



F.No.16/2014/E-VI
Government of Pakistan
Ministry of Housing and Works
Islamabad

MINUTES OF THE MEETING TO DISCUSS ISSUES RELATED TO COOPERATIVE HOUSING SOCIETIES ESTABLISHED ON FEDERAL GOVERNMENT LAND IN KARACHI

A meeting was held on 21-09-2022 at 12:00 Noon in the Committee Room of this Ministry under the Chairmanship of Secretary, Ministry of Housing & Works to discuss the issues relating to Cooperative Housing Societies, Karachi, established on Federal Government land. The following participated in the meeting:

1. Mr. Iftikhar Ali Shallwani, Secretary, Ministry of Housing & Works (**In Chair**).
2. Mr. Shahzad Nawaz Cheema, JS (Estate), Ministry of Housing & Works.
3. Mr. Saeed Ahmed Malik, DS (Estate), Ministry of Housing & Works.
4. Mr Adeel Raza, SO (E-VI), Ministry of Housing & Works.
5. Mr. Abdul Baqi, SO (GRS), Ministry of Housing & Works.
6. Mr. Muhammad Naeem Sharif, MD, KCHS.
7. Mr. Shams Jafrani, Adviser KCHS.
8. Mr. Brig. (R) G.M. Mohtaram, President PECHS Karachi.
9. Capt. (R) Waris-Un-Nabi Awan, Chairman PECHS.
10. Mr. Saif-ud-din, Chief Law Officer, PECHS.
11. Mst. Amber Alibhai, General Secretary, Shehri (**on line via zoom link**).

2. The Secretary, M/o Housing & Works welcomed the participants of the meeting and apprised them that the purpose of the meeting is to review the decisions on the basis of Supreme Court's judgements regarding illegal constructions which are in the field. The Joint Secretary (Estate) briefly explained the background of Main License Agreement (MLA) with Cooperative Societies, the issues being faced by the residents and Ministry of Housing & Works. Agenda wise discussion and decision are as follows:

(a) **Expiry of MLA with the Societies in the year 1974 and way-forward for future role of the Societies:**

Discussion: The Joint Secretary (Estate) apprised the participants regarding the expiry of MLA in the year 1974. Therefore, there is a need to redefine role of the Societies. Mr. Shams Jafrani, Adviser KCHS was of the view that MLA is silent on the expiry of contract between the parties. Deputy Secretary (Estate) apprised that the case was referred to Law & Justice Division and as per their advice the agreement between M/o H&W and Cooperative Societies has expired since 1974. The Secretary (H&W) stated that the matter will be taken up with the Federal Government for final decision.

Decision:

- (i) **The matter of MLA will be taken up with all stakeholders of the Federal Government for decision.**

(b) Issues related to conversion/sub-division/amalgamation/completion plan/etc. of plots by the Societies to the members without prior permission/NOC of the Ministry:

Discussion: Capt. (R) Waris-Un-Nabi Awan, Chairman PECHS informed the chair that about their process that after receiving an application from a member for all kinds of cases including transfer/amalgamation/etc. the society forwards the case to the Ministry. The Ministry processes the cases in accordance with the existing SOPs and then forwards the case to the concerned authorities. He also pointed out that a meeting was held on 10-03-2015 between M/o H&W and Cooperative Societies wherein it was decided that in case the Ministry delays the case for more than fifteen (15) days, the society was authorized to directly forward the cases to Master Plan Group of Offices under intimation to the Ministry. This has been misused by the societies with impunity and resulted in the illegal changes, conversion, amalgamation, etc. to the detriment of the Master Plan and societies at large. Accordingly, societies are following this procedure. Mst. Amber Ali bhai raised objection on premature transfer/conversion/etc. of plots prior to completion of transfer process in the name of the new owner.

Decision:

- (i) The portion of Para-3(vii), line-6 of the Minutes of the Meeting held on 10-03-2015 in this Ministry which is "*within fifteen.....to the ministry.*" stands deleted and the society are not authorized to directly forward the cases to Master Plan Group of Offices.
- (ii) All cases of conversions/amalgamation/sub-division/completion plan /etc. will be submitted to this Ministry for approval before forwarding to SBCA. Letters will be issued to SBCA and Sindh Master Plan Authority not to entertain cases without prior approval of this Ministry.
- (iii) No change will be allowed by the Ministry in violation of the Master Plan.
- (iv) Cases of all kinds of amalgamation/mutation/transfer/sale/etc. will be advertised in the local newspapers by the sub-licensee.
- (v) All societies will submit their complete service fee structure, indicate law/rule/bye-laws through which they derived powers to charge such fee and the details of accounts where they deposit such collections.

