

KERALA STATE HOUSING BOARD ACT 1971

OF KERALA LAW DEPARTMENT STATE HOUSING BOARD ACT 1971 (ACj OF "97i) 992 t'. mtv,gg, No: 30801D,,1171/Law, GOVERNMENT' OF KERALA Law Department NOTIFIC,'A'TION Dated, Trivandrum, 16th june 1971 26th 1893. The following Act ot' the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Pregidcnt on the 13th day or June, 1971 By order Of the Governor, P. GOPALAKRISHNA WARR 1KR, Lau) Secretary. ACT 19 OF 1971 THE KERALA STATE HOUSING BOARD ACT, 1971 Au Act to provide for (he organised direction and planåing in the Preparation and execution of housing and improvement schemes and for the eslåblshmenl of a State I-lousing Board in the State Koala. it is expedient to provide. for the organised direction and planning in the prcparation and execution or housing and improvement schemes and för the establishment 01' a State Housing Board in the State Of Kerala BE it enacted in the Twenty-second Year of the Republic of India as follows

CHAPTER I PRELIMINARY

Short title; extent and This Act' may be called the Kerala State I-lousing Board Act, 1971 It •extends to the whole or the State or Kerala. (3) •It shall be cccrned to hncv come into force Trivandrum Taluk in Trivandrum District on the 5th clay of March, 197 1, ånd in the remaining areas in Che state it shall come into IOrcv on such date as the Government may, by notification iu the Gazette, appoint ; and different datcg may bc appointed for different areas.

2. Døfi'itions.—In this Act, unless tho context otherwise requilB,— t 'betterment fee" means the fcc declared to be payable under section Föspeec -öf•an increase in Lhe valuc of land rcsulting from the ckcution of a housing or improvcrnct scheme ; 3416611B. 2 tneans clue Kerala State I-lousilkg Board constituted under section 'l, p •emises" (3) Board or taken on lease by the Board or any premises which is the possession or control 01', the or the purposes entrusted 10, or of chis Act , (4) means the Qlxaieanan of the Board ; (5) " means any .committee appointed under, section 26 ; c 'C,ompetent authority" means any person OL' authority by the Coverment by notification in the Gazette, to •perfQ'i'iii the 01' lhc competent authority under Chapter' XI such :area be specified iril the . notification means the Housing Board Engineer (7) 'c I-lousing Board E'kg•ineerl' appoinleci -sevcion i 7 , (d) ' Housing improvement scheme" means a scheme framed under this Act and includes any of the types of schemes to in section dl includes Lenel-its to arise out land, and things attacheq (9) 10 che earl'li or permanently fastened to anything al•caehed to Lhe earth ; toeans a of the Board (10) "premises"! means any land or building OL' part of a building (11) and includes— the grounds and out-houses if any ? apptu•taining . to such building or of a building ; and any littings affixed to such building or part oc a building lbr (ii) Ji10re benciicial enjOymct thereof ; " Prescribed" means prescribed. by rules Inade uncler this Act % (12) ' 'regulations" means the regulations made under this Act•; (13) "rules" means the roles . nrade under this Act ; or s 'Scheduled Tribes?' shall have the (15) the ConstituEi0ii Of India aucans the Secretary Of the ; (16) aneans• the State of Kerala ; (17) "'lh•ibunal'å means• the Tribunal constituted under section \$0 • "year" Jiteqns the financial year (19) 11 CONSTITUTION OF THE BOARD Creation and incurporaåiou of the. Board.—The duty Of carrying. Oilt the 3, provisions Of this Act shall, subject co the restrictions, conditions • and imitations therein contained, be vested in a Board co be•called Kerala and such Board shall be a body corporatg State I-lousing Board"; have perpectnal succession and a common seal, and shall by Che •said nz»ue 3 shall' consist bfa Chairman L Constitution of t/ed •Board who be non—omcial appointed by the 'Government and of the rollowing. other members, •that is to gay,— (a) Housing Cönniissioner •to the Government, exoflicio, who shall also bc Secretary Of the Boards (b) fogr officials' to •be appointed by the Government, and (c) nine non-offiCialÅ' to be nominated 'the, 'Government, onc of Whom Shall be ' an Engineer ore Arccllitect Who posesses experience in housing and Who is höt employed by the Government or local ta uthority a Corporation •owned Ot controlled . -by the •Government •Of Whom. at least two Shall be belonging to. ' ' Sched'lllocl Castes or Scheduted Tribes, Appointment of the Chairman. (ind the to bc notified.—The appointment of tho Chairman and shall be notified in the {he of the Chai,,nttn and, Board.— "The. hairnran the members the Board shall hold utfiilg pleasure the , Government • Provided that the. teem. of the •,dliäirman @ppointe.cl, under 4 member. under clause of the -said section not case bree years from date Of his appointment as the •caseona , Ghairnian nominated incmber•may resign his mejhbCl'ship. by giving notice in.,wtitifig to the Government inue sin . CL9til his Vis accepted by the , at litimber•öfthe A pergon appointed 'ag 'ånel 'for

being, a member 'a)l beep, convictgcl!, criminal court for any offence and \$0ntenced to imprisonment •chan two;syears, and a period Of 'five'] elapsed from date of . expiry of •the. fieriodt. o/ . ; or . unSOtiTld ; Ot officer ownibbrdinate under the Board é.Eili)lOyCt' Qi:. share ' interest in any contract . fop With, by on bohalf or,' thc Boai•cl or vCdiréefOt• secret.arys manager, or other omccr of any .iricorporated Compãny which has an-y gharo or inter?s'l in any c0ntracC, ot' _ employment Willi, by ot' on behalf of thc Bôa•rd. Subsii[utéd Section '2 Act IO -1988, (2) A person shall not, however be disqualified under • E(e) clause (f) of sub-section• (i) or be deemed to haye •any s!xare inteí•esér any contract or emplOymenL within the meaning Of those clauseS;'. hy• only of his, 01' the incorpovated company ot' whiéh •he 'is manager or their ojiieer, having a share or ,intergs'l in,— (i) any sale, purchase, . lease or. exchange ot: imnuovoble or any ag(eement (ii) any agreement .for Of payment of money only or (iii) any neW'papec in which any adveqtiseroent •the affairs Of the Board -is inserted ; Or' 1 (iv) the occasional' sale .10 the Board, IO '939eeding tw thousand rupees in any one year;' Of any which' h or the incorporated company. regularly trades. (3) A person shall not be disqualifiediéâ• under/ clause .(é) (f) Of sub-section (l) or be deemed to have any incorporated company which has any shave or employment with, by or on behalf of, being a share-holder Of such company Provided that such person discloseS to Goxqrnment. theN9gtuie •an e *tent .of:the shares held by; him, Explanation.—FOr the, purposes Of qlauSe {w) vo/ Y Chairman and the Secretary shall not- be clgemed'•eft0' subordinates of the. Board, . Honorarium and éllöwngnces• o/ the paid such Konararium and allowances 'as may, the 9. Leave of absence far Ww •agtvg,;,' (l) The Government may, ii•om time to time?. such leave as may be admissible under the ruley, , (2) Whenever there is, a temporary tbe ' Chairman. the Government may appoint non-officiql as Chairman •during lhe period such vacancy to.ucW'persqn such honararium and allowances as may be by Thf'per\$bn - so appointed shall be deemed for all pgcpose\$ Of Aet'tp be IO. Removal qf •non•official Tho Government by. notification in the Gazfte, remove any non-offlieial rneriiber from ,Qlfice (a) if' he has, without the permission Of the, been abSent• from the meetings of the Board for any •period exceeding thcee consecutive vuonths or if within the said period less Ohan three rogeting; have been held he absents Oimself from three consecutive. meetiog's (b) it • he has been absent from the meetingb Of • the Board for any period exceeding that peranitted under sub. section (l) of section 11 ; Or 5 . if he being a legal acts. or appears on behalf of any pepson Other than the Board in any civil). criminal or other legal proceedings in which sthe Board is interested either as party or. otherwise ; or (d) .if he has," in the opini0JL, Of the contravened the provisions Of section• 27. ; or (e) if the opinion. of the • Government, is unsuitable or has become incapable of actiaq•as Or has so, abused his position as a member -as -to 'cender, as such member, detrimental to the public interest' ; Provided' that before rgmpving a menlber under this subsection, he • shall be given a'. reasonabetoppyrtunity to show cause why he should not be (R) A, non,official member, i' removed •under any of the provisions of (a) to (d) of sub,section! . (.1) shall be disqualified for appointment as a. for peyiod. or years .from the. date Of his removal unless otherwise:vorderd by the Goveym9enc.(3) Acnon•-official mem er iemovedu under clause (e) of subsection (l) , shall pe eligible for re-appointmeut until he is declared by an order Of the to be no longer! ineligible 11 . vgcynczey, The Board may permit any gon-official member absent from its rneQtings for • a period not exceeding. six mnopths. (2) •Theicasual• vacancy in .the Office of a member who is permitted to be absent'V9dg"\$subseccion (l) fry, Ipe filled by the ' Government and any fill ' ncysll enter upon office forthwith but shall: höld Only so long as the vacancy lasts n: Pyovided that. the person so eppointed is eligible. for being appointed as a the office of thes a b}ent member i•n• accordance with the provisionyöf;section 4 'and is not disqualified under Section 7. III TRANSFER QF THE .ASSETS AND LIABILITIES OF THE CITY IMPROVEMENT TRUST OR TOWN PLANNING TRUSTS TO THE BOARD 12, 'Transfer of assets and liabilities of lhe City Improvement Trust to On the appointed day the Board Of 'Trustees lbr the Improve- ment of,' the City of 'Thiruvananthapuram 'hereinaftec.referred tu as the City Improvement Trust) shall stand dissolve ancl all it}s assets and liabilities Shall stand transferred to and vested in the Board. (2) The asset* of Che City, Improvement Trust shall be deemed to include all rights and power* and all property? whether movable or immovable, belonging to 01' vested in the [ulprovementl Trust including in particulat% cash balance, reserve • iüncls; investments, deposits and all (j other and rights ill 01' arising out of such property ag may be in tho possession or the City Improve.nie.nt: Trust and all books of account•-or doctuncnts kept 01' maintained by the City •Improvement Trust ; - and the. liabilities of the City Improvement Trust *hall. b? (lectricd to •included all liabilities and obligations

of whatever kind then existing' and debts, pertaining to the City Improvement Trust. In this section and in sections 13, and -15, 'Appointed Day' means the date on which this Act comes into force in the City of Thiruvananthapuram

