute, implement, maintain, manage and regulate any scheme in the specified area;
- (c) accord approval of the layout plans, building plans of the scheme in conformity with the local municipal regulations;
- (d) accord approval for collection of revenues for maintenance of the scheme and enforcement of regulations made under this Act;

- (e) enter into contracts, arrangements, joint venture agreements with any person or firm, for preparation, planning, development, execution, implementation and maintenance of schemes in the specified area, for carrying out the purposes of this Act;
- (f) incur any expenditure and procure land, buildings, plant, machinery, equipment, instrument and necessary materials;
- (g) carry out, maintain, arrange, manage and provide all facilities, services and utilities including water, electricity, gas and sewerage for schemes in the specified area;
- (h) impose, vary and recover development charges, transfer fee, service charges, toll or other charges in respect of any land or buildings within any scheme in the specified area;
- (i) lease, purchase, procure, sell, exchange, mortgage, rent out or otherwise dispose of any property vested in the Authority;
- (j) modify, re-plan or cancel any scheme or a part thereof in the specified area;
- (k) do all such acts and deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of residential and commercial property in the schemes in the specified area;
- (l) plan, approve and execute mergers and amalgamation with other housing schemes or cooperative housing societies;
- (m) obtain loan for the purpose of generating capital for its scheme or seek contributions from members of the schemes or drives announced and floated by the Authority;
- (n) receive grants from the Federal Government for the purpose of generating capital for its scheme or seek contributions from members of schemes or drives announced and floated by the Authority; and
- (o) Accord approval of launching of schemes for Federal Government employees and other specified groups to be determined by governing body.

(2) The decision of the Executive Board shall be made through majority and its quorum shall be simple majority of its members. The Chairman shall have casting vote.

(3) The Chairman shall preside over meetings and in his absence any senior member chosen by the members present shall preside the meeting.

(4) The Executive Board shall meet as and when required or considered necessary by the Chairman or on the request of Chief Executive Officer.

8. Chief Executive Officer.- (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Federal Government. The qualification, terms and conditions etc., of the Chief executive Officer shall be such as may be prescribed by rules.

(2) The Chief Executive Officer shall exercise such powers and perform such functions as may be prescribed by regulations.

9. Appointment of officers and officials.- (1) The Executive Board may, in such manner and on such terms and conditions as may be prescribed by regulations, appoint such officers, employees, staff, experts, consultants and advisors as may be necessary for purposes of this Act.

(2) On the winding up of the Foundation all officers and employees thereof shall become the employees of the Authority on the terms and conditions as may be prescribed which shall not be less favorable than the terms and conditions being availed by them in the Foundation on commencement of this Act.

10. Delegation of powers.- Subject to this Act, the Executive Board and the Chief Executive Officer may, by order in writing, delegate to any officer of the Authority any of its or his powers to perform such functions and duties as may be specified in the order.

11. Committees.- The Executive Board may, by order, constitute committees including Finance Committee, Budget and Accounts Committee and such other committees as may be deemed necessary for carrying the functions of the Authority and assign to them such specific functions for efficient performance of the Authority. The committees shall perform the functions in the manner specified in the order.

12. Funds of Authority.- (1) There shall be a fund known as the Federal Government Employees Housing Authority Fund, which shall vest in the Authority

(2) The following shall be the sources of the Fund, namely:-

- (a) all moneys received from the members of the Authority;
- (b) all grants from the Federal or Provincial Governments;
- (c) transfer fees, services charges, penalties, etc;
- (d) any donation or other sum of money received by the Authority shall be credited in the fund.

(3) The fund shall be kept in the scheduled banks and shall be utilized, spent and regulated in such manner as may be prescribed by regulations.

(4) The budget of the Authority shall be approved by the **Governing Body** and its accounts shall be maintained and audited in such manner as may be prescribed by the **regulations**.

(5) The annual audit of the Authority shall be conducted by the Auditor General of Pakistan.

13. Acquisition of land.- Acquisition of any land or any interest in land for the purpose of Authority shall be deemed to be an acquisition for public purpose within the meaning of the applicable Land Acquisition Act, 1894 (I of 1894) or **any other prevailing law for the said purpose.**

14. Power to cancel allotment.- (1) The Chief Executive Officer may cancel or revoke or rescind any allotment, transfer, license, lease or agreement on the recommendation of a committee constituted by the Executive Board.

(2) An appeal from an order under sub-section (1) shall lie before the Executive Board. When the Executive Board is deciding the appeal the Chief Executive Officer shall not participate in the proceedings.

15. Encroachments.- (1) If a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transferee, licensee or lessee in the specified area, he shall be liable to punishment of imprisonment which may extend to two years or fine which may extend to five hundred thousand Rupees or both.

