

Haryana Housing Board Act, 1971

[Extract from Chandigarh Administration Gazette, dated the 1st March, 1975]

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF HOME AFFAIRS
(Grih Mantralaya)

Notification

New Delhi, the 14th January, 1975

No. G.S.R. 7(E).-In exercise of the powers conferred by section 87 of the Punjab Reorganizations Act, 1966 (31 of 1966), the Central Government hereby extends to the Union Territory of Chandigarh, the Haryana Housing Board Act, 1971 (Haryana Act 20 of 1971), as in force in the State of Haryana at the date of this notification, subject to the following modifications, namely :-

MODIFICATIONS

1. Throughout the Act, except as otherwise provided, for the words "Housing Board, Haryana", the words "Housing Board, Chandigarh", for the words "Official Gazette", the words, "Chandigarh Gazette", and, for the words "State Government", the word "Administrator" shall be substituted and there shall also be made in any sentence in which the words "State Government" occur, such consequential changes as the rules of grammar may require.

2. In section 1, in sub-section (2), for the words "State of Haryana" the words "Union Territory of Chandigarh" shall be substituted.

3. In section 2,-

(a) After clause (a), the following clause shall be inserted, namely :-

"(aa) "Administrator" means the Administrator of the Union of Chandigarh appointed by the President under article 239 of the Constitution ;"

(b) in clause (j), for the words, figures and brackets "a municipality constituted under the Punjab Municipalities Act, 1911 (Punjab Act 3 of 1911)", the words figures and brackets "the Chief Administrator exercising powers of a Municipality or any functionary thereof under sub-section (2) of section 7A of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act 27 of 1952)" shall be substituted.

4. In section 3,-

(a) in sub-section (4), for the word "twelve", the word "seven" shall be substituted; and

(b) in sub-section (6), -

(i) for the words, "officer of the State Government", the words, "officer employed in connection with the affairs of the Union Territory of Chandigarh" shall be substituted; and

(ii) the words "and for a period not exceeding one year from such commencement" shall be omitted.

5. In section 15 in clause (d), for the word "two-thirds", the word "one-half" shall be substituted.

6. In section 56, in sub-section (2), the word "or State Government" shall be omitted.

7. In section 60 :-

(a) in sub-section (4), the words "and one other member", shall be omitted; and

(b) in sub-section (5), for the, words "State Government", wherever they occur, the words "Central Government" shall be substituted.

8. In section 73, sub-section (1) shall be omitted.

9. In section 80:-

(a) the proviso to sub-section (1) shall be omitted; and

(b) in sub-section (2) and (3) for the words "State Government", shall be substituted.

THE HARYANA HOUSING BOARD ACT, 1971 (HARYANA ACT 20 OF 1971) AS EXTENDED TO THE UNION TERRITORY OF CHANDIGARH.

(As extended vide notification No. G.S.R. 7(E). dated 14.1.1975, the Central Government, is exercise of the powers conferred by Section 87 of the Punjab Reorganisation Act, 1966 (Act No. 31 of 1966), subject to the modifications notified thereunder)

An Act to provide for measures to be taken to deal with and satisfy the need of housing accommodation.

Be it enacted by the Legislature of the State of Haryana in the Twenty second Year of the Republic of India as follow: -

CHAPTER 1

PRELIMINARY

Short title 1. (1) This Act may be called the Haryana Housing Board Act, 1971. Extent and Commencement.

(2) It extends to the whole of the Union Territory of Chandigarh.

(3) It shall come into force on such date as the Administrator; may be notification appoint in this behalf.

2. Definitions. In this Act, unless the context otherwise requires,-

(a) 'adjoining area' means such area as may be specified to be an adjoining area under section 21:

(aa) Administrator" means the Administrator of the Union Territory of Chandigarh appointed by the President Under article 239 of the Constitution.

(b) "Board" means the Housing Board, Chandigarh, established and constituted under section 3;

(c) "Board premises" means any premises belonging to or vesting in the Board or taken on lease by the Board or entrusted to the Board under this Act for management and use for the purpose of this Act;

(d) building materials' means such commodities or articles as are specified by the Administrator by notification to be building materials for the purposes of this Act;

(e)"bye-laws" means bye-laws made under section 75;

(f)"Chairman" means the Chairman of the Board.