13. Transfer Of superannuation and other like (1) the City Improvement Trust has a provident fund or superannuation fund or any other like fund for the benefit of its members and constituted a trust in respect thereof (hereinafter existing trust), the moneys standing to the credit of any such fund, of the appointed day, together with any other assets belonging to subject to the provisions of subsection (2) shall stand transferred in (the Board on the appointed day, from any such existing (2) The Board shall, as soon as may be after the constitution in respect of the moneys and other assets which, and vested in it under subsection one or other similar to the objects of the existing trust be practicable. (3) Where all the moneys and other belonging trust transferred to and vested in the Board under the trust, except as respects things done till the appointed day. 14. and liabilities the City (1) Unless otherwise expressly, provided by or under agreements and other instruments, of whatever effect immediately before the appointment of the Improvement Trust is a party to, the Trust shall be deemed to have been a party thereto or as if they had been into favour of the Board. (2) If on the appointed day any suit, appeal or other legal proceeding of whatever nature by or against the City or the Improvement Trust shall not be discontinued or be in any way affected by reason of the transfer to the Board of all the City Improvement Trust or or anything held by this; suit, appeal or other legal proceedings pending by or against the City, shall not be discontinued or be in any way affected by or against the Board. 7 Explanation. —For the purposes of this sub section, legal includes any proceeding under the Kerala Land Revenue Act (Act 21 of 1962)

15. Transfer of service of employees of City Improvement must the Every whole-time employee. (1) The City Improvement Trust shall on and from the appointed day, become an employee of the Board with such designation as the Board may and shall hold his office therein by the same tenure, at the same remuneration and on the same terms and conditions of service and with the same rights and privileges as gratuity, if any, and other matters as he would, have held if the Act had not been passed/ and shall continue to do so unless and remuneration, terms and conditions are duly altered by the Board Provided that the tenure, remuneration and conditions of service of any such employee shall not be altered to his disadvantage the previous sanction of the Government. (2) If any question arises as to whether any person was a employee of the City Improvement immediately before day, the, question shall be referred to the Government, decision shall be final. (3) Notwithstanding anything contained in Act, 1947 (Central Act) or other law in force the transfer of the services of any employee of the City Improvement Trust to the Board shall not entitle any employee under that Act or other law, and no suit shall be by court, tribunal or Other authority

16. Transfer Of assets and liabilities etc. (1) The Government may, by notification in the Official Gazette, direct any Planning Trust constituted under the Town Planning Act (Act IV of 1916 or the Madras Town Planning Act, 1920, or the Madras Town Planning Act, 1920) in any area in which this Act comes into force, shall on the specified in such notification stand dissolved and all its assets and liabilities; shall upon such dissolution, stand over and vested in the Board. (2) Where any Town Planning Trust is dissolved all its liabilities become to and vested in the Board. (3) The provisions of sections 12, 13, 14 and 15 of the Act shall, may be, apply to such and vesting. (3) With effect on and from the date specified under sub section (1) in respect of an area, the provisions of Chapter IX of the Town Planning Act (Act IV of 1916) or the Town Planning Act, 1920 (Madras Town Planning Act, 1920) shall cease to be in force in such area. CHAPTER IV AND MEMBERS OF THE STAFF OF THE BOARD (1) The Secretary, appointment of Housing Board Engineer and other officers servants of the Government may from time to time grant to the Secretary such leave as may be admissible under rules. (2) Whenever there is a temporary vacancy in the Office of shall report the matter to the Government and may make. (3) Board may with the previous approval of the Government and the Board may sanction the creation of such posts in the establishment if it considers necessary for the efficient performance of (5) The Board shall have the powers, in consultation with the Public Service Commission, to make appointments to the posts in the establishment of the Board and he shall exercise the power in such manner as may be prescribed. Power to grant leave and punish officers and servants of the Subject. regulations as be

made under section 19, the power to grant leave to the Officers and servants of the Board shall vest in the Secretary. Subject to such rules; may be prescribed if any officer or servant in the Board is guilty of any breach or departmental, rules or discipline or of carelessness, neglect of duty or other misconduct is in the (d) (c) authority competent to appoint such officer or servant may including stoppage an efficiency bar ; reduction to a lower post or time-scale or to a lower stage in a fine ; recovery pay or the whole or part or any pecuniary loss caused to the Board ; removal from the service of the Board: Which shall not be a disqualification for employment ; dismissal from the service of the Board which shall be a disqualification for future employment , Provided that the punishment or fine shall be imposed only on the last day of service and that infliction of heavy fines and frequent infliction or suspension shall be avoided. 9 Provided further that a servant of the Central or State Government or of a local authority whose services have been lent to the Board shall not be punished except by an authority which would have been competent to do so if his services were not so lent; but the Chairman or the Board shall be entitled to enquire and report against such servant to such authority. (3) The Secretary may, pending enquiry, suspend any officer or servant of the Board ; that shall forthwith report the matter to the authority competent to inflict punishment such officer or servant under subsection if he such authority. f) Any Officer who is aggrieved by an order passed under subsection (2) or subsection (3) may, within two months from date of receipt by him or such order, appeal to the Chairman if the order is passed by the Secretary and to the Government if the order is by the Chairman of the Government ; as the case may be. may pass such order on the appeal as he or they think fit. The Board may either, on application, call for and examine the record of any order passed by the Chairman under subsection (4) for purposes of satisfying itself as to the correctness of legality ; propriety or regularity of order and may pass such order with respect thereto as fit. Provided that application for revision shall be entertained after the expiry of thirty days from the date on which the order sought to be set aside is received by the applicant. (: Government may either suo motu or on application call for the record , passed by the Board under subsection (5), and review any such order and pass such order with respect thereto as they think fit provided that application for review shall be entertained after the expiry of thirty days from the date on which the order sought to be set aside is received by the applicant. 9. Servants. go to the provisions of this Act, the provisions of the previous provisions of the Government regulations— Of the Secretary Housing Board or servants of the Board ; and the security to be furnished by any officer or servant may be determined to require (b) for the regulation of the allowances and the servants of the Board : / 61/13. It is provided that a servant of the Central or State Government employed as an Officer or servant of the Board shall not receive leave allowances, otherwise than as laid down, service under the central or the State or foreign service ; (d) for establishing and maintaining a list of any of the officers or Central or the State Government respect under section 151 to subscribe to the fund at such rates and conditions as may be prescribed, and for out of the funds of the Board ; (e) , for determining the conditions under which the servants of the Board shall on retirement receive pension or compassionate allowances, and the amount of pensions, gratuity and compassionate allowances

20. Maintaining schedule of establishment. The Board shall maintain a schedule of establishment before the showing the number, designations and grades of the (other than the employees who are paid by the day to temporary work), it shall determine the number of employees to employ for the purposes of this Act, and also the salary, fees and allowances to be paid to the employees and contributions payable under section 151 in respect of the employees, as on the 1st of April of the same year. 21. Housing Units.— The Board shall (a) for the comprising city of and areas specified by the Government by the name The Trivandrum Housing Unit; (b) for the area comprising the city of, Cochin and at specified by the Government by notification in the (c) for the area comprising the area specified by the Government by Gazette ; and (d) with the approval of the Government (2) Every housing unit shall be managed by the Board and shall consist of such staff and necessary by the Board. (3) Every housing unit be under the administrative control powers and perform such duties as may be prescribed. 22. Control and supervision.— (1) The Chairman may by general or special order in writing delegate to any officer of the Board any of his powers, duties or functions under this Act or any rules or regulations made there under except those

under sections 24, 94, 105 and 140. (3) The exercise or discharge by any member of any powers, duties or functions delegated to him under sub-section (2) shall be subject to such restrictions and limitations as may be imposed by the Chairman, and shall also be subject to control and revision.

23. Chairman may refer any question decided by the Board to the Government.— The Chairman in cases where he is satisfied that any decision of the Board cannot in public interest be implemented, refer such matter to the Government and the Government shall, have power to issue such directions thereon as they deem fit. Such directions shall be binding on the Board.

CHAPTER V CONDUCT OF BUSINESS OF THE BOARD AND ITS COMMITTEES

24. Meetings of the Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe the rules of procedure regarding transaction of business at its meeting (including quorum at meetings) as may be prescribed by regulations provided that the Board shall meet at least once in month, (2) or in his absence such member as may be chosen by the members present shall preside at a meeting of the Board. (3) All questions put to the Board shall be decided by majority of the votes of the members present and voting and, in the case of equality of votes the Chairman, or in his absence the person presiding shall have a second vote in addition to his first vote as a member of the Board. The proceedings of the meeting of the Board shall be forwarded to the Government in the department in charge of housing within seven days of the meeting.

5. Temporary association of persons with Board for particular purpose.— (1) The Board may associate with itself in such manner and for such purpose as may be prescribed by regulations, any person whose assistance it desires for the purpose of carrying out any of its functions. (2) A person associated with the Board under (1) for any purpose shall have the right to take part in the discussion relevant to that purpose, but shall not be named, as other purpose. (3) The Government, by orders of the Government, may direct any person to attend any meeting of the Board in the discussions of the Board but not have the right to vote.

26. Appointment of the Board to appoint committees consisting of such persons as it may think fit for the purpose; of such functions, and on such terms and conditions, by regulations. (2) The Chairman or such other person as he may nominate, in this behalf shall be the president of the committee and the committee shall observe such rules of procedure in regard to business at its meetings as may be prescribed by (3) All proceedings of the committee shall be subject to the control of the Board.