(2) The Magistrate of the first class shall conduct summary trial of an offence under sub section (1) and pass any sentence provided in that sub section in accordance with the provisions of Chapter XII of the Code of Criminal Procedure, 1898 (Act V of 1898) on the complaint filed by an officer of the Authority authorized under the regulations.

(3) If a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transferee, licensee or lessee in the specified area, the Magistrate may, during or on conclusion of trial under sub section (2) but subject to the final decision of the Civil Court, order the police to forthwith remove encroachment or dispossess the illegal possessor.

16. Violation of building regulations.- If a person violates the building regulations in the specified area, the Authority may, in the prescribed manner, direct the person to remove the structure or part of the structure or pay fine to the Authority which may be fixed in the regulations for each category of violation.

17. Transfer and savings.- On the commencement of this Act;

- (a) all assets, rights, powers, authorities and privileges and all property, movable and immovable, bank balance, bank account, reserve funds, investment and all other interests and rights in or arising out of such property and all liabilities and obligations of whatever kind of Foundation, established before this Act, shall stand transferred to and vested in the Authority;
- (b) all contracts and agreements entered into, all rights acquired and all matters and things agreed to be done by the Foundation and obligations incurred shall be deemed to have been entered into, acquired or agreed to be done by the Authority;
- (c) all contracts, projects, schemes, work, whether in progress or not and all guarantees undertaken, obligation, liabilities executed or subsisting in the name of the Foundation shall be deemed to be contracts, projects, schemes, work, guarantees, undertakings, rights, obligations, liabilities of the Authority;
- (d) all land owned, purchased, acquired or procured and developed by the Foundation shall be deemed to be the property of the Authority;
- (e) all leases executed in the name of the Foundation before commencement of this Act shall be deemed to be leases executed in the name of the Authority;
- (f) all suits, appeals, petitions or legal proceedings by or against the Foundation shall be deemed to be suits, appeals, petitions or legal proceedings by or against the Authority;
- (g) all allotments and transfer of plots, whether residential or commercial, made by the Foundation shall be deemed to be allotments and transfers made by the Authority;

- (h) all pending disputes or matters, if any, before the Foundation shall stand transferred to Authority and shall be decided by the Chief Executive Officer and any aggrieved party shall have the right to appeal before the Executive Board within ninety day;
- (i) all bylaws, policies and regulations in force immediately before commencement of this Act shall continue to remain in force until altered amended or repealed; and
- (j) notwithstanding anything mentioned herein before, all and every rights and obligations of Foundation shall stand transferred to the Authority and Foundation shall be wound up in accordance with law.

18. Appeal.- Any person aggrieved by any order passed by Chief Executive Officer in respect to his rights in relation to any plot, built up or otherwise, may file an appeal before the Executive Board within ninety days of such order. Such appeal shall be decided by the Executive Board excluding the Chief Executive Officer, who passed such order.

19. Overriding effect.- The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

20. Power to make rules.- The Authority may with the approval of the Federal Government, by notification in the official Gazette, make rules to carry out the purpose of this Act.

21. Power to make regulations.- The Executive Board may make regulations, not inconsistent with the rules, to give effect to the provisions of this Act.

22. Recovery as arrears of land revenue.- If a person fails to pay any amount due to the Authority, the Collector shall, on the request in writing of the Authority, recover the amount as arrears of land revenue.

23. Validation.- All actions done or taken by the Foundation, before the commencement of this Act, shall be deemed to have been validly done or have been taken under this Act to the extent they are consistent with the provisions of this Act.

24. Removal of difficulty.- If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may give such directions, consistent with the provisions of this Act, as it may consider necessary for removal of such difficulty.

A

Bill

to provide for establishment of Federal Government Employees Housing Authority

WHEREAS it is expedient to establish the Federal Government Employees Housing Authority for the purposes of planning and development of housing schemes for serving and retired Federal Government employees and other specified groups and matters connected therewith and ancillary thereto;

It is hereby enacted as under:-

1. **Short title, extent and commencement.**— (1) This Act shall be called the Federal Government Employees Housing Authority Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless the context otherwise requires,-

- (a) "Authority" means the Authority established under section 3;
- (b) "Chairman" means Chairman of the Executive Board of the Authority;
- (c) "Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under section 7;
- (d) "Executive Board" means the Executive Board constituted under section 4;
- (e) "Foundation" means the Federal Government Employees Housing Foundation duly registered with the Securities and Exchange Commission of Pakistan;
- (f) "member" means a member of the Executive Board;
- (g) "prescribed" means prescribed by rules or regulations, as the case may be;
- (h) "scheme" means any scheme, plan, facility or project for development of land for residential or commercial purposes undertaken, planned or approved by the Authority including the schemes earlier launched and started by the Foundation before commencement of this Act; and
- (i) "specified area" means all lands owned, purchased, acquired or procured by or vested in or leased to the Foundation under any law before the commencement of this Act and such other land as may be purchased or procured or acquired or vested in or leased to the Authority in Islamabad Capital Territory or other parts of Pakistan.