(ff) "Chief Executive Officer" means the Chief Executive Officer of the Board;

(g) "competent authority" means any person authorized by the Administrator, by notification, to perform the functions of the competent authority under Chapter VI for such area as may be specified in the notification;

(h) "Housing Scheme" means a housing scheme made under this Act;

(i) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(j) "Local authority" means the Chief Administrator exercising powers of a Municipality or any functionary thereof under sub-section (1) of section 7A of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act 27 of 1952) or a Gram Panchayat constituted under the Punjab Gram Panchayat Act, 1952 (Punjab Act 4 of 1953), or a Panchayat Samiti or a Zila Prishad Act, 1961 (Punjab Act 3 of 1961), or an Improvement Trust constituted under the Punjab Town Improvement Act, 1922 (Punjab Act 4 of 1922);

(k) "member" means a member of the Board and includes the Chairman and Chief Executive Officer;

(l) "premises" means "land" any building or part of a building and includes,-

(i) gardens, grounds and out houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(m) "Prescribed" means prescribed by rules ;

(n) "Programme" means the annual housing programme prepared by the Board under section 23;

(o) "regulations" means regulations made under section 74;

(p) "rent" means the amount payable to the Board in respect of the occupation of the Board's premises and includes the charges for water and electricity payable in respect of water and electricity used or consumed in the premises ;

(q) "Secretary" means the Secretary of the Board;

(r) "Tribunal" means the Tribunal specified under section 46; and

(s) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

CHAPTER II ESTABLISHMENT OF THE BOARD

3. Establishment And constitution of Board. - (1) With effect from such date as the Administrator may, by notification appoint in the behalf, there shall be establishment for carrying out the purpose of this Act a Board to be known as "the Housing Board, Chandigarh", with headquarter at such place as the Administrator may specify.

(2) The Board shall, by the name aforesaid, be a body corporate having perpetual succession and a common seal and subject to any restriction by or under this Act or the rules made thereunder, shall have the power to acquire, hold administer and transfer property, movable or immovable and to enter into contracts, and shall by the said name sue or be sued and do all such things as are necessary for which it is constituted.

(3) For the purposes of this Act and the Land Acquisition Act, 1894, the Board shall be deemed to be a local authority.

Explanation -The purposes of this Act referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the board under or for the purposes of the Act, and the exercise of its rights over and with respect to such lands and buildings for the purposes of this Act.

(4) The Board shall consist of a Chairman, a Chief Executive Officer and seven other members appointed by the Administrator.

(5) The Chairman, the Chief Executive Officer or a member may at any time resign his office by submitting his resignation to the Administrator.

(6) Until the Board is established and constituted in accordance with the provisions of the preceding sub sections, the Administrator may constitute a Board consisting of one person, who shall be an officer employed in connection with the affairs of the Union Territory of Chandigarh to be appointed by the Administrator, and a Board so constituted shall, as from the commencement of this Act, be deemed to be the Board established and constituted for the purpose of carrying out all the provisions of this Act.

4. Non applicability Of East Punjab Act 3 of 1949. - The East Punjab Urban Rent Restriction Act, 1949, shall not nor shall be deemed have ever applied, to any land or building belonging to or vesting in the Board under or for the purposes of this Act, and as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building but shall apply to any land or building let to the Board.

5. Leave Absence of Chairman and Chief Executive Officer.-The Administrator may, from time to time, grant to the Chairman and Chief Executive Officer such leave as may be admissible under the rules made under this Act and any person whom the Administrator appoints to act for the Chairman or the Chief Executive Officer during such absence on leave shall, while so acting, be deemed for all purposes of this Act to be the Chairman or the Chief Executive Officer or as the case may be.