27. Members of Board or Committee or Person associated with the Board or Committee shall not, directly or indirectly, have any beneficial interest in any land situated in an area comprised in any housing or improvement scheme framed under this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act, (i) he shall at a meeting relating to such of the land or any committee, inform the person presiding of the nature of such interest and (ii) he shall not take part in any proceeding relating to such area at a meeting of the Board or any committee. (3) Nothing in sub-section (2) shall prevent any member or any associated with the Board under section 25 or any member of a committee appointed under section 26 from voting on, or taking part in the discussion of any question relating to any subject other than a subject referred to in that subsection, (28) the decision of the Committee shall, be invalidated by informality, act done or proceeding taken under this Act by the Board or any committee shall, be invalidated merely on the ground— (a) of any vacancy defect in the constitution of the Board or or (b) of any defect or irregularity in the appointment of a person acting as member thereof. (c) Of any defect or irregularity in such act or proceeding not affecting the merits of the case.

CHAPTER VI POWERS OF BOARD CHAIRMAN AND SECRETARY TO EXPENDITURE ON SCHEMES AND ENTER INTO CONTRACTS

29. Powers of Board and Secretary to incur expenditure.— Subject to budget provision and availability of funds, expenditure may be incurred on any single work or for carrying out any of the purposes of this Act— (i) by the Secretary, in case of

expenditure does not exceed One -lakh; Of rupees.; and (ii) by the Board in Other cases, : Provided- Chat the Secretary shall report the expenditure incurred by him under this .section to the Board at this next meeting for approval. 30, Powers of Board and Secretary to approve The Board "Or the Secretary may aeeOi'd• approval to estimates for incurring expenditure on any work or schemes for carrying Out any 01' the purposes Of this Act subject like restricticnfs and conditions imposed On the Board or the 2SecreCary, as the ease- may bes undec section 29. 31 Emergency Powers of Chairman may in cases Of émet•gency, direct the 'C*eeution Of any work or the doing of' any act which requu•es the sanction of the Boat'd and the immediate execution or doing Of which is, iu his opinion necessary for the service or satéty Of the publici ancl may also direct that the; expenses of executing the work or of doing act. shall •bepaid from Che funds Of the Board ; Provided that-z he shall • not act under, this section in contravention of any direction. of •the Board or the' Government prohibiting the execution of any particular. work or the doing of any particular act; 14 (b) he shall. report the action taken •by him under jthis section and the reasons therefor to the Board at its next meeting and shall tatso submit a copy of his report to .the Government and the Board .:or the Government mÅy issue such' directions ag it or tbcy• may demn fit on such report

32. Power to vyakg and Perform The Board • rriayi enter into and perform all such contracts as it may consider.necessary or. akpcdignV,' for carrying out the purposecg of this Act. 33 . Agreements and security deposits. (1) Every contract shall be made on behalf* ot' the Board by the Secretary or any other .qfhcet' of the, Boprd authorised by the Board. (2) The secretary or Che officer authorisc(l under sub-section (1) shall• take sufficient socurity deposit for the due. performance of the contract. (3) Written •agreements shall bc executed for every contrapt, , the value of which; cxxxxclR five hundred rupees, Every contract made by the Secretary or -the Offioer authorised under sub-section (1) the value of which exceeds ten , shall bc reported to the Board at-its next meeting, 34 Eurl.her proviSions as to execution of, contracts •and agtieemttits.æ• Su12ie,ct lo the provisions of Sectipns 32 and 33 contracts shall bc macle on executed in accordance with Sugh rules. prescri bcd. (2)' A contract or •agreement' mãdc in the provisions of' this Act or the Rules Or repulatio»\$ shall not bc binding on the Board

35. Signing of instruments and the .ragisl(dtiyii of»such The Secretary or any officer •of the Boardw by the Board in this behalf may sign on behalf'(jf Board any ' or other instrument to bc 'executed on behalf • f .Boård.,',•• (2) Notwithstanding anything contained. in the Indian,' Régistâ•atiou, Act, 1908 (Central' Act 16 or 1908) • it shay not be Secretary or an officer of the Board referred tpitvsub-§ect•ion in person or by agent at any registration office. in finy proceduüg go/iuuccteql#il ; , ' with the registratiOO Of any • instrument him iii capacity or to sign as provided in section 58 Of that Acc. (3) Wher any instrument is so executed, omccr. 'to. whom such instrument is presented for registration may, if. fit, refer the Secretary Or an officer of, t he Board rccferred to •sub-ctotiofi• (1) for inrormation respecting the same, and shall;- on being - gatisfied pfi thg,,i. execution tbercorl register iP3trgment. 15 VII QRIIM?ROVEMENT SCHEMES 35,' i"ider'tak'e housing or Itoprovctnnt Schemes and incur; Subjggc to;thg provisions of Chis Ac!, lhc Board may, from time•to and' Under!ake works •for the preparation exgeution •housin schemes as j! may consider • negessary; The Governmeqt.:rmay, such terms . conditions aÅl they 'think fit tragiferl• to' the Board (he execution of any 'hottsing improvement scheme. not 'provided for by' this Act, and the Boafd *hall" thgreupon• undert+ke Fhe- execution of such schemes as if it had been providécl' for by this Act. (3) The Board •may, on guch •terms and Conditions as may be agreed upon, take over for execution any housing or improvement scheme undertaken by •a local authority alid the Board shall execute such scheme Wit had been provided •for b} this Act. 37, - P.ower of Government to trapsfer any land belonging to or •vested them or gcquired underme Land -Acquisition Act, to the Board.—Whenever the Governmt;nt consider it Cöpedieng. or necessary, • for the purpose of _ clearancf, or improvement Of any slum area, to transfer any land in such area belonging go or vested in them or acquired under the: provisions of •the Kerala Land Aquisition Act, i 961 (Act 21 00962), for the purposes of they • may do so• op . Such terms and conditions as • they co. impose and direct the Board, to undertake the •clearance or improvemerit. Of that area pnd to frame and execute such housing or impÉoveoaeli t, scheme under this Act as the Government and the Boerd shall. thereupon undegtake the same foc execution • had been prOvided for by .this Act.. 38 ' Ileusiug or; improvement scheme when to be framed by the board.—A housing : or pnproyement sqhegle may' be framed by the Board on its own motion instance: of. •the •Government or a local authority. 39. u Board may , 'ggree tp frame and execute a housmg or improve- ment . may agrge to •frame and a housing or itnpt•ovemgnt scheme at the instance Of a local authority if the Board , satisfied

that "cheme is necessary and the funds at its disposal permit the thf executiop such scheme, Or may refuse to frame and such if it is sati\$ied that it is eigher- unnecessary or not •ffasiblg it otherwisg. unexecutable. Any local authority' •deeming itself agg'ieved by the refusal .Of the Bo*d under subsection (l) may, within two pionths from lthe date receipt}; order • of such! reiU#al, appeal •to the Government . who may •such lorders thereon as they think fit, •and it shall be the.\ duty Of the Board .to,,give effect to such order*, accordingly. 'l(). Mailers to be provided by housing or impovetnent •schemes.—NotWith- standing anything contained in any other law for the time being in 'force, a housing or improvemcnt scherncs may provide for all oi• any Of" following matters, namely : 6) the acouisition by purchase, exchangcj •or property necessary for or affected by the •execution 'Of the nschemc;; (b) the Ja9ing or re- laying ' out of land comprised scheme ; (c) • the distribution or re-distribution •of sites or the property comprised in the scheme ; (d) the closure or demolition or dwellings portion* Of ,clée IliQ88' unfit lbr human habitation • (c) the demolition of obstructivc buildings qr 'portion QfJ2ujldingg (f) the construction and re-construction Of buildings s; . (g) the sale, lease or exchange Of any •property • scheme the construction and alteration Of :roadS,• Street*, backllänegj. (h) bridges, culverts and causeways ; the draining, water supply and lighting the streets in -the sc.hcmc (j) •the prOvi5ion of open parks, , playinÉ feldg and öpc,n the benefit of any larca comprised»in •thevscheme Or *ily' adjoining. the enlah•gcmcnt of •existing parks, playing open •and approaches ; (k) the provision or sanitary arrafigcmcnt3ficqilirgA. for' "the prised in the schcmc, including the -conservation? 'land 'preventi0111QOf. •in9 jury or contamination to rivers or other *ourccg nd roeans. or the provision OT' accommodation for •of (m) the advance o r money for .the the schclnc (n) the provision 01' facilities for , and tfaspft (o) the collectiou of such information? and} ,statistics as necessary for the purposes of this Act ; (p) the reclanvlt.iorå or reservation of lands .for _ playing fields and afforeStation (q) the •provision Of : parks, , ' shops, markets, fuel depots, •laundries; hair drcSSiÅg ' Sa'loons amenities in the .skeauë ; •and (r) any other matter 'for Which, . it is expedient to •make •provision , with Ga view { .t'öi modation ar.d to :thwimpyovement Of any iarea or of any adjoining area .or thel,genéfa! efficieneylöf ÅchCnne. • 17 the •purposes of this section, the Government may, by notification in the Gazette Specify such area surrounding or adjoining the area included in a hou;ing or improvement scheme to be the adjoining area 41. Types of housing Oi improt"ment Any housing or •imp!overnentßschcmé Shall 'be of' of the following types, or combination of any 'two or more, such types. or of any spcciai features thercof that is to •say (a) a •house accommoda!ion scheme ; for the pgor sections Of the people havingA an income not ex- cccding RS. 2,000 per annum especially for schedulcd castes and scheduled tribes. (ii) for others. b) a 'rcbuildink. scheme ; c) a rehousing or. rehabilitation scheme ; d city or town or- Village expansion scheme ; e a stre6t gcheme f a deferred street scheme ; g land developmcnt± scheme ; h a gcpéral improvement schernc ; i an .Offide accommod}tion scheme ; an i?ducatioital institution accommodation schemes ; k) a health •instit.ttibn iaccommodation scheme ; and l) a, tourist accommodation scheme. \$2) Notwi!hstanding anythihg contained in gub•section (l), the Board m Y' t" motu or at of the Government rranne a schetne or schemes 'fo 't grant, ot loans to private individuals, local bodies or Ot .organßåtions housing purposes subject to such terrns and con- di io as fnay be laid down in 'the scheme or schejnes *rovidéd' that the terms and conditions or the schemes framed Elt the iii tahcc of the G0V"nnrent Shall bc subject to their approval : roviddd further that. the provisions in section 50 to 57 shall not åp I to the Schemeg framed under this sub-section. 2 liöusd' Accommodation Scheme. _ (l) Whenever the Board is . -of op ni tha€:it.i\$ expedient or necessary to mect the heed for house accom- til dh ion in any area,, the Board may frame. a house accommodation scle c. () Such . Sdherné Shall specify the lay gut of the area 'wherc the : arno bc, cöiiStruCtd. () Stae,hf Achéme mipt•o.vitle for the Construction of houses and for the •asing' out' br Sale Oji Insis any house so conytructcd. 16611B. 18 (4) The Board provide. in. the area *treecs supply; lighting and other amenities. 43. "Rebuilding Whenever lit appears go the .area is au insanitary sarea within the meaning of section 49 regard to the comparative value of the building} sites on which they are •cpecCed, the mosq saciSfhgtory with the aren or any part thereof' is a xebuilding frame a rebuilding Scheme the whole area or gny part o! iit; clange with the provisions Of this section. (2) rebuildingog scheme may provide for.. the reservation oc roads, streets, lanes ' and *Open spaces (a) sireets, lanes. and open, ! enlargement of the existing roads, extent as may be necessary purposes 01' (b) re-laying out. of the site* Of •upon. lanes and open spaces so rc;gerveel •or enlargcd•; (c) the payment Of compensation in or enlargement and glue formation of roads, so reserved or enlarged ; (d) the lie-construction, alteration buildings and their the or ot" thea»wners, and

