

SIND ACT NO.VII OF 1987

THE SIND GOTH-ABAD (HOUSING SCHEME) ACT, 1987

CONTENTS

Preamble

Sections

1. Short title, extent and Commencement.
2. Definitions.
3. Allotment of land.
4. Housing Scheme.
5. Grant of land.
6. Cancellation of allotment of grant.
7. Re-entry.
8. Liability of Acquisition.
9. Appeal.
10. Over-riding effect.
11. Relaxation.
12. Power to make rules.
13. Repeal.

SIND ACT NO.VII OF 1987

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[16th August, 1987]

An Act to make provision for housing facilities to the deserving persons in the rural areas of the Province of Sind.

WHEREAS it is expedient to make provision for housing facilities to the deserving persons in the rural areas of the Province of Sind and to provide for matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Goth-Abad (Housing Scheme) Act, 1987.

Short title, extent and commencement.

(2) It shall come into force at once.

(3) ¹[It shall apply to all the dehs in the province which are declared by Government to be the “rural areas” for the purpose of this act.”]

2. (1) In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(a) “allotee” means the deserving person who has been allotted land under this Act;

(b) “Allotment Committee” means a Committee consisting of not more than seven persons set up by the Collector in the prescribed manner for one or more dehs;

(c) “Asaish” means the land adjacent to a village and reserved for grazing and other common use of the village community;

(d) “Collector” means the Collector of the District and includes any officer specially empowered by Government to perform the functions of the Collector under this Act;

¹ Substituted by Sindh Act No.VII of 2008 through gazette dated 21-10-2008.

SIND ACT NO.VII OF 1987

THE SIND GOTH-ABAD (HOUSING SCHEME) ACT, 1987

- (e) "deh" means a deh or estate as defined in the Sind Land Revenue Act, 1967;
- (f) "deserving person" means a person residing in ²[area notified by the Government as rural areas] who is in genuine need of residential accommodation in a village;
- (g) "Government" means the Government of Sind;
- (h) "grant" means the grant of the proprietary rights in land;
- (i) "housing scheme" means a scheme prepared under section 4;
- (j) "land" means land owned by Government and includes land acquired for the purposes of this Act;
- (k) "prescribed" means prescribed by rules;
- (l) "rules" means rules made under this Act;
- (m) "village" means a settlement or habitation including Goth, Wahan or Tando, but excluding urban area as defined in the ³[Sindh Local Government Ordinance, 2001].

(2) Save as otherwise provided in this Act or where the context otherwise requires all expressions used but not defined in this Act shall bear the same meaning as they bear in the Sind Land Revenue Act, 1967 and the Sind Local Government Ordinance, 1979.

² The words "rural area" substituted by amendment Sindh Act No:VII of 2008 (21-10-2008).

³ The words "Sind Local Government Ordinance, 1979", substituted by amendment Sindh Act No:VII of 2008 (21-10-2008).

SIND ACT NO.VII OF 1987

THE SIND GOTH-ABAD (HOUSING SCHEME) ACT, 1987

⁴[(2-A) Government may by notification declare the dehs in taluka or, as the case may be, a Town, to be rural areas for the purpose of this Act.]

3. Subject to the other provisions of this Act, the Collector may on the recommendations of the Allotment Committee allot not exceeding two ghuntas for construction of a house to a deserving person in the ⁵[dehs] in which he ordinarily resides free of cost in such manner and on such terms and conditions as may be prescribed. **Allotment of land.**

Provided that the aforesaid limit shall not apply to the land or Asaish whereupon a deserving person has built a house before the coming into force of this Act with a view to taking up permanent residence.

4. (1) To give effect to the provisions of section 3, the Collector may, in consultation with the Allotment Committee, prepare a housing scheme in the prescribed manner. **Housing Scheme.**

(2) The scheme under sub-section (1) may include a village situated on the private land but no such land shall be included in the scheme without obtaining the consent of the owner in writing.

5. The proprietary rights in respect of the land allotted under section 3 shall be conferred on the allottee by a grant in the form and in the manner and on the terms and conditions as may be prescribed. **Grant of land.**

6. Notwithstanding the allotment of land or conferment of proprietary rights in respect thereof the Collector may, after giving the allottee or grantee an opportunity of being heard, cancel the allotment or grant and resume the land if he is satisfied that the allottee or grantee has— **Cancellation of allotment or grant.**

(a) furnished wrong information for securing allotment or grant; or

⁴ “Section 2-A” inserted by Sindh Act No:VII of 2008 (21-10-2008).

⁵ In section 3, the word “union council” substituted by Sindh Act No:VII of 2008 (21-10-2008).

SIND ACT NO.VII OF 1987

THE SIND GOTH-ABAD (HOUSING SCHEME) ACT, 1987

- (b) committed a breach of the conditions of the allotment or grant; -

Provided that before the land is resumed for breach of any conditions of the allotment or grant the allottee or grantee may be given reasonable time to rectify such breach.

7. (1) Where land has been resumed under section 6, the Collector shall issue an order requiring the allottee or grantee to remove all buildings, structures and other property, if any, belonging to him from the site and to deliver vacant possession of the site to the Collector within a period not exceeding sixty days from the date of the order. **Re-entry.**

(2) If the allottee or grantee fails to comply with the order issued under sub-section (1), the Collector may re-enter, take possession of the land and execute the order under sub-section (1).

(3) In the case of re-entry under sub-section (2), the building, structure and other property mentioned in sub-section (1) shall be sold.

(4) The cost incurred in connection with the resumption of land shall be recovered from the sale proceeds accruing under sub-section (3) or where there is no or insufficient sale proceeds, the cost will be recoverable as arrears of land revenue.

8. Notwithstanding anything to the contrary contained in any law for time being in force, any land including the Asaish and residential sites on which houses have been built for permanent residence shall be liable to acquisition at any time for the purposes of this Act in accordance with the provisions of the Land Acquisition Act, 1894. **Liability of Acquisition.**

Provided that the land or residential sites shall not be acquired if the house is built by the owner of such land or residential site.

SIND ACT NO.VII OF 1987

THE SIND GOTH-ABAD (HOUSING SCHEME) ACT, 1987

9. (1) An appeal shall lie to the Collector of the District **Appeal.**
from any order passed by any officer under this Act and to the
Commissioner from the order passed by the Collector not being
an appellate order of the Collector.

(2) Appeal under sub-section (1) shall be heard and
disposed in the manner as may be prescribed.

10. This Act shall have over-riding effect notwithstanding **Over-riding
effect.**
anything contained in the Colonization of Government Lands
Act, 1912 and any rule, policy or order made thereunder.

11. Nothing in this Act or in any rule shall be construed to limit **Relaxation.**
or abridge the power of Government to deal with any case in
such manner as may appear to it to be just and equitable.

12. Government make rules to give effect to the purpose of **Power to make
rules.**
this Act.

13. The Sind Goth-Abad (Housing Scheme) Ordinance, 1987, **Repeal.**
is hereby repealed.