3. **Authority.**— (1) The Federal Government shall, by notification in the official Gazette, establish the Federal Government Employees Housing Authority, within thirty days of the commencement of this Act.

(2) The Authority shall be a body corporate having perpetual succession and common seal with power to purchase, procure through acquisition or otherwise, land as well movable and immovable properties and assets with the object to hold, possess, sell, lease, transfer, exchange any property including landed property and to regulate the schemes undertaken by it in the specified area.

(3) The head office of the Authority shall be at Islamabad. The Authority may establish regional offices in other parts of Pakistan with the approval of Executive Board.

(4) The Authority shall also be the local authority in the specified area and shall be responsible for all public services and facilities.

(5) While making or arranging, planning, designing and executing a scheme in specified area, adherence to local municipal regulations and master plan of the concerned district shall be ensured.

4. Executive Board.- (1) The general administration, supervision and control of the affairs of the Authority shall vest in the Executive Board, which shall consist of—

(a) Secretary of the Division to which business of the Authority stands allocated	<i>Chairman</i>
(b) Additional Secretary, Cabinet Division	<i>Member</i>
(c) Additional Secretary, Interior Division	<i>Member</i>
(d) Additional Secretary, Finance Division	<i>Member</i>
(e) Additional Secretary, Establishment Division	<i>Member</i>
(f) Draftsman, Law and Justice Division	<i>Member</i>
(g) Joint Secretary of the Division to which business of the Authority stands allocated	<i>Member</i>
(h) Director General, Pakistan Public Works Department	<i>Member</i>
(i) Chief Commissioner, Islamabad Capital Territory	<i>Member</i>
(j) Chairman, Capital Development Authority	<i>Member</i>
(k) Chief Executive Officer	<i>Member</i>

(2) The Chief Executive Officer shall also act as Secretary of the Executive Board.

5. Functions of the Executive Board.- (1) The Executive Board shall—

- (a) formulate policies and accord approval for launching of schemes for Federal Government employees and other specified groups to be determined by Executive Board;
- (b) approve the budget and audited accounts of the Authority;
- (c) approve such transactions and businesses as deemed fit, just and fair and issue directions in this regard; and
- (d) review progress and activities of the Authority.

(2) The decision of Executive Board shall be through majority and its quorum shall be simple majority of its members. The Chairman shall have casting

vote. The Chairman shall preside over meetings and in his absence any senior member chosen by the Executive Board may preside the meeting.

(3) The Executive Board shall meet as and when required or considered necessary by the Chairman or on the request of Chief Executive Officer.

6. Powers of the Executive Board.— (1) Subject to local laws and provisions of this Act, the Executive Board may take such decisions and exercise such powers, as may be necessary for preparation, planning, approval and development of schemes in the specified area for carrying out the purpose of this Act.

(2) Without prejudice to the generality of forgoing powers but subject to local laws, the Executive Board may—

- (a) purchase, procure through acquisition under the Land Acquisition Act, 1894 (I of 1894), as applicable at the site of the scheme or otherwise any land or property in Islamabad or any part of Pakistan and hold, manage, reclaim and take possession of such land or property in accordance with law;
- (b) prepare plan, approve, develop, execute, implement, maintain, manage and regulate any scheme in the specified area;
- (c) accord approval of the layout plans, building plans of the scheme in accordance with local municipal regulations;
- (d) accord approval for collection of revenues for maintenance of the scheme and enforcement of regulations;
- (e) enter into contracts, arrangements, joint venture agreements with any person or firm, for preparation, planning, development, execution, implementation and maintenance of schemes in the specified area, for carrying out the purpose of this Act;
- (f) incur any expenditure and procure land, buildings, plant, machinery, equipment, instrument and necessary materials;
- (g) carry out, maintain, arrange, manage and provide all facilities, services and utilities including water, electricity, gas and sewerage in schemes in the specified area;
- (h) impose, vary and recover development charges, transfer fee, service charges, toll or other charges in respect of any land or buildings within any scheme in the specified area;
- (i) lease, purchase, procure, sell, exchange, mortgage, rent out or otherwise dispose of any property vested in the Authority;
- (j) modify, re-plan or cancel any scheme or a part thereof in the specified area;
- (k) apply and seek acquisition of land through Government, in accordance with relevant law in Islamabad Capital Territory including areas under control of Capital Development Authority or any part of Pakistan;
- (l) do all such acts and deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of residential and commercial property in the schemes in the specified area;
- (m) plan, approve and execute mergers and amalgamation with other housing schemes or cooperative housing societies;
- (n) obtain loan for the purpose of generating capital for its scheme or seek contributions from members of schemes or drives announced and floated by the Authority; and

- (o) receive grants from the Federal Government for the purpose of generating capital for its scheme or seek contributions from members of schemes or drives announced and floated by the Authority.