the erosion of buildings by the said Owners, by the Board in sites as defined under the the advance to the owners, upon such (e) to interest, sinking fund, and other matters as the scheme, the sums as may be on either existing buildings or to erect new building; and the acquisition by the Board of any land which is included in the scheme. in the the ' - Renouising or rehabilitation opinion that it is necessary 'persons who— (a) displaced by the execution of any housing or improvement scheme sanctioned under this Act or (b) are likely to be displaced by the 'Of any scheme, which is intended to frame a surplus in any scheme. area, the Board a scheme the construction, and the management of such number of dwellings may be required, or may require rehabilitation for providing number of open plots with roads, streets, and open space as necessary. 19 (1) Whenever the Board is of opinion that it is expedient to control and provide for the expansion or development of a city, town village, the Board may frame an expansion scheme and specify the time limit for the execution of such scheme. (2) The expansion scheme may be framed in respect of an area which lies wholly within or wholly outside the limits of the city, town or village, or in respect of an area which lies partly within and partly outside the city, town, or village, (b) shall specify the proposed layout of the area to be developed, and the purposes for which particular portions thereof are to be utilised (4) After any such scheme is made, no person shall, without the previous permission of the Board, erect, re-erect, add to, or alter any building or wall within the area comprised in the scheme. (5) If the Board grants permission to any person to erect, re-erect, add to, or alter, any building or wall on his land in the area aforesaid, and does not proceed to acquire such land within one year from the date when he is required to pay reasonable compensation to such person, for any damage sustained by him in consequence of such refusal. Street. Whenever the Board is of opinion that for purposes of— providing building, site, or (b) remedying defective ventilation, or (c) facilitating new or improving existing means of communication and facilities for traffic, or, (d) affording facilities for conservancy, it is expedient to lay out new streets or alter existing streets (including bridges, drains, ways and culverts) in any area, the Board may frame a street scheme for such area. (2) A street scheme may, within the limits of the area comprised in the scheme provide for the following matters, namely (a) the acquisition of any land which, in the opinion of the Board, is necessary for the street scheme; (b) the laying out of all or any of the lands so acquired including the construction and the construction of buildings by the Board or by persons authorised by the Board in that behalf and the laying out, construction and alteration of streets and thoroughfares; (c) the draining of water supply and lighting of streets and thoroughfares so constructed, or altered, (d) the raising, lowering, or reclamation of any land vested in, or acquired by the Board for the purposes of the Scheme; 20 (e) the provision of open spaces for the better ventilation of the area comprised in the scheme; and (f) the acquisition of any land adjoining any street/ thoroughfare, or open space to be formed under the scheme

47. Deferred street) Whenever the Board is of opinion that it is necessary to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignments to be prescribed by the Board, but that it is not necessary to acquire all of any of the properties lying within the proposed improved alignment, the Board may frame a "deferred street scheme" prescribing an alignment of the street and specify the time limit for the execution of such scheme, (2) A deferred street scheme shall provide for the following matters (a) the acquisition of the whole or any part of any property lying within the prescribed street alignments within the time limit specified in the scheme which may be extended by the Board from time to time provided that such time limit including the period by which the Board shall in no case exceed twenty years from the date of sanction of the scheme. (b) the laying out of all or any such property including the demolition and reconstruction of buildings by the Board or by any other person, and the formation and alignment of the Street; (c) the draining, water supply and lighting of the street so formed or altered. (3) After a deferred street scheme has been sanctioned by the Board— (a) no person shall, except with the written permission of the Board, erect, re-erect, and to or alter any building or wall so as to make the same into the prescribed alignment of the street (b) if the Board fails to acquire or to institute proceedings for the acquisition of any property within the prescribed alignment or within the time limit specified in the scheme or extended by it, the owner of property may, at any time thereafter, give the Board notice requiring it to acquire or to institute proceedings for the acquisition of property within the expiration of six months from the date of such notice and thereupon the Board shall acquire, or institute such proceedings and acquire the property accordingly; and if the Board fails to

do so, it shall pay reasonable compensation to the Owner for any damage sustained by him in consequence of such failure; (c) before proceeding to acquire any property lying within the scheme, the Board shall give the owner of the intention to acquire such property 21 (d) Notwithstanding anything in the Kerala Municipal Corporations Act, 1961 (Act 30 of 1961), the Kerala Municipalities Act, 1960 (Act 14 of 1961), the Guindyayur Township Act, 1961 (Act 43 of 1961), or, in any notification issued under section 12 of the Panchayats Act, 1960 (Act 32 of 1960), the Council of the Corporation of a city or a Municipal Council, or the Guindyayur Township Committee or a Panchayat shall not have the power to alter any alignment of a street within the limits of the scheme, and any such alignment previously prescribed within limits shall cease to be that of the street.

48. Land scheme.—(1) Whenever the Board is of opinion that it is expedient to provide building sites in any area, the Board may frame a land development scheme; (2) Such scheme shall specify the proposed layout of the area to be developed and the purposes for which particular portions thereof are to be utilised; (3) The Board may provide for roads, streets, open spaces, drainage, water supply, street lighting and other amenities for the scheme area; (4) The Board may lease out or sell, by outright sale or on hire purchase basis, the building sites in the scheme area. **49. General improvement scheme.**—Whenever it appears to the Board— (a) that in any area, any buildings used or intended or likely to be used as dwelling houses are unfit for human habitation, or (b) that danger to the health of the inhabitants of buildings in any area, or to buildings in the neighbourhood of such is likely to be caused by— (i) the narrowness, closeness, or bad arrangement or condition of streets or buildings or groups of buildings in such area, or (ii) the want of light, air, ventilation or proper conveniences in such area, or (iii) any other sanitary defects in such area, the Board may frame a General Improvement Scheme in respect of such area. **50. Preparation, publication and transmission of notice to housing or improvement schemes and supply of documents.**—When any housing or improvement scheme has been framed, the Board shall prepare a notice to that effect and specify— (a) the boundaries of the area comprised in the scheme, and (b) the place or places at which particulars of the scheme, a map of the area, and details of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover betterment fee, may be seen at reasonable hours. **22 (2) Board shall—** (1) cause the said notice to be published in the Gazette or in two daily news papers having wide circulation in the locality in which the area comprised in the scheme is situated, specifying the period up to which the objections will be received; and (2) send a copy of the notice to the local authority concerned; The Secretary shall cause copies of all documents referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of the fee fixed by the Board. **5-1 Transmission to the Board of representations by concerned persons as housing improvement scheme.**—The local authority to whom a copy of a notice has been sent under clause (b) of sub-section (1) shall, within a period of sixty days from the receipt of the said copy, forward to the Board any representation which the local authority wishes to make regarding the scheme.

52. Notice regarding proposal to recover betterment.—(1) Within the three weeks following the day on which any notice published under section 50 in respect of any housing or improvement scheme, the Board shall serve a notice in such form as may be prescribed on every person whose name appears in the assessment list of the local authority being primarily liable to pay property tax on any building or land in regard to which the Board proposes to recover betterment fee; (2) A copy of the notice shall also be affixed in every such premises; (3) Every such notice shall be signed by the Secretary or by a person duly authorised by him in that behalf; (4) Any person on whom a notice under sub-section (1) has been served, within thirty days from the service of the notice, may make a representation in writing to the Board stating his objection to the scheme.

53. Furnishing of copies or extracts.—(1) On the request of the local authority, the Executive Officer of a local authority shall, at the request of the Secretary, furnish him with a copy of, or an extract from, the assessment list of the local authority; **54. Abandonment, modification or sanction of a housing scheme.**—(1) After considering the objections, if any, received in pursuance of sub-section (2) of section 50, section 51 and sub-section (4) of section 52 and after hearing the persons having raised any such objections or made any such representations, the Board may, if it is satisfied, either abandon or modify or sanction the scheme, or apply to the Government for sanction with such modifications as the Board may consider necessary if the cost of the scheme exceeds ten lakhs of

rupees, 1. Substituted by; section 2 of Act 21 of 19&1. Substituted by section 3 Of Act 21 Of 1981. 23 (2) The Government may sanction, with or without modification, or may refuse or may refer, for reconsideration any housing or improvement scheme costing ten lakhs of rupees submitted to them under sub-section (1) of section 55. 24. A scheme referred for reconsideration under sub-section (2) is modified by the Board, it shall be republished in accordance with section 55. 25. Whenever the modification affects the boundaries of the area comprised or involves the acquisition of any land not previously proposed to be acquired; and (b) in every other case where the modification is, in the opinion of the Board, of sufficient importance to require republication. 55. Publication of sanction of housing or scheme — (1) Whenever the Government sanctions a housing or improvement scheme, it shall be announced by notification in the Gazette. Provided that whenever the Board sanctions a scheme with modifications, if any, it shall cause notice to be published weekly for two consecutive weeks in the Gazette. and, in two leading daily newspapers in the State, The publication of the notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has duly sanctioned, (2) Any person aggrieved by the decision of the Board sanctioning a scheme may, within thirty days from the date of last publication in the Gazette of the said scheme appeal to the Government and the decision of the Government on such appeal shall be final and shall not be liable to be questioned in any court of law, (3) The scheme shall come into force and shall have effect — (a) where no appeal is preferred, under sub-section (1), from the expiry of the thirty days referred to in that sub-section; and (b) where such appeal is preferred, and from the date of the decision of the Government on such appeal. 56. The Board to execute housing or improvement schemes. — As soon as a housing or improvement scheme, other than a deferred scheme or expansion scheme, has come into force, the Board shall proceed to execute the same.