6. Disqualifications.- (1) A person shall be disqualified for being appointed or for continuing as the Chairman or member of the Board, if he,-

(a) holds any office or place of profit under the Board;

(b) is of unsound mind;

(c) is an undischarged insolvent,

(d) has directly or indirectly by himself or by any partner, any share or interest in any contract or employment with by or on behalf of the Board;

(e) is a Director or a Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board or

(f) has been convicted of any offence involving moral turpitude

(g) "in the opinion of the Administrator;

(i) has become incapable of acting or ;

(ii) is otherwise unfit to continue as a member."

(2) A person shall not be disqualified under clause (d) or clause (3) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his or the incorporated company of which he is a Director, Secretary, Manager or other salaried officer, having a share or interest in any newspaper in which any advertisement relating to the affairs of the board is inserted.

(3) A person shall not also be disqualified under clause (d) or clause (e) of sub-section (1) or be deemed to have any share or interest in any incorporated company which have any share or interest in any contract or employment with by on behalf of the Board, by reason only of his being a share-holder of such company:

Provided that such person discloses to the Administrator the nature and extent of the salaries held by him.

7. Terms of Office and conditions.- (1) Every member shall hold office for a period of three years from the date of his appointment.

Provided that after the expiry of the period of his appointment, a person shall be eligible for appointment as a member.

(2) Every member shall receive such salary and allowances as may be prescribed.

(3) The salary and allowances to the members shall be paid from the fund of the Board and such salaries and allowances and other conditions of service be such as may be prescribed.

7-A. Chairman, Chief Executive Officer and other members to hold office during pleasure of Administrator.- Notwithstanding anything contained in section 3 or section 7 or any other provision of this Act the Chairman, Chief Executive Officer and other members of the Board, shall hold office during the pleasure of the Administrator.

8. (1) If a vacancy occurs in the offices of Chairman or member by death, resignation removal, disqualification or otherwise the vacancy shall be filled by the Administrator by appointing a new Chairman or member to that office.

(2) A Chairman, a Chief Executive Officer or any other member appointed to fill the vacancy shall, notwithstanding anything contained in section 7 hold office for the unexpired portion of the term of his predecessor.

9. Proceedings Presumed to be good and valid.- No disqualification of or defect in the appointment of, any person acting as a Chairman, a Chief Executive Officer or a member shall be deemed to vitiate any act or proceedings of the Board if such act or proceeding is otherwise in accordance with the provisions of this act.

10. Temporary absence of members.- If any member of the Board other than the Chairman and the Chief Executive Officer is by infirmity or otherwise rendered temporarily incapable of performing his duties or is absent on leave or on any other ground not resulting in the cessation of his membership the Administrator may appoint another person to officiate for him and perform his duties under this act, or any rule or regulation made thereunder.

11. Officers and servants of Board.- (1) The Administrator may appoint a Secretary of the Board on such terms and conditions of service as he may deem fit.

(2) The Board may create such other posts and appoint such other officers and servants thereto as it may consider necessary for the efficient discharge of its duties.

Provided that the previous sanction of the Administrator shall be obtained for this purpose in respect of such categories of posts as may be specified by him from time to time, by notification.

(3) Subject to the provisions of sub-section (1), the conditions of service, functions and duties of the officers and servants of the Board shall be such as may be determined by regulations.

12. Provident Fund. - (1) The Administrator shall establish a Contributory Provident Fund for the officers and servants of the Board and such Provident Fund (hereinafter called "the Fund") shall, notwithstanding anything contained in section 8 of the Provident Fund Act, 1925, be deemed to be a Government Provident Fund for the purposes of the said Act.

(2) The Board shall in respect of each of its employees who is a subscriber to the Fund, pay into the Fund such portion of the contribution in such manner as the Administrator may, from time to time, determine.

13. General Disqualifications Of officers and servants.- No person who has, directly, or indirectly by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board, otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

14. Appointment of Committees.- Subject to any rules made under this Act, the Board may, from time to time, and for any particular local area appoint one or more committees for the purpose of discharging such duties or performing such functions as it may delegate to them and any such committee may discharge such duties or perform such functions with due regard to the circumstances and requirements of that local area.