7. Chief Executive Officer.- (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Federal Government. The qualifications, terms and conditions etc. of the Chief Executive Officer shall be such as may be prescribed by regulations.

(2) The Chief Executive Officer shall exercise such powers and perform such functions as may be prescribed by regulations.

8. Appointment of officers and officials.- (1) The Executive Board may, in such manner and on such terms and conditions as may be prescribed by regulations, appoint such officers, employees, staff, experts, consultants and advisers as may be necessary for purposes of this Act.

(2) On the winding up of the Foundation, all officers and employees thereof shall become the employees of the Authority on the terms and conditions as may be prescribed which shall not be less favorable than the terms and conditions being availed by them in the Foundation on commencement of this Act.

9. Delegation of powers.- Subject to this Act, the Executive Board and the Chief Executive Officer may, by order in writing, delegate to any officer of the Authority any of its or his powers to perform such functions and duties as may be specified in the order.

10. Committees.- The Executive Board may, by order, constitute committees and assign thereto such specific task for efficient performance of the Authority. The committee shall perform its tasks in the manner specified in the order.

11. Funds of Authority.- (1) There shall be a fund known as the Federal Government Employees Housing Authority Fund, which shall vest in the Authority.

(2) The following shall be the sources of the Fund, namely:-

- (a) all moneys received from members of the Authority;
- (b) all grants from the Federal or Provincial Governments;
- (c) transfer fees, service charges, penalties, etc;
- (d) any donation or other sum of money received by the Authority shall be credited in the fund.

(3) The fund shall be kept in a scheduled bank and shall be utilized, spent and regulated in such manner as may be prescribed by regulations.

(4) The budget of the Authority shall be approved by the Executive Board and its accounts shall be maintained and audited in such manner as may be prescribed by rules.

(5) The annual audit of the Authority shall be conducted by the Auditor General for Pakistan or through a firm of chartered accountants approved by the Auditor General.

12. Acquisition of land.- Acquisition of any land or any interest in land for the purpose of the Authority shall be deemed to be an acquisition for public purpose within the meaning of the applicable Land Acquisition Act, 1894 (I of 1894).

13. Power to cancel allotment.- (1) The Chief Executive Officer may cancel or revoke or rescind any allotment, transfer, licence, lease or agreement on the recommendation of a committee constituted by the Executive Board.

(2) An appeal from an order under sub-section (1) shall lie before the Executive Board. When the Executive Board is deciding the appeal, the Chief Executive Officer shall not participate in the proceedings.

14. Encroachments.- (1) If a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transferee, licensee or lessee in the specified area, he shall be liable to punishment of imprisonment which may extend to two years or fine which may extend to five hundred thousand Rupees or both.

(2) The Magistrate of the first class shall conduct summary trial of an offence under sub-section (1) and pass any sentence provided in that sub-section (1) in accordance with the provisions of Chapter XII of the Code of Criminal Procedure, 1898 (Act V of 1898) on the complaint filed by an officer of the Authority authorized under the regulations.

(3) If a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transferee, licensee or lessee in the specified area, the Magistrate may, during or on conclusion of trial under sub-section (2) but subject to the final decision of the civil court, order the police to forthwith remove encroachment or dispossess the illegal possessor.

15. Violation of building regulations.- If a person violates the building regulations in the specified area, the Authority may, in the prescribed manner, direct the person to remove the structure or part of the structure or pay fine to the Authority which may be fixed in the regulations for each category of violation.