57. Alteration a housing L or improvement scheme after sanction.—Al any 'timeafter a, housing or improvement scheme has been sanctioned by the Board or the Government as the case may be, and before it has been carried into executions the Board may after or cancel it • Provided that— (a) IF any alteration is likely to tir - estimnted net;' dogt.of executing a scheme by more than ten per ceni Of the total ' Costs:or if •any alterca scheme i; likely to cost more than ten lakhs Of. rupees, the alteration shall not bc made without the previous sanction Of the Government • (b) if any alteration involves the acquisition, Otherwise -thali' by agrcmnt, OCany land not previously proposed to be acquired in thec Original scheme, the procedure prescribed in the rotegDing sections Of this: '.G.hapéOr shall, so Car as it .tnay bc applicable, be followed as iffthe altrcä tiOm a separate scheme: , (c) il', owing to any alteration, any land thot- previously liable. under: the Io the payment Of a betterment L becomes liablerio ;sticli payment, the procedure prescribed in sections 50s 51 and 52 'shall, far its it may be applicable, be followed in regard - to•such 'land Provided further that no scheme costing over ten lakhs of rupce\$, 3häll be cancelled under this "section without the previous 'the Goveernunt. Explanation.—For the purposes Of this section, the term shall be clocmc:d to include a combination Of two'or more schemes frante.d'pr proposed io bc framed and the exrjrcssion s •altered scheme" Shall to include any scheme so conlbined. 58. 'l -ransJer (.o Board for Purposes of imprbvment scheme •Q' laud oestf.d ut Elacal Whenever any 'building Or land OT, any street or any part ('hct•eof, which •is situated Yithin ±the a local authority ancl •is vested in such local autlurity,, is within the any housing or improvement scheme, the Board Shall: give, notice acéördingly to that local authority and such building; land pr street or. part thereof' shall thereupon vest in the Board, (2) Where any land situated within the -jukisdi@tion. , or a loud! "autho- City vests in the Board uncler the provision as of Sub-section -the Board makes a •declaration that such land . Wi retained only until it revests, in the local authority as' part of a street space under section .62, no oompensation shall by the Doard (3) Where any building or land vests in the Board under the provisions of sub-section (l) and no declaration is jnade• under respect of the land, the Board •shall pay to the lochi authority as sation, a sum equal to the market value building br land clate on which the scheme comes into force •under section 55 ajid'Whcf.é,âfiy building situated the land in respect, ofl 'vlligh a declaration rnade b the Board under sub-section (2) Vested the' Boar4' section l), like compensation shall bé payablq by the Board. 25 (4) If, •in any case, where the Board has made a dcclm•ttion in respect of any land sub-section (2), the Boa.'d clctains or cli:pmcs or the land contrary to the termg Of the declaration, •so that the land does not revest in the local •authority, the Board shall pay, to the . local autlrit}', compen- sation respect of Such Jand in accordance withthe provisions Of sub- section (5) If any quqstion or dispute arises as to whethci•

compensation is payable under sub-section (3) or sub-section (4), Or, as to the amount "of such compensation or as to whether any building, land or street, or any part thereof, required the purposes the scheme, the matter shall be referred to the Government whose decision shall be final. 59. 'Transfer of private street square to Board for. Purpose of housing or improvement Whenever any private street or square or part thereof, which is not vested in the Board or in a local authority is required for carrying any housing or improvement scheme, the Board shall cause to be affixed in a conspicuous place in or near such street or square or part, a notice signed by the Secretary and—' (a) stating the purpose for which the street or square or part thereof is required, and (b) declaring that the Board will, on or after a date to be specified in notices take over charge of such street or square or part, from the owner thereof, and shall simultaneously send a copy of such notice to the owner of such street or square or part. (2) After considering all objections, if any, received in writing before the date specified under clause or sub-section the Board may take over charge of such street or square or part, and the same shall thereupon vest in the Board. (3) When the owner closes any private street square or part thereof which is vested in it under sub-section (1) it shall pay reasonable compensation to the previous owner for the loss of his rights therein. (4) If the alteration or closing of any such street or square or part causes damage or inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, the Board shall forthwith make other means of access for use of persons who were entitled to use such street or square or part as a means of access to any place and if the provision of such means according to the provisions of the law does not prove sufficient to compensate any such owner or resident for such damage or inconvenience, the Board shall also pay him reasonable compensation. The provisions of certain laws of a local authority regarding closure.— Though the provisions of the Kerala Municipal Corporations Act, 1961 (Act 30 of 1961) the Kerala Municipalities Act, 1960 (Act 14 of 1961), the Keralam Panchayat Act, 1960, (Act 32 of 1960), as relating to main-tenance repairs or public streets, closure or public street or part thereof, 34/6611B, 26 diverting or lighting public streets or parts thereof and to disposal of the land which is longer required when any public street is permanently closed, shall not apply to any street which is vested in the Board. Some of the provisions of the enactments specified in sub-section (1) relate to temporary closure of streets, precautions during repairs of streets and prosecution against removal of bars and lights shall not apply to the Board when any drain on premises vested in the local authority is opened or broken by the Board or any public street is under construction: Board. Repairs of streets vested in Board.—Whenever the Board takes over a street vested in it to be used for public traffic, it shall keep the street in good repair all things necessary for the safety and convenience of persons using it.

62. Transferring streets laid out or altered by Board under a housing or an improvement scheme, The Board over any road or street to the local authority concerned after giving month's notice, when— (a) any such road or street laid or altered by the Board has been duly levelled, metalled, flagged, channelled, sewerage and drained in the manner provided in the scheme sanctioned by the Board or the Government under section 54. (b) all posts necessary for the lighting of streets have been provided by the Board; and (c) water and other sanitary conveniences have been duly provided in such streets. (2) The local authority concerned after receiving the notice from the Board under sub-section (1) 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 cleansed by the local authority. (3) Where an open space for the purposes of ventilation or recreation has been provided by the Board in executing any housing or improvement scheme, on completion, be transferred to the local authority concerned by a resolution of the Board and it thereupon vest in the local authority concerned and it hereafter be maintained by that authority as its expense. Provided that the local authority may require the Board any such open space is so transferred to enclose, level, turf, drain and layout such space and provide foot-path therein, and if necessary to provide drains and other apparatus for lighting it. (4) 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 Government whose decision shall be final. 63. Prohibition or restriction of traffic vested in the Board, during progress of work When any work which may lawfully be done is being executed by the Board in any street vested in it, the Board may direct that such street shall during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description. (2) When any such direction has been given, the Board shall set up in order prohibiting traffic to a conspicuous position in or near the street to the extent so

directed, and fix such bars, chains, or posts across or in the street as it may think proper for preventing or restricting traffic therein

64. Provision When work is executed by the Board in public streets

(1) When any work is being executed by the Board in any vested public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision for (a) the passage or diversion of traffic; (b) securing access to all premises approached from such street; and (c) any drainage, water supply, or means of lighting which is interrupted by reason of the execution of the work.

(2) The Board shall pay reasonable compensation to any person who suffers special damage by reason of the execution of any such work.

(3) The Board may— (a) turn, divert, discontinue the public use of, or permanently close any public street in it or any part thereof; or (b) discontinue the public use of, or permanently close any public street vested in it or any part thereof.

(4) Whenever the Board discontinues the public use of or permanently closes any public street, vested in it or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a member of the public, to use such street or part as a means of access, and has suffered damage from such discontinuance or closing.

(5) Whenever the Board discontinues the public use of or permanently closes any public street vested in it or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a member of the public, to use such street or part as a means of access, and has suffered damage from such discontinuance or closing.

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

(7) The Board may enter into an agreement with the local authority concerned for the supervision, repair, lighting and general management of any land so retained.

(8) Other duties of the Board.—It shall also be the duty of the Board to take measures with a view, (1) to plan and co-ordinate all housing activities in the State; (2) to provide technical advice; and scrutinise all projects housing improvement schemes sponsored by the Central Government; (3) to maintain, allot, lease and otherwise use plots, buildings and other properties of the Board or the Government, to collect rents from properties under the control and management of the Board and repay loans to the Central and State Governments; (4) to set up a research section for the purpose of expediting construction of, and cheapening the cost of building, sale, (5) to organise and run workshops and stockpiling and supply of building materials required for housing or improvement schemes.

68. Supervision and cost Board may include cost of any housing or improvement scheme framed by it or any other work undertaken by it, supervision and cost charges at such rates as may be fixed by it: Provided that, the rate so fixed shall not be more than twelve and four half per cent the cost of the scheme or work

69. Power of Government to call for the records of the Board annual, etc, housing or improvement schemes

(1) Notwithstanding anything contained in the foregoing provisions, if the Government may, at any time in the case of any housing or improvement scheme which is proposed to be carried out or which has been carried out by the Board or which is being executed by it, call for and the Board "relating to such scheme and if, after making the examination and if considering the representation, if any, of the Board and the authority concerned, it appears to the Government that such scheme is modified, annulled or remitted for reconsideration to the Board, the Government may order that the scheme should be executed with modifications, they may pass orders accordingly. Provided that the Government shall not order the modification or the annulment of a scheme under this section without giving the person likely to be adversely affected by such an order a reasonable opportunity of being heard.