15. Meetings of the Board.- The Board shall meet and shall from time to time make such bye-laws with respect to the day, time, place, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely :-

(a) an ordinary meeting shall be held at least once in three months ;

(b) the Chairman may, whenever he thinks fit, call special meetings;

(c) every meeting shall be presided over by the Chairman and in his absence by any member chosen by the members present at the meeting for the occasion;

(d) the quorum for every meeting shall be one half of the number of members actually serving for the time being;

(e) all questions at any meeting shall be decided by a majority of the members present and voting and in the case of equality of votes, the person presiding shall in addition to his vote as a member, have second or casting vote; and

(f) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose and a copy of such minutes shall be forwarded to the Administrator.

16. Association Of persons with Board. - (1) The Board may associate with itself, any person whose assistance or advice it may deem fit for carrying into effect any of the provisions of this Act.

(2) A person associated with the Board under sub-section (1) for any purpose, shall have the right to take part in the meetings of the Board relevant to that purpose but shall not have the right to vote.

(3) The Administrator may, by order, depute his representatives to attend any meeting of the Board, on such, items or subjects as the Administrator may specify, but such representatives shall not have the right to vote.

17. Power to make contracts. - The Board may enter into and perform or require the performance of all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

18. Execution of contracts:- (1) Every contract shall be made in the name of the Board by the Chief Executive Officer or such other officer of the Board as may be authorized by it:

Provided that no contract involving an expenditure of twenty lacs rupees or more shall be made without the previous sanction of the Administrator."

(2) Sub-section (1) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate.

(3) Every contract for and on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(4) A contract not made or executed as provided in this section and the rules made thereunder shall not be binding on the Board.

19. Omitted

CHAPTER III

HOUSING SCHEMES

20. Duty of Board to undertake Housing Scheme:- subject to the provisions of this Act and subject to the control of the Administrator the Board may incur expenditure and undertake works in any area for the framing and execution of such housing schemes as it may consider necessary from time to time or as may be entrusted to it by the Administrator.

21. Matter to be provided for by Housing Scheme:- Notwithstanding any thing contained in any other law for the time being, in force, a housing scheme may provide for all or any of the following matters, namely :-

(a) acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;

(b) acquisition by purchase, exchange or otherwise of any land, division of the same into plots and the sale thereof after developing it or otherwise to co-operative societies or other persons, in accordance with the scheme;

(c) laying or re-laying out of any land comprised in the scheme;

(d) distribution or re distribution of sites belonging to owners of property comprised in the scheme,

(e) the closure or demolition of dwellings or portions of dwellings unfit for human habitation.

(f) demolition of obstructive buildings or portions of buildings,

(g) the construction and re-construction of buildings, their maintenance and preservation,

(h) sale, letting or exchange of any property comprised in the scheme,

(i) construction and alteration of streets and back lanes,

(j) drainage, water supply and lighting of the area included in the scheme,

(k) parks, laying-fields and open spaces for the benefit of any area comprised in the scheme and the enlargement of existing parks, playing fields, open spaces and approaches.

(l) sanitary arrangements required for the area comprised in the scheme, including the conservation and prevention of any injury or contamination to rivers or other sources and means of water-supply.

(m) accommodation for any class of inhabitants, industries, institutions, offices, local authorities, co-operatives or corporate bodies.

(n) advance of money for the purpose of the scheme,

(o) facilities for communication and transport ;

(p) collection of such information and statistics as may be necessary for the purpose of this Act, and

(q) any other matter for which, in the opinion of the Administrator, it is expedient to make provision with a view to provide housing accommodation and, or to the

improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.

Explanation- for the purposes of this section the Administrator may, on the recommendation of the Board, by notification, specify area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

No housing scheme to be made for area Included in improvement Scheme or be inconsistent with town planning scheme.

22. No Housing Scheme to be made for area included in improvement Scheme or be inconsistent with town planning scheme:- (1) No housing scheme shall be made under this Act for any area for which any improvement scheme has been sanctioned by the Administrator under the Punjab Town Improvement Act, 1922, or any other enactment for the time being in force, nor any housing scheme made under this Act shall contain anything which is inconsistent with any of the matter included in a town planning scheme sanctioned by the Administrator under the Punjab Municipal Act, 1911, or other enactment for the time being in force.