16. Transfer and savings.- On commencement of this Act,-

- (a) all assets, rights, powers, authorities and privileges and all property, movable and immovable, bank balance, bank accounts, reserve funds, investments and all other interests and rights in or arising out of such property and all liabilities and obligations of whatever kind of the Foundation, established before this Act, shall stand transferred to and vested in the Authority;
- (b) all contracts and agreements entered into, all rights acquired and all matters and things agreed to be done by the Foundation and obligations incurred shall be deemed to have been entered into, acquired or agreed to be done by the Authority;
- (c) all contracts, projects, schemes, work, whether in progress or not and all guarantees undertaken, obligations, liabilities executed or subsisting in the name of the Foundation shall be deemed to be contracts, projects, schemes, work, guarantees, undertakings, rights, obligations, liabilities of the Authority;
- (d) all land owned, purchased, acquired or procured and developed by the Foundation shall be deemed to be the property of the Authority;

- (e) all leases executed in the name of the Foundation before executed in the name of the Authority;
- (f) all suits, appeals, petitions or legal proceedings by or against the Foundation shall be deemed to be suits, appeals, petitions or legal proceedings by or against the Authority;
- (g) all allotments and transfer of plots, whether residential or commercial, made by the Foundation shall be deemed to be allotments and transfers made by the Authority;
- (h) all pending disputes or matters, if any, before the Foundation shall stand transferred to the Authority and shall be decided by the Chief Executive Officer and any aggrieved party shall have the right to appeal before the Executive Board within ninety days;
- (i) all bye-laws, policies and regulations in force immediately before commencement of this Act shall continue to remain in force until altered, amended or repealed; and
- (j) notwithstanding anything mentioned herein before, all and every rights and obligations of the Foundation shall stand transferred to the Authority and Foundation shall be wound up in accordance with law.

17. Appeal.— Any person aggrieved by any order passed by the Chief Executive Officer in respect to his rights in relation to any plot, built up or otherwise, may file an appeal before the Executive Board within ninety days of such order. Such appeal shall be decided by the Executive Board excluding the Chief Executive Officer, who passed such order.

18. Overriding effect.— The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

19. Power to make rules.— The Federal Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act.

20. Power to make regulations.— The Executive Board may make regulations, not inconsistent with the rules, to give effect to the provisions of this Act.

21. Recovery as arrears of land revenue.— If a person fails to pay any amount due to the Authority, the Collector shall, on the request in writing of the Authority, recover the amount as arrears of land revenue.

22. Validation.— All actions done or taken by the Foundation, before commencement of this Act, shall be deemed to have been validly done or have been taken under this Act to the extent they are consistent with the provisions of this Act.

23. Removal of difficulty.— If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may give such directions, consistent with the provisions of this Act, as it may consider necessary for removal of such difficulty.

F.No.1(98)/2018-HF/L
Government of Pakistan
Ministry of Housing & Works

STATEMENT OF OBJECTS AND REASONS

1. Introduction:

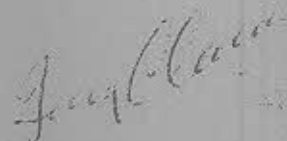
Federal Government Employees Housing Foundation (FGEHF) is a public limited company registered with SECP under Section 42 of Companies Ordinance 1984 operating under auspices of Ministry of Housing & Works. The mandate of FGEHF is to provide affordable residential accommodation to Federal Government employees and other specified groups, on no profit no loss basis, without involving any funds from public exchequer. So far FGEHF has launched five housing schemes and provided approximately 23000 housing units to the FG employees and other specified groups. FGEHF has approximately 150,000 members, which will increase around 1 million with launching of new projects.

2. Justification to establish FGEH Authority:

- The jurisdiction of FGEHF extends to whole of Pakistan with current projects at Islamabad/Rawalpindi and Karachi.
- FGEHF is not a regulatory body as per existing Memorandum and Article of Association of FGEHF, thus not vested with the status of authority to accord requisite approvals for its projects.
- FGEHF is in the process of launching new projects under Prime Minister's "Naya Pakistan Housing Programme (NPHP)" in Islamabad and other parts of Pakistan in order to clear the huge backlog, thus extending the jurisdiction to other major cities.
- The launching of NPHP projects may not be feasible on fast track basis without the fact that Housing Foundation has status of Authority.
- The process of land acquisition and securing approvals of layout plans to launch any project is extremely complex and time consuming as dependent on other regulatory bodies (Development Authorities & District Administration).
(Two major schemes i.e. F 14 & Park enclave pending adjudication in Supreme Court on Land Acquisition issues)

- It is extremely difficult to implement any scheme within the anticipated time frame, because of no controls / authority. The time overruns thus lead to cost overruns.
- Maintenance of existing schemes not possible without the status of authority, thus the residents are suffering badly because of poor facilities and lack of basic utility services. (The sectors G 13 & 14, CDA neither performing nor allowing FGEHF to provide basic services by collecting requisite revenues & disposal of assets)

3. Therefore, there is an urgent need of a body to expedite the projects on fast track basis by establishing a one window facility through legislation, so as to address the above narrated issues.


Minister-In-Charge