(2) Government may stay the execution of any such scheme pending the exercise of their powers under subsection (1) in respect thereof.

(3) Any housing or improvement which has already come into force but has been modified by the Government under sub-section (1) shall have effect as if it had been duly sanctioned by the Board under section 54, the scheme as modified shall be published in accordance with the provisions of sections 55 and on such publication the scheme so modified shall come into force and shall have effect.

(4) The Government may, in public interest, by notification in the Gazette, subject to such conditions and restrictions as may be specified in such notifications, any housing or improvement schemes, from a date any of the provisions of this Chapter.

VIII ACQUISITION AND DISPOSAL OF LAND Power to acquire land— the

Land acquisition Act.—Any land in any part of the interest therein required for any of the purposes of this Act may be acquired under the provisions of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), or by purchase, lease, exchange, or otherwise, and the Board may enter into agreement with any person for the acquisition from him by purchase, lease, exchange, or otherwise, of any land or any interest therein which may be acquired under section 71, Provided if the value of such land or interest exceeds fifty thousand rupees, the Board shall not enter into such agreement without the previous approval of the Government, 73. - power to dispose of land. The Board may retain or may lease, sell, exchange or otherwise dispose of any land vested in or acquired by it under this Act, (2) Whenever the Board decides to lease or sell any land acquired by it under this Act to any person— (a) it shall give notice by advertisement in one of the leading local newspapers in the State, and (b) it shall offer to the said person, or his heirs or executors or administrators, has prior right to take on or to purchase such land for an amount or at a rate to be fixed by the Board, if the Board considers that such an offer can be made without detriment to the carrying out of the purposes of this Act. (3) If in any case two or more persons claim to have the prior right referred to in clause (b) of sub-section 1, preference shall be given to the person who agrees to pay the highest amount or rate for the land, not being less than the amount or rate fixed by the Board under that clause. 30 CHAPTER IX LEVY, ASSESSMENT AND RECOVERY OF BETTERMENT FEE 74. Payee/ of betterment) When by the execution of a housing or improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that betterment fee 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 resulting from the execution of the scheme. (2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme exceeds the value of the land prior to the execution of the scheme estimated in the like manner, and the betterment fee shall be one-half of such increase in value, (3) If the Board may, with the previous approval of the Government/ declare that such betterment fee shall also be payable in respect of any land not comprised in the scheme but is adjacent to the area comprised in the scheme if such land will be increased in value consequent on the execution of a housing or improvement scheme in the area comprised in the scheme. Provided that the Board shall, before declaring that any such fee shall be payable under this sub-section, serve a notice in such form as may be prescribed on every person whose name appears on the assessment roll of the local authority concerned as being primarily liable to pay on any building or land in regard to which the Board proposes that such betterment fee shall be payable, and thereupon, the provisions of sub-sections (2), (3) and of section 52 shall apply to every notice under this proviso

75. Assessment of betterment fee by the Board and notice to persons liable to pay the same.— (1) When it appears to the Board that a housing or improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall by resolution passed in that behalf declare that for the purpose of determining such fee the scheme shall be deemed to have been completed and shall serve notice in writing to every person on whom notice of assessment has been served under clause (a) of sub-section (f) of Section 74 of the Act, to the successor-in-interest of such person, as the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 74, (2) The Board shall then assess the amount of betterment fee payable by each person concerned, after giving such person an opportunity to be heard and such person shall, within one month from the receipt of notice in writing or such assessment from the Board, inform the Board in writing whether or not he accepts the assessment. (3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section 1, the assessment shall be final. (4) If the person concerned does not accept the assessment made by the Board or fails to inform the Board as required under sub-section (2) within the period specified therein, the matter shall be referred to the Tribunal. (5) The Tribunal shall, after holding an inquiry, and after hearing the person concerned, assess the amount of betterment payable by the person

76. Board to give notice to person liable to betterment the amount of all betterment fees payable in respect of land in the area comprised in the scheme and in respect of land not comprised in the scheme area but is to the area comprised in the scheme referred to in sub-section (3) of section 75.— (1) When it has been determined under section 75 the Board shall, by a writing to be served on all persons liable to such payments, fix a date by which such payments shall be made, and interest at the rate of four and a half per

Interest per annum upon any amount outstanding shall be payable from that date: • Provided -that any person liable as aforesaid may make payment, if he so chooses, in such number of annual instalments not exceeding ten as the Board may determine

77. Agreement to make betterment fee a charge on Any person liable to pay a betterment fee • in respect of any land may, at his Option, instead of paying the same to • Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the annual payment in perpetuity or interest at the rate of six per cent per annum, or the rate fixed by the Board from time to time subject to the approval of the Government, the first annual payment of such interest to be payable one year from the date referred to in section 76 (2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall notwithstanding anything contained in any other enactment and notwithstanding the extension of any mortgage, or other charge whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in each land subject to the prior payment of the basic tax under the Kerala Land Tax Act, 1961 and the Plantation Tax payable under the Kerala Plantation (Additional Tax) Act, 1960. (3) any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment. (4) At any time after an agreement has been executed in pursuance of subsection (1), any person may pay off the charge created thereby with the interest due up to the date, of such payment. (5) When agreement in respect of any land has been executed by any person in pursuance of subsection (1) no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land

78. Recover. of moneys payable in pursuance of sections 74, 76 and 77.—All moneys in respect of any land by any person in respect of a betterment fee under section 74 or section 76 or by any person under an agreement executed in pursuance of subsection (1) or Section 77. shall, together with interest due up to the date of realisation, be recoverable by the Board from the said person or his successor-in-interest in such land, as an arrear public revenue (1) or on land

79. Agreement payment of betterment fee not to bar acquisition tender declaration. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of subsection (3) of section 75 or in pursuance of which an agreement regarding the betterment fee has been executed under section 77, be subsequently required for any of the purposes of this Act the payment or agreement shall not be deemed to prevent the acquisition of the land under the Kerala Land Acquisition Act, 1961 (Act, 21 of 1962)

CHAPTER X CONSTITUTION OF TRIBUNAL AND ITS FUNCTIONS 80. Constitution of a Tribunal for certain Notwithstanding anything contained in the Kerala Land Acquisition Act, 1961 (Act 21 of 1969), the Government may constitute a Tribunal for the Purpose Of the functions of the Court with reference to the acquisition of land by the Board under the said Act, for deciding disputes relating to levy or assessment of betterment and for deciding Such other matters as may be prescribed. (2) The Tribunal shall consist of one person; only who shall be a judicial officer not below the rank of a Subordinate Judge. (3) The Tribunal shall have, the same powers as are vested in a Civil Court under the Code Of Civil Procedure, 1908 (Central Act 5 of 1908), 81. Officers and subordinates of the Tribunal may, previous sanction of the Government, be appointed: such officers and subordinates as it considers necessary for carrying on its business and on other conditions of service of such Officers and subordinates shall be such as may be prescribed. 82. Payment by Board on account of Tribunal. —The amount for the payment of remuneration, salaries, allowances and other contributions payable to the judicial officer appointed as the Tribunal and subordinates of the Tribunal shall be paid out of the funds. (1) Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1961 (Act 21 of 1962), but subject to the provisions of the said Act (2) the award or the Tribunal relation to the acquisition of land shall be deemed to be the award of the Court under the said Act Any person who does not agree to the amount of the compensation awarded by the Tribunal for the land acquired by the Board under the Land Acquisition Act, 1961, (Act 21 of 1962), or to persons to whom it is payable shall be entitled to appeal, the appeal shall be filed within Sixty days of the date of the

award of the Tribunal' prefer aji appeal to High Court •Provided that the "High Court may entel/taili the appeal after the expiry of the said period of Sixty days, if it is satisfied that the appellant was 'prevented by sufficient, cause from filing the appeal in time. (3) Any award of the Tribunal shall be subject to the order of the Tribunal on any matter referred to it under this Act shall final and shall not be liable to be set aside on any ground of law : U . Appeals and orders of the Tribunal to be executed by Civil award of Tribunal and Order made. by the Tribunal for the removal of any structure shall be by the Tribunal having jurisdiction over the land concerned in the proceedings of the Tribunal is given to the said (Nur C.HÖPTE, R XJ RC) WER TÖ PERSONS FROM BOARD PREMISES 8 fipptoe épict Premises. HI) JV Che compenel! aucl is 'sgtSfied— p'Crstol ö occupy any Board premises has— hi3cpald• lawfull the front him regpccC of such person of more ; or will the Cwghc permission of 01' 1304t•cl, whole or any (iii) öOnti•aVenCion OCanv expre; he is o_occupy premises ; or .Any person occupying the premises shall not be liable to be evicted on any ground of law.' but Cho gime being.irl- force, 'by notice', served . (i) by the person (if) y, [fixing a copy of it on the door or some other conspicuous (iii) other manner as may be prescribed, the person authorised to occupy well as any other person may be liable to occupy the whole or any part of the premises shall vacate the premises on the date of the service of the notice. / 5561B Before an order under subsection the competent authority shall inform the person, in manner to be prescribed of grounds of reasonable objection: Qity, and to show cause why he should be specified in the notice. (3) The period specified of the amount in, the notice shall be (4) Any written notice produced in pursuance of such notice shall be filed in the case, and such person shall be liable to person of by pleader. '5) If any person refuses to comply with the order of the competent authority to vacate the premises may as may be necessary. (6) If a person who has been ordered to (i) or of sub section 0/ Bfivice or. such longer -Inay all the way, pays, to Board the person complies with by him in evicting such person under (b) , ordered subsection (1) Whereupon such person shall be liable to pay the damages immediately served Explanation.—For the purposes of this section expression "unauthorised person occupying any premises" includes a person who has been ordered to vacate the premises and who has refused to do so. (1) Subject to any rule made by the court to the provision of 85, of rent payable in respect of any premises may by notice served (i) upon the person or the person in possession of the premises, order within such time not being less than ten days as may be specified in the notice. such person refuses to pay the arrears of rent due to the person in possession of the premises in the notice, such arrears shall be a debt due to the person in possession of the premises. (2) Where any person is in unauthorised possession of any premises and the competent authority may in the prescribed manner, damages account of the use and occupation of the premises as it may deem fit, and may, by notice served in the manner provided in the notice, under subsection (1), order that person to pay the damages within such time 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 public revenue due on land. (3) No order shall be made under subsection until after the issue of notice in writing to the person calling on him to vacate the premises, within such period as may be specified in the notice, why such order should not be made and until his objection, if any, and any evidence which he may produce in support of his objection have been considered by the competent authority. Any person aggrieved by an order of the competent authority under subsection (1) may appeal to the competent authority within one month from the date of service of the notice or such order, prefer an appeal to the Government . provided that: the Government may entertain the appeal after the expiry of the said period of One month, if they are satisfied that the appellant has been prevented by sufficient cause from filing the appeal in time. OR: receipt of appeal under subsection; (1) the Government may, after calling for a report from the competent authority and after making such orders as they think fit shall be final. such appeal being preferred, the Government may stay, the execution of the order of the competent authority for such period and such conditions as they think fit. Rent to be recovered from deduction from salary or wages in certain cases.— (Subject to the provisions of section 8.5 any person who is an employee of the Government or local authority who has been allotted any premises for his residence shall be liable to pay to the local authority, as the case may be, under or by the Government or local authority shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the order of the competent authority so much of the rent of the premises as may be specified in the order of the competent authority. (2) If the Government or the local authority is not satisfied with the amount of the deduction specified in the order of the competent authority, it may, after calling for a report from the competent authority and after making such orders as they think fit, increase or decrease the amount of the deduction. (3) If the Government or the local authority is not satisfied with the amount of the deduction specified in the order of the competent authority, it may, after calling for a report from the competent authority and after making such orders as they think fit, increase or decrease the amount of the deduction. (4) If the Government or the local authority is not satisfied with the amount of the deduction specified in the order of the competent authority, it may, after calling for a report from the competent authority and after making such orders as they think fit, increase or decrease the amount of the deduction. 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(50) If the Government or the local authority is not satisfied with the amount of the deduction specified in the

