



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 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 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]

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