(2) If any dispute arises whether a housing scheme made under this Act includes any area included in an improvement scheme sanctioned under any enactment referred to in sub-section (1) or contains anything inconsistent with any matter included in a town planning scheme sanctioned under the Punjab Municipal Act, 1911, or any other enactment for time being in force, the same shall be referred to the Administrator whose decision shall be final.

23. Preparation And submission Of annual programme, Budget and Establishments Scheme :- (1) Before the first day of December in each year, the board shall prepare and forward to the Administrator in such as may be prescribed;-

(i) a programme;
(ii) a budget for the next year; and
(iii) a schedule of the staff of officers and servant already employed and to be employed during the next year.

(2) The programme shall contain.-

(i) such particulars of housing schemes which the Board proposes to execute whether in part or whole during the next year as may be prescribed.

(ii) the particulars of any undertaking which the Board proposes to organize or execute during the next year for the purpose of the production of building materials, and

(iii) such other particulars as may be prescribed.

(3) The budge shall contain a statement showing the estimated receipt and expenditure on capital and revenue accounts for the next year.

24. Sanction to programme, Budget and establishment Schedule:-The Administrator may sanction the programme, budget and the schedule of the staff of officers and servants forwarded to it with such modification as it deems fit.

25. Publication of Sanctioned Programme:- The Administrator shall publish the programme sanctioned by it under section 24 in the Chandigarh Gazette.

26. Supplementary Programme and Budget: - The Board may, at any time during the year, in respect of which a programme has been sanctioned under section 24, submit a supplementary programme and budget and the additional schedule of the staff, if any, to the Administrator and the provisions of section 24 and 25 shall apply to such supplementary programme.

27. Variation of Programme by Board after it Has been Sanctioned: - The Board may, at any time, vary any programme or any part thereof sanctioned by the Administrator.

Provided that no such variation shall be made if it involves an expenditure in excess of ten per centum of the amount as originally sanctioned for the execution of any housing scheme included in such programme or affects its scope or purpose.

28. Sanctioned Housing scheme To be executed :- After the programme has been sanctioned and published by the Administrator under sections 24 and 25, the Board shall, subject to the provisions of section 27, proceed to execute the housing schemes included in the programme.

29. Publication Of housing scheme In the Chandigarh Gazette :- (1) Before proceeding to execute any housing scheme under section 28, the Board shall by notification publish the schemes. The notification shall specify that the plan showing the area which is proposed to be included in the housing scheme and the surrounding land shall be open to inspection of the public at all reasonable hours at the office of the Board.

(2) If within two weeks from the date of the publication of the housing scheme any person communicates in writing to the Board any suggestion or objection relating to the scheme, the Board shall consider such suggestion or objection and may modify the scheme as it thinks fit.

(3) The Board shall then by notification publish the final scheme. The notification shall specify that the plan showing the area included in the final scheme and the surrounding lands and other particulars as may be prescribed shall be open to inspection of the public at all reasonable hours at the office of the Board.

(4) The publication of a notification under sub-section (3) shall be conclusive evidence that the said scheme has been duly framed.

30. Transfer to Board for Purpose of Housing scheme Of land vested In a local authority: - (1) Whenever any street, square or other land, or any part thereof, situated in any area of local authority and vested in the local authority is required for the purpose of any housing scheme sanctioned by the Administrator, the Board shall give notice accordingly to the local authority.

(2) Where the local authority concurs, such street, square or other land, or part thereof, shall vest in the Board.

(3) Where there is any dispute the matter shall be referred to the Administrator. The Administrator shall, after hearing the parties, decide the matter. The decision of the

Administrator shall be final. If the Administrator decides that such street, square or land shall vest in the Board, it shall vest accordingly.

(4) Nothing in this section shall affect the rights or power of the local authority in or over any drain or water works in such street, square or land.

31. Compensation In respect of Land vested in Board: - (1) Where any land vests in the Board under the provisions of section 30 and the Board makes a declaration that such land shall be retained by the Board only until it re-vests on the local authority as part of a street or an open space under section 34, no compensation shall be payable by the Board to the local authority in respect of that land.