Of the employee specified the requisition and pay, the amount so deducted the 89. Bar of jurisdiction of Courts.—No order made by the or the competent authority in the exercise of any power conferred by under this chapter shall be called in question in any court and injunction shall be granted by any court or Other authority in respect of any: taken or to be taken in pursuance of any power conferred by this chapter.

CHAPTER XII FINANCE 90. The Board shall have its own fund. (2) The Board may accept grants, donations and from the Government or local or individual or body whether incorporated or not for any of the purposes of this Act, All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents and all interest, profits and other moneys accruing to the Board shall constitute the fund of the Board. (4) Subject to the provisions of (5) and receipts specified in the foregoing provisions of this Act the Board shall be deposited into the public accounts of the Government under such detailed head of account may and shall be operated upon by such officers of the Board as be, accounts authorised by the Board and in such manner as may be prescribed; provided that the Board may invest any sums not immediately required for use in such securities or debentures as may be approved by the Government. (5) Notwithstanding anything contained in subsection, Board may deposit in the Reserve Bank, or in India or in any other Bank any amount not exceeding such sum as may be for the operation of an account with Bank, and such account shall be operated by such officers of the Board as may be authorised by the Board and in such manner as may be prescribed, Explanation.—For the purpose of this section Reserve Bank of India shall mean the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (Central Act 2 of 1934), and a Scheduled Bank as defined in the Second Schedule to the said Act, 1934. Subventions and loans to the Board.—The Government may from time to time make subventions or advance loans to the Board for the purposes of this Act on such terms and conditions as may be determined by the Board. 37. 92/ the Board borrow and invest the proceeds of the Act, the Board may from time to time, borrow money for the purposes of this Act from the public or from any corporation or from any other person controlled by the Government. Wherever the sum of money has been approved by the Board may instead of borrowing sum or any part thereof, take credit, from any bank or corporation, or from any other person controlled by the Government or State Government a cash account to be kept in the name of the Board to the extent of such or, part thereof, and with the previous sanction of the Government for the purpose of the mortgages of the properties vested in the Board by way of security for such credit, (3) Subject to such conditions and limitations as may be prescribed with the previous approval of the Board may, the promotion and execution of any housing or improvement scheme under this Act; enter into financial arrangements with any bank or other financial institution approved by the Government or with the Insurance Corporation of India established under section 3 of the Insurance Corporation Act, 1956 (Central Act 31 of 1956). (4) Subject to the provisions of this Act and to such conditions and limitations as may be prescribed, the Board may, from its fund, grant loans and advances on such terms and conditions as it may, determine, to any co-operative society registered or deemed to be registered under the law relating to co-operative societies for the time being in force in the State or to any other person for the purpose of the construction of houses, 93, Guarantee by Government or Government may guarantee in such manner as they think fit, payment of the principal and interest of any loan proposed to be raised, by the Board on debentures or of either the principal or the interest: Provided that the Government shall, so long as any such guarantees are in force, lay before the Legislature in every year during the budget session, a statement of the guarantees, if any, given during the current year and up-to-date account of total sums, if any, which have been paid out of the Consolidated Fund of the State by reason of any such guarantee or paid into said Fund towards repayment of any money so paid out. 94, Form, signature, exchange, transfer and effect of (1) Whenever money is borrowed by the Board on debentures the debentures shall be in such form as the Board may with the previous sanction of the Government specify, (2) All debentures shall be signed by the Chairman and either by the Secretary or by any one of the ex-officio members of the Board. (3) The holder of any debenture in any specified under sub-section (1) may obtain in exchange therefor a debenture in any other specified in the manner provided in sub-section (1) upon such as the Board may determine, 38 (4) Every debenture issued by the Board shall be transferable, by endorsement unless some other mode of transfer is specified therein. (5) All coupons attached to debentures, issued under this Act shall bear the signature of the Chairman, and such signature may be engraved, lithographed or impressed by 95. Payments to survivors of joint debenture or for the purpose of the Act.

is payable to •twoor. möl=0 per.Sonså jointly;•. and either or any of them dies, theni notwithstanding••. anythingé Contaiiied, in section •15 Of the Indian Cõntract A'ct, 1872 (Central:Adt 9' Of debenturc or "securit;y, shall} be-payable to 'the Survivor Ågch persons : Provided that nothing in this•section •Shall any claim sentative or the deceased person against ,sâi.v.ivors'. are -joint. or any debenture on. Act, any payment made to tlic firstmentioned pprsbli or interest: payable in respect of such, debenture! or,tkecurify sliål discharge of the liability of the Boatdsin respect Priority of pa•pmctlt.tfor interest' ahdâepajm'e 97. due from the- Board- for interest on, •or the rep loanss,öhall rpade in priority to all other, he; board] 98 . • Repayment of loans tâkenunder sâ61ion 92 FLE eryioan.taken shall be repaid by the. board within the period reed' upon by and subject to the provisions of •subsection (2) L 15'ljY'sudh36f\$the following' methods as may be approvedi by;theG et•nrnent; (a) from a sinking fund established under section.99.in loan; or (b) by paying, in equal yearly half-year instalments of principal or Of principal and vintercst, throughout,the said eriod; or if lhe• Board has, before• borrowing mo ley On .dpbcnturcS,, fcsé9ed by public notice, avower to •pay- off the loan by to. select by, lot the particular:debenture to-bc. 'discliargdd at . particular: then, by paying such instalments at such periods (d) from money borrowed' forthc purpose,' on (c) partly from the sinking. runci establiseqliunder kec!tioh• respect of the. loan, jand partly from moncy borro»rcdVf6r the' purpokoi.' 99. Establishment- maintenance of sinkintr Whcne.•ger— has to be vcpaid from asinking fund, theLB6ar' established and shall pay into year ',until the •lonn iS {rtepa'id, a that if' regularly paid throughout the , Dcriöd] agre-öd upon by .it would, With accumulations in the, way of f.omp '158? after payment of all cxpensess to pay off tliÉ loan atl Ché'end' 39 The. rate Of interest the basis of which •Che sum referred Io in the calt;ulat'ed, shall be such as. mayue prescribed. di\$GQ"tin• gt any:girie the surn standing at credit Iban to "\$ep#Y' the loan at the %encl he: BOard, . the :Board •discontinue fund. d.HI), All .moneys •paidGn'0 . 'any sjhking (d) {Government \$ Our' ies', or (b) •securities guarante d by the Central or State Government; (e) •deben!ures' any local authority ; .or (d) debenturesissuefl by. the:Board oftrgscees of the Ports in the State; or (e) debentures 'i .thC•Board_ in the: joint. names o!' the, Examiner pf FunÅ la, and the Accountant General, Kerala, to -be•héld'by. them in trustlfqr th repayment of the: loan which the sinking fund 'W4* established: All dividend}. and ot reCeived in respect of any such invegt- ment'S)jåll) as as: po\$Sible,, ter receipts bet paid into sinking fund and in •the manngr;laid d . in sub-section Any investment madg under this section mayo from time [o lime subjeqV'tO thqiprovissions;ofesul\$.ection : be-varied or transposed. 102, 4'lpp(Gation• of \$inking trustees referred *ub-sgciiog 'of sectioü 1011 in whose names any sinking fund is -;invested may, from 'time apply the same, or any part thereof in •discharge loan or •any • part Of the loan for which such sinking • fund Wasé est4bliséd and until such loan is •wholly discliacge,d, shall. ,the• same • 'for any •Other purpose. e Theo lwo referred to -sub.seciiono(l) •Of• sectic\$N 1:01' Shåll avthe end of •eyepy year. transniiL to tile Chairman, •a >atementvshowing— (a) the amount yhich . has ,been invested during the year : under (b) the made •previowÄ0 the transliisston •of the Statement; (c) aggregaVe, amount.of the securities held by them ; (d) the aggregate.amount •wh(ch has, upto Che.date of the statement, been applied under section 102 in or tōwards repaying loans , (e) the aggregate amount already paid into each sinking fund. 40 (2) Every such statement shall be laid before the Board and published in the Gazette

104. Annual examination of sinking fund. The Accountant General, Kerala, shall examine the said sinking fund every year and ascertain whether the cash and current value of the securities at credit or such funds are actually equal to the amount which would have accumulated; bad investments been regularly made and had the rate originally estimated been obtained therefrom, (2) The Board shall forthwith pay into any sinking fund any amount which the Accountant General may certify to be the deficiency therein after examination aforesaid, unless the Government specially sanction a gradual reacquisition.

