

THE PUNJAB GOVERNMENT SERVANTS HOUSING FOUNDATION ACT 2004

(X of 2004)

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TEXT

**¹THE PUNJAB GOVERNMENT SERVANTS HOUSING FOUNDATION ACT
2004**

(X of 2004)

[10th 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 ²[or plots] on no profit no loss basis to Government servants ³[* * *], 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 relations 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;

¹This Act was passed by the Punjab Assembly on 23 February 2004; assented to by the Governor of the Punjab on 9 March 2004; and, published in the Punjab Gazette (Extraordinary), dated 10 March 2004, pages 717 to 720.

²Inserted by the Punjab Government Servant Housing Foundation (Second Amendment) Act, 2012 (Act I of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 1953-1954, s.2.

³The expression “on their retirement,” was omitted by the Punjab Government Servants Housing Foundation (Amendment) Act 2018 (XXII of 2018), published in the Punjab Gazette (Extraordinary), dated: 24 May 2018, pp. 8139-8140 s. 2.

- Punjab;
- | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| (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, ⁶ [including at least one female civil servant] 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 ⁷ [including at least one woman] 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 take such measures as may be necessary for carrying out the purposes of this Act, including—

⁶Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014); and published in the Punjab Gazette (Extraordinary), dated 12.3.2014, pages 2733-2744, s.2 and Schedule, at serial NO.43.

⁷Inserted *ibid*.

- (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, wherever necessary, within the Province of the Punjab;
- (c) to develop the land for the purpose of setting up ⁸[housing schemes with provisions for houses or plots, commercial area] 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 ⁹[to establish housing schemes for] 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.

⁸Substituted for the words “residential colonies and units with provisions for market” by the Punjab Government Servant Housing Foundation (Second Amendment) Act, 2012 (Act I of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 1953-1954, s.4.

⁹Substituted for the words “in order to construct houses, flats, quarters or dwelling for ultimate transfer to” by the Punjab Government Servant Housing Foundation (Second Amendment) Act, 2012 (Act I of 2013) ; and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 1953-1954, s.4.

(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 organizations;

(c) such loans and advances as may be obtained from financial institutions with the help of the 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) 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.

¹⁰[**14. Termination of membership.**— (1) The Managing Director of the Foundation may, in the prescribed manner and after affording an opportunity of hearing, terminate the membership of a Government servant.

(2) Any person aggrieved from an order passed under sub-section (1) may, within thirty days from the date of the communication of the order, file representation against the order before the Board and the Board shall pass appropriate orders on such representation after giving the aggrieved person an opportunity of being heard.]

¹⁰Substituted by the Punjab Government Servant Housing Foundation (Second Amendment) Act, 2012 (Act I of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 1953-1954, s.5.

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 ¹¹[salary] 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 ¹²[salary] 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 ¹³[houses or plots]– Subject to provisions of this Act, the Foundation shall dispose of the ¹⁴[houses or plots] in favour of its members at the time of their retirement, or in favour of their families in case of death during service:

¹⁵[Provided that in case the number of houses or plots exceeds the above requirement, they may be disposed of, in the prescribed manner, in favour of the serving members who are not less than fifty eight years of age.]

¹⁶[**17. Location etc. of houses and plots.–** (1) The housing schemes shall be carried out at locations as may be determined by the Board and a member may be given three options of preference of the locations of his choice.

(2) The Board shall allocate a house or plot to a member depending upon his option and entitlement on the basis of seniority, date of retirement or any other deserving circumstance.

(3) The Board shall determine price of a house or plot in a housing scheme.

(4) The Foundation shall annually update all payments made by a member.

(5) The Foundation shall not allot a house or plot to a member unless the member has paid in full the price of the house or plot before draw.]

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.

¹¹Substituted *ibid.*, s.6, for the words “pay bills”.

¹²Substituted *ibid.*

¹³Substituted for the words “residential units” by the Punjab Government Servant Housing Foundation (Second Amendment) Act, 2012 (Act I of 2013) ; and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 1953-1954, s.7.

¹⁴Substituted *ibid.*

¹⁵Substituted by the Punjab Government Servants Housing Foundation (Amendment) Act 2018 (XXII of 2018), published in the Punjab Gazette (Extraordinary), dated: 24 May 2018, pp. 8139-8140 s. 3.

¹⁶Substituted *ibid.*, s.8.

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.