(2) where any land vests in the Board under section 30, and no declaration is made under sub-section (1) in respect of the land, the Board shall pay to the local authority as compensation a sum equal to the value of such land.

(3) If, in any case where the Board has made a declaration in respect of any land under sub-section 1), the Board retains or disposes of the land contrary to the terms of the declaration so that the land does not re-vests in the local authority, the Board shall pay to the local authority compensation in respect of such land in accordance with the provisioning of sub-section (2)

32. Power of Board to Turn or close Public street Vested in it :- (1) The Board may turn, divert, discontinue the public use of, or permanently close, any public street vested in it or any part thereof.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it or any part thereof, it shall as far as practicable, provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the street or part thereof and pay reasonable compensation to every person who is entitled, otherwise than as a mere member of the public to use such street or part as a means of access and has suffered damage from such discontinuance or closing.

(3) In determining the compensation payable to any person under sub-section (2), the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street at or about the same time that the public street or part thereof, on account of which the compensation is paid, is discontinued or closed.

(4) When any public street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required.

33. Reference to Tribunal in Case of dispute under sections 31 and 32. Vesting in the local authority of streets laid out or altered and open space provided by Board under housing scheme: - If there is any dispute as to whether any compensation is payable under section 31 or section 32 or as to the amount of compensation payable under section 31 or section 32, as the case may be, the matter shall be referred to the Tribunal.

34. Vesting in the local authority of streets laid out or altered and open spaces provided by Board under housing scheme.- (1) Whenever the Administrator is satisfied.

(a) that any street laid out or altered by the board has been duly leveled, paved, mettalled, flagged, channeled, sewered and drained in the manner provided in the programme sanctioned by the Administrator under section 24 or varied under section 27 or modified under Section 29 ;

(b) that such lamps, lamp posts and other apparatus as the local authority considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided; and

(c) that water and other sanitary conveniences have been duly provided in such street ;

(1) the Administrator may declare the street to be a public street, and the street shall thereupon vest in the local authority and shall thenceforth be maintained, kept in repair, lighted and cleaned by the local authority.

(2) When any open space for the purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, it shall on completion be transferred to the local authority concerned, by resolution of the Board, and shall thereupon vest in, and be maintained the expense of the local authority.

(3) If any difference of opinion arises between the Board and the local authority in respect of any matter referred to in the foregoing provisions of this section the matter shall be referred to the Administrator whose decision shall be final.

35. Other duties of Board.- It shall be the duty of the Board to take measures with a view to expediting and cheapening construction of buildings and the Board may for that purpose do all things for-

(a) unification, simplification and standardization of building materials;

(b) encouraging pre-fabrication and mass production of house components;

(c) organization or undertaking the production of building materials required for the housing schemes.

(d) encouraging research for discovering cheap building materials and evolving new methods of economic constructions.

(e) Securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

36. Board to assume Management of Requisitioned Lands:- The Board shall, if the Administrator, so directs and subject to the general control of the Administrator, assume management of all or any of the lands requisitioned by or under authority of the Administrator

37. Reconstitution Of plots :- A housing scheme may provide,-

(a) for the formation of a reconstituted plot by the alteration of the boundaries of an original plot;

(b) with the consent of the owners that two or more original plots each of which is held in ownership in severally or in joint ownership shall, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

(c) for the allotment of plot of any owner dispossessed of land in furtherance of the housing scheme; and

(d) for the transfer of ownership of plot from one person to another.

38. Scheme entrusted To Board by Administrator:- The provisions of section 21 and section 23 to 29 (both inclusive) shall not be applicable to any housing scheme entrusted to the Board by the Administrator except to such extent and subject to such modification as may be specified in any general or special order made by the Administrator and every such order shall be published in the Chandigarh Gazette.

CHAPTER – IV

ACQUISITION AND DISPOSAL OF LAND

39. Power to purchase Lease or acquire land: - (1) The Board may enter into an agreement with any person or the Administrator for the acquisition from him by purchase, lease or exchange, of any land which is needed for the purposes of a housing scheme or any interest in such land or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith :

Provided that the previous approval of the Administrator shall be obtained in case of purchase or exchange involving land worth more than fifty lakhs rupees or lease for more than five years.

