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**THE DEFENCE HOUSING AUTHORITY LAHORE,
ORDINANCE, 1999**

(LI of 1999)

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TEXT

THE DEFENCE HOUSING AUTHORITY LAHORE, ORDINANCE, 1999
(LI of 1999)

[29th September, 1999]

An
Ordinance

to establish the Defence Housing Authority Lahore²

Preamble.— Whereas it is expedient to establish the Defence Housing Authority Lahore;

And whereas the Provincial Assembly of the Punjab is not in session and the Governor of the Punjab is satisfied that immediate action is necessary;

Now, therefore, in exercise of the powers conferred upon him under Article 128 of the Constitution the Governor of the Punjab is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.— (1) This Ordinance may be called the Defence Housing Authority Lahore, Ordinance, 1999.

(2) It shall come into force at once and shall be deemed to have taken effect on the day the Defence Housing Authority Lahore, Ordinance, 1999 (XXXI of 1999) stands repealed³ under Article 128(2) of the Constitution.

2. Establishment of the Authority.— (1) There shall be established an Authority to be known as the Defence Housing Authority Lahore.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire and hold property and to enter into contracts, and may by the said name sue and be sued.

3. Management.— (1) The general direction and administration of the affairs of the Authority shall vest in the Governing Body which shall consist of the Corps Commander Lahore; the President Executive Board; the Administrator; the Secretaries to the Government of the Punjab in the Law, Finance and Housing Departments or their nominees not below the rank of Additional Secretary, and the Secretary of the Authority as members.

(2) The Corps Commander Lahore, and the President Executive Board shall be, the Chairman and the Vice Chairman of the Governing Body respectively.

¹It was Promulgated by the Governor on 26 September 1999; published in the Punjab Gazette, (Extraordinary), dated 29 September 1999, pp. 1369-72. Under Article 4 of the Provisional Constitution (Amendment) Order 1999 (9 of 1999), it will remain in force notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

²The word, comma and figure "Ordinance, 1999" are extra printed in the Gazette.

³It stood repealed on 2 October 1999.

(3) There shall be an Executive Board consisting of the GOC 11 Division; the Administrator of the Authority; one Coopted Member to be appointed by the Governing Body; and the Secretary of the Authority as members.

(4) The GOC 11 Division shall be the President of the Board.

(5) The Executive Board shall subject to the control of the Governing Body exercise all powers and do all acts and things which may be exercised or done by the Authority.

(6) No act or proceedings of the Governing Body or the Executive Board shall be invalid merely by reason of any vacancy in or defect in the constitution thereof.

4. Administrator.— (1) There shall be an Administrator of the Authority who shall be appointed in such manner and shall perform such functions as may be prescribed.

(2) Subject to the provisions of sub-section (1), the Vice Chairman of the Society holding office as such immediately before the establishment of the Authority under this Ordinance shall be the first Administrator of the Authority.

5. Delegation of Powers.— The Governing Body, the Executive Board and the Administrator may delegate to any person all or any of their functions including their delegated functions under this Ordinance.

6. Committees.— The Authority may constitute such Committees as may be necessary for the efficient performance of its functions and assign to such Committees such functions as it may deem necessary.

7. Functions of the Authority.— The Authority may do all such acts and things as may be necessary for the planning and development of and for providing and regulating housing facilities in the area notified by the Government.

8. Authority Fund.— (1) There shall be a fund to be known as the “Defence Housing Authority Lahore Fund” which shall vest in the Authority and to which shall be credited all moneys received by the Authority.

(2) The fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.

9. Budget, Audit and Accounts.— The budget of the Authority shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.

10. Recovery of sums due to the Authority.— Any sum payable to the Authority shall be recoverable as arrears of land revenue.

11. Acquisition of land.— The acquisition of any land or any interest in land for the purposes of the Authority shall be deemed to be an acquisition for a “public purpose” within the meaning of the Land Acquisition Act, 1894 (I of 1894) ⁴[.]

⁴Misprinted in the Gazette.

12. Appointment of officers, staff etc.– The Authority may appoint such persons in its service as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

13. Employees to be public servants.– All persons acting or purporting to act in pursuance of any provisions of this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Pakistan penal Code 1860.

14. Conversion of property to a different use.– Any conversion of property to a different use or purpose than the one provided under a scheme prepared by the Authority by a person without the previous approval of the Authority in writing, shall be punishable with fine which may extend to two thousand rupees per day from the date of its conversion till the default continues or with imprisonment for a term which may extend to six months or with both.

15. Removal of building, etc., erected or used in contravention of this Ordinance.– (1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Ordinance or any rules, regulations or orders made thereunder, the Authority or any person authorised by it in this behalf, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or alter the building, structure or work or to use it in such manner as may bring such erection, construction or use in accordance with the provisions of this Ordinance.

(2) If an order under sub-section (1), in respect of any building, structure, work or land is not complied with within such time, as may be specified therein, the Authority or any person authorised by it in this behalf may, after giving the person concerned an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land and in so doing, may use such force as may be necessary and may also recover the cost thereof from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

16. Rules.– The Authority may with the approval of the Government may make rules for carrying out the purposes of this Ordinance.

17. Regulations.– The Authority may make regulations not inconsistent with this Ordinance and the rules, for carrying out the purposes of this Ordinance.

18. Dissolution of the Society, etc.– Upon the establishment of the Authority the Lahore Cantt Cooperative Housing Society Limited Lahore registered under the Cooperative Societies Act 1925 (VII of 1925) and all bodies constituted thereunder shall stand dissolved and upon such dissolution–

- (a) all persons in the service of the said Society shall stand transferred for service under the Authority on the same terms and conditions as were applicable to them immediately before their transfer to the Authority;
- (b) all assets and liabilities of the said Society shall become the assets and liabilities of the Authority; and

- (c) all by-laws of the said Society in force immediately before the dissolution of the said Society shall continue in force until altered or repealed by rules or regulations made under this Ordinance.

19. Removal of Difficulties.— If any difficulty arises in giving effect to any provision of this Ordinance, the Government may give such directions as it may consider necessary for the removal of such difficulty.