(c) Provision of record of all residential plots converted to commercial plots without prior approval / consent of the Ministry along with details of sub-lease granted to owners / sub-lessees of flats / shops for approval / NOC:

Discussion: SO (GRS) raised the point that the societies do not provide complete record/list of commercialized plots and requested to provide digitized record. Mst. Amber Ali bhai raised questions on the illegal practices which includes but not limited to the conversion of residential plots to commercial plots by the societies without the approval of Ministry. Capt. (R) Waris-Un-Nabi Awan, Chairman PECH refuted the allegations levelled on the societies by Mst. Amber Ali Bhai. He further stated that SBCA is responsible for all illegal construction/approval not the societies as societies approve the cases on the basis of original Master Plan/authorization only.

Decision:



- (i) **Cooperative Societies will provide complete digitized record of residential plots converted to commercial plots and plots created on amenity lands to the Ministry on immediate basis.**
- (ii) **Each Cooperative Society will provide a complete set of their bye-laws to the Ministry on immediate basis.**

(d) Violation of Original Master Plan of the Societies:

Discussion: Secretary, M/o H&W asked the participants if there is any change/violation in the original Master Plan approved by the Ministry. Mr. Shams Jafrani, Adviser KCHS stated that all the cases are processed as per original Master Plan. Furthermore, union was not functional during 1973-83 and if anything wrong has happened during that period then union is not responsible. During the suspension period the Sindh Government had appointed administrator of KCHS only.

Decision:

- (i) **The chair directed all societies to collectively ensure that there is no violation in the original Master Plan.**
- (ii) **Each society will provide the original master plan to the Ministry immediately.**

(e) Audit Reports of the Societies:

Discussion; Secretary, M/o H&W questioned the societies that as they are charging huge sum of money from their residents in the name of services then who does their audits and to submit their fee classification approved by the Competent Authority. The representatives of the societies replied that they get their accounts audited by chartered accountant firms and second audit is done by Government. But they were reluctant to share audit reports with the Ministry in outset.

Decision:

- (i) **Ministry will write to all the Cooperative Housing Societies to share their Audited Accounts Reports. In case of non-compliance action will be initiated against the delinquent as per respective laws/rules and cases will be sent to Law enforcement agencies/relevant courts of law.**

(f) Upgradation of Ground Rent Section:

Discussion: Secretary, M/o H&W stressed the need to upgrade the GRS in Karachi and equip it with an enforcement squad. Check posts will also be established in each society to control encroachments and illegal occupation of land by the trespassers. All the participants appreciated and welcomed this decision.

Decision:

- (i) **Letters will be written to Home Secretary and Chief Secretary, Government of Sindh to provide manpower as and when required till a permanent system is established by the Ministry in Karachi to control illegal construction and encroachments.**
- (ii) **FIR will be launched if any officer/staff of the Ministry, Cooperative Societies, any other organization or private persons have been found involved in corrupt practices. Offices of societies can also be sealed if found involved.**

(g) Responsibility of checking the documents of Cooperative Societies:

Discussion: Capt. (R) Waris-Un-Nabi Awan, Chairman PECHS raised the point that in all transfer letters full responsibility is placed on the concerned society only for the veracity of the documents which is not justified. The Joint Secretary (Estate) responded that all the records are available with Cooperative Housing Societies and Ministry decides the cases on the basis of the recommendations of these societies.

Decision:

(i) **Secretary, MoH&W directed the Ministry Officials to revisit the format of the transfer letter issued by the Ministry, if needed.**

3. The meeting ended with a vote of thanks to and from the chair.
4. This issues with the approval of Secretary, Ministry of Housing and Works.


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Distribution:

1. SPS to Secretary, Ministry of Housing & Works.
2. APS to JS (Estate), Ministry of Housing & Works.
3. APS to DS (Estate), Ministry of Housing & Works.
4. Mr. Abdul Baqi, SO (GRS), Ministry of Housing & Works.
6. Mr. Muhammad Naeem, MD, KCHS.
7. Mr. Shams Jafrani, Adviser KCHS.
8. Mr Brig. (R) G.M. Mohtaram, President.
9. Capt. (R) Waris Un Nabi Awan, Chairman PECHS.
10. Mr. Saif Uddin, Chief Law Officer, PECHS.
11. The Honorary Secretary, Muhammad Ali Memorial Cooperative Housing Society, Karachi.
12. The Administrator, Allama Usmani Cooperative Housing Society, Karachi.
13. The Honorary Secretary, Rizvia Cooperative Housing Society, Karachi.
14. Nazir, Firdous Cooperative Housing Society, Karachi.

Copy for information to:

1. Registrar Supreme Court Registry, Karachi.
2. Chief Secretary, Government of Sindh, Karachi.
3. Home Secretary, Government of Sindh, Karachi.