(2) The Board may, from such date as the Administrator may appoint by notification in this behalf, also take steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing scheme in the manner provided in the Land Acquisition Act, 1894 as modified by this Act; and the acquisition of any land or any interest therein for the purpose of this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894.

40. Betterment Charges: - (1) When by the making of housing scheme the value of any land in the area comprised in the scheme will, in the opinion of the Board, be increased, the Board in framing the scheme may declare that betterment charges, shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land from the execution of the scheme.

(2) Such increase in value shall the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of the buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner and the betterment charges shall be one-half of such increase in value.

(3) Such betterment charges shall also be leviable in respect of any land not comprised in the scheme but adjacent to the area comprised in the scheme.

(4) Notwithstanding anything contained in sub-sections (1) and (3), in respect of any land used for agricultural purposes at the time of the execution of the schemes the betterment charges shall be leviable by the Board in accordance with such procedure as may be prescribed, only after such land is used, or converted for use for non-agricultural purposes.

41. Notice to person Liable for betterment charges :- (1) The Board shall give notice in the prescribed form to any person, who is the owner of or has interest in the land in respect of which the betterment charges are to be levied and shall give such person an opportunity to be heard.

(2) After hearing such person or if such person fails to appear after the expiry of the period within which such person is required to appear before the Board, the Board shall proceed to assess the amount of betterment charges.

(3) Where the assessment of the betterment charges proposed by the Board is accepted by the person concerned within the period prescribed, the assessment shall be final.

(4) If the person concerned does not accept the assessment, proposed by the Board, the matter shall be referred to the Tribunal.

(5) The Tribunal shall, after holding an enquiry and after hearing the person concerned, assess the amount of the betterment charges payable by the person.

42. Agreement for Payment of Betterment Charges: - (1) Any person liable to pay betterment charges in respect of any land may at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at such rate as may be prescribed.

(2) Every payment due from any person in respect of betterment charges and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the execution of any mortgage or charge, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

43. Recovery of Betterment Charges:- All sums payable in respect of any land by any person in respect of betterment charge under section 40 or by any person under an agreement under section 42 shall be recoverable on behalf of the Board as arrears of land revenue.

44. Power to Dispose of Land: - Subject to any rules made by the Administrator under this Act, the Board may retain, lease, sell, exchange or otherwise dispose of any land, building or other property vested in it and situate in the area comprised in any housing scheme sanctioned under this Act.

45. Disputes regarding Reconstitution of Plots: - (1) Where by the making of a housing scheme, any plots comprised in the area included in the scheme are reconstituted or any person is displaced, the Board shall after making such inquiry as it thinks fit award to the person affected by such reconstitution or dispossession such compensation as it deems

reasonable. If the person is dissatisfied with the decision of the Board in the matter, he may inform the Board accordingly. The Board shall thereupon direct the Board to pay the same to the person concerned.

(2) The Tribunal shall then after making an inquiry determine the amount of compensation and direct the Board to pay the same to the person concerned,

CHAPTER –V TRIBUNAL

46. Tribunal: - The Tribunal shall be the District Judge having jurisdiction in the area concerned.

47. Duties of Tribunal: - The Tribunal shall –

- (a) decide whether any compensation is payable under section 31;
- (b) decide the amount of compensation in matters referred to it under section 33;
- (c) decide disputes relating to betterment charges referred to it under section 41
- (d) decide dispute and the amount of compensation to be awarded under section 45; and .

(e) decide such other matters as may be prescribed by the rules made in this behalf.

48. Powers of And procedure Before Tribunal :- (I) In making enquiries the Tribunal shall have and exercise, as far as may be the same powers and follow the same procedure as under the code of Civil Procedure, 1908.

(2) Every order made by the Tribunal for the payment of money and for the delivery of till possession or removal of all structure shall be enforced by the District Court as if it were the decree of the said Court.

(3) The proceedings before the Tribunal shall be deemed to be Judicial proceedings within the meaning of section 193 and 228 or the Indian Penal Code. "

49. Decision of Tribunal be Final:- The decision of the Tribunal on any matter referred to it under this Act, shall, subject to the provision of section 50, be final

50. Appeal to The High Court:- The Board or any persons aggrieved by a decision or the Tribunal may within three months from the date of the decision, or such further time as the High Court may for sufficient cause allow, appeal to the High Court and the High Court shall pass such orders on the appeal as it thinks fit .

CHAPTER-VI

Power & Evict Person from Board Premises

51. Power to Evict Person from Board Premises :- (1) If the competent authority is satisfied,-

(a) that the person authorised to occupy any Board premises has -

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months .or

(ii) sublet, without the permission of the Board the whole or any part of such premises; or

(iii) otherwise, acted in contravention. of any other terms, expressed or implied under which he is authorised to occupy such premises; or

(b) that any person is in unauthorised occupation of any Board premises ;

the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served by post or by affixing a copy of it on the outer door or some other conspicuous part of such premise, or in such other manner as may be prescribed, order that the person as well as any other person who may be in occupation of the whole or any part of the premise shall vacate them within one month from the date of the service of the notice;

Provided that no such order shall be passed unless the person has been afforded an opportunity to show cause why such order should not be made.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from and take possession of the premises and may for that purpose use such force as may be necessary.

(3) If a person, who has been ordered to vacate any premises under sub-clause (i) or sub-clause (iii) of clause (a) of sub-section (1), within thirty days of the date of service of the notice or such longer time as the competent authority may allow, pays to the Board the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the competent authority, as the case may be, the competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and there upon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

52. Power to recover rent, loan or damages as arrears of land revenue:- (1) Subject to any rules made by the Administrator in this behalf and without prejudice to the provisions of section 51, where any person is in arrears of rent payable in respect of any Board premises or arrears of instalments payable in respect of any loan advanced by the Board for construction, reconstruction or repair of a house, the competent authority may by notice served by post or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed, order that person to pay the same damages within such time not being less than thirty days as may be specified in the notice if any person refuses or fails to pay the arrears of rent or the arrears of instalment of loan within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in authorised occupation of any Board premises, the competent authority may, in the prescribed manner, assess such charges on account of the use and occupation of the premises as it may deem fit, and any by notice served to post, or by affixing a copy of it on the out door or, some other conspicuous part of such premises or in such other manner as may be prescribed, order that person to pay the damages within such time not being less than thirty days as may be specified in the notice. If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

53. Rent to be Recovered by Deduction from salary or wages in certain cases:- (1) Without prejudice to the provisions of section 51 any person who is an employee of the Administrator or local authority and who has been allotted any Board premises, may execute an agreement in favour of the Administrator providing that the Administrator or the local authority, as the case may be under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the Board in satisfaction of the rent due from him in respect of the Board premises allotted to him.

(2) On the execution of such agreement, the Administrator or local authority, as the case may be, shall, if so required by the Board, by requisition in writing make the deduction of the amount specified in the requisition from the salary or wages of the employees specified in the requisition in accordance with the agreement and pay the amount so deducted to the Board.

**53A – Penalty – (1) If any amount due under the Act or the rules made thereunder is not paid by any person in compliance with the orders of the competent authority, such authority may, after giving such person an opportunity of being heard impose upon him a penalty not exceeding twenty-five per cent of the amount due, if it has reason to believe that the person liable to pay the amount has willfully failed to pay the same.

(2) If the penalty imposed under sub-section (1) is not paid within a period of thirty days the same shall be recoverable as arrears of land revenue.

**54 Appeal: - (1) Any person aggrieved by an order of the competent authority may within thirty days from the date of –

(i) the service of notice under section 51 or section 52; or

(ii) the imposition of penalty under section 53A, prefer an appeal to the District Judge of the District in which the premises of the Board are situated or such other Judicial Officer in the District as the Administrator may, in consultation with the High Court, appoint in this behalf :

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred under sub-section (1), the appellate officer may stay the enforcement of