105. Estimates of income and expenditure to be laid annually before the Board. The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing year. (2) Every such estimate shall make provision for the due fulfilment of all liabilities of the Board, and for the efficient administration of the Act. (3) Every such estimate shall differentiate between the different heads of expenditure, and shall be prepared in such form, and shall conform to the rules made by the Government in that behalf, from time to time, prescribe. (4) Every such estimate shall be complete thereof sent, by post or otherwise, to each member before the date of meeting at which the estimate is to be considered by the Board. (5) A revised budget, if any, including all that in the original budget estimate, shall be laid before the Board to be held in the month

01' l)cccniber in e it@l and revenue t ih such details, as an<l printed and a,' copy er at least ten clear days atefis be laid before expendi!urc not • covered the Board at special Ch 'car

106. Sanction of Board to estimates.•--The oard shall consider •every estimate so laid bcrore; it and . shall sanction e isamc, either without modificatipn or with such modification as it may t in'k fit

107. Approval.Government to EOery estimate sanctioned by toe Board, shall be submittcel to th Government, Who iriây,z at any tillic within three months after receipt of thei sanâe,— (a) approve •the estimate, or disallow the estimate or any ; porti0J@ thercöf, and (b) estimate to the Board for ampndmqnt. (2) If any ik go returned tb the: Boa'rdp it Shall procced to arnend it and 'Shall resubn lit the eskirnale as. ainendéd' •to the GOvernment who Ihay then approve it. log, Supplementary The Board Jnay, at any time. ing the year for which any cstimate has be-cn sanctioned, c.@use supplementary estimato ICY bc prepared and laid before it at a special .gnceting. (2) Theo •provisions 'or sub-sections (3) and (4) Of section 105 and of sections •106 And 107 shall apply to every supplelnctary estimate. 109, Adherence to: estimate and maintenance closing NO •sum Shall expended by or on behalf 01' Board unless tho expenditu1T or y. the same is' covered. - by a current budget want c)! can be met by a •g•cappropviation or by drawing on the c osing balance. (2) The Closing Ijälance shall not bc reduced below such limit us may be fixed in this behalf by tha Governnn•.nt, time to time. The following items shall bc e.xcmpLcd from the provisions 'Of Subzgcc,tions (1) and (2), namely (a) refund 01' 1110neyS belongiäg to contractors' or Other persons held in deposit, and Of rnoncyÅ collected by or credited to the Board by mistake ; (b) payment due under a decree or order Ofa Court or under an Award of the Tribunal , sums payable tinder a compromise Of any suit or other u legal proceeding or Claim effectcel under this Act (d) Stung payable utvler tliis Act by way Of c0inpensation ; and (e), payments reqUired tp mcct any pressiJig -cmcrgeitcy (4) Whcncevei' any gurn excccding ten thousand rupees ig expended the Chairman Sllajl forthwith report un Oil! clause (e) Of gub-section the to the dining how it is propösed IO cover the . , —(1) The expression : Ccost Of Defilitiqn of of Managemet'. ' emcne.Y as: ugctl in the following sections this Chaptct' means— (a) (d) the honorarium, salary and house-rent nnd conveyance allowance, if any, Of the Chairman. Socyetaj'y' •and the .110using Board Fpnginccr, and any' other allowances and any conl butipns payable to in respect Of the salaries, and allowances and contributions paid in . •respqct of subordinates 01' the referred •to in , ÅQ:ti6Ju g, 9, '17, 19 and 2) , the .reinuncrations Of o thcr• employccs of the Board except employceeg who paid by the day ot'. whose pay is charged to temporary work ; baytnents inadc under; section [32 on account or the Tribunal; all Office ekperise" incurred by the Board or the Tribunal. 3416611B. (2) The expression 'office expenses' in •clause (e) Of 'sub-section tneans expenses irucurred •for carrying on work, and includes Éhe rent of office buil'dings, the provision of furniture -thereforj "fêr, printing and stationery, . catering charge* . incurred ' connectiOn with mee,tings and conjerences •held by .01' on of a lid contributions towurds welfare and recreation of the Board's staff, I I IfeÊping of capital account and revenue account. keep a capital account and a revenue (2) The capital account shall show separately all expenditure Vincurrea by the Board on eec.h housing or scheme, 112. Credits to capital account .—There Shall Le credited to. the capital account— (a) (e) (d) (G) (h) (i) (j) (k) all stuns (exccpt interest) received by way of becternpn fees under this Act , all moneys tceei'd on account of loanå by the Board •in pursuance of this Act ull moneys received as grants by Board this Act, from the LCemral ov State Government' ; all moneys received by the account Td' •epayment ot' loans and advances granted under 92 the the sale of the which was purchased out of any suplNoans ; where any was purchased out of an adVance from, revenue accoUnt, porcion of pgoceed* •of the such Jand which remains after crediting to the revenue the amount of such •advance ; the proceeds the sale of' any property (including securities for tmoney invested from the capitalw,ccount)' belonging to the Board , capital account ; all moneys received by the Board 'in connection with leases Tor uny ternu.xccecling Y}ars ; all sums, if any, Which the Government direct under subsection (2) ot section 11.5 to be credited to the, capital accounC ; and all moneys realised' from ,the sale Of secunties by direction of the Government under- Necton | 16. I J Application oj.caPital. account. —The moneys credited to the capital account shall be held the Board in trust and shall be applied to — 'a) meeting a JI• costs framing and executing housing or improvement schemes 43 moeting. the .cost of acquiring landg [br. carrying out any of the purposes Of this „Act ; meeting the cost Of constrUcting buildings reqtured for carrying Olitetny Of the thig Act (d) : the repayment löåns!fröJh• bovrçjwcd 'in IjttrsüÄhce of this •Act , granting Of loans 41 and 92 g Otherwise than ror interest •or fbi' njÅintanancC or working; making or the cost survey iii pursuance Of 147

'hlâcetiig stich provjööitiâiti Of the cost of management as may be by the. and (i) ciempötaily making gopcl deficit, if • any, u in the revenue aéeöurit year. Å%aII be crediid 10 the revenue .accOtilil— f) interest received ursunnce of section 97 or Sectioh 78 received ;the Cchtral or staic GOVerfii•hCht'iri fundg or the' by the Board -under section 132 ; åjli Hécéivcd 13bard• in ConnctiÖii With leases for any te m years ; the- Board ; by the Board årvâsiö undéi 68 ; ; advances granted Board •under 41 and 92 ; by_+• hrC required by to Che capitål • äcdOunt: •11 . P&béiitie The moilecyg credited to the u field lthe Board •in Eust, and' shall be incurred in cgnhecUO@With Such loans: g ' suing due from the respect ofr,ateg and taxes iynp6sed lpy•.the locål authörity concerned, upon the land vested Jin the Board s 44 payment of cosc»• if any, of maintaining t for the gollecti01A Of rents and ve>te'd the ; \$1) payment of all sums towards Tribunal under section ; (e) A payment' of all sums which the may to be paid to any vaucit01' under sectioav 122 • (V) payroent or,thf cost 'of ma•na\$remcnt I pvpportiO thereof as may be debited to} gnd r clause of *cciiion 113 and (g) payment of all other 'sums due ,frctm - the thos which aye requirgd by section 'to. be thf capital account; (2) The surplus, If any, : remaining after king- the to in •sgb+section (1) shall, the qlO\$ing as requiyecl by sub-section (2) , of section 109;Fbe laid •section 101 -the sepvico the expiry 01' *ixty years from the corrunenccngene Government otherwise direqt, Power Io direct o•gle of - securities in zej/lich _revenue account is, jovesled.—rlll' at time after apy i'Sii:rrecl to 'section (2) oc 115 been 'invested, the Boardiis satisfied that }the ncnt iiot needed the service of' any Joan feiu•ed, in that Sub's'ectipn the Boaco 'may with approval, of Govcc# the ,teggyg,ties under v the investment, 117. ' Advance-front revenue account to NocwithFC9ndi9g anything contained in secciQP. I | 5 Board at the • credit • off revenue acgoung (or the purppsq Of Éapital expenditure; (2) Evei•y such advancf be Yefundgd,éQ ")on as be practicable, 118. Advance from revenue the revenue gccount at the end of' ygar rpgy by an advance from, the capital áccount after obtaining approval the Government. (2) ' F,very such advance shall refunded in following year, 119. Submission of gbsergtj a]' to the end year, the Board shall Governmcnc an the •of its receits and expenditure for •such year, 120. Annual audit o account* of the 'Board ' be • audile ',once in every yeap • aylclitop as the Government may appoint in this behalf. 45 121'. Of said auditor may— by Nummons is ri9 require production Of any document, the exa .iha he; believes necessary the agcida'tiqn of , the ccouhts : (b) by summons in; wri ing require any person has Lhe custody control of any 5 ph document or Who is accountable therefot 'to befo•re him; and i•gqtiire any pgr90n. Appearing to •make and sign a declaration respect C document or answer any question or _to prepare and fur h. Nstatemgt 'relating thereto, 122, -Remuneration Of —The Board shall •pay -to the said auditor as 'the qoye may direct. The said auditor 1/4' furnished by Auditor Io the (d) report to u the. Boa d. ancl to, the Government any material •irupropriety . ON, , ir vgularity. •vyhich -he observe in the expendituve, t e' recovery möneys clue. to the Board, or in the ; fur,üsh to the . !oar Linförmation it may, from tilne to . time., req0ii•e :concepning the progresS of his audit ; report. to 'the QhaiÉ an any loss 01' waste oc money or other ;property owned by' vested, in, Board caused by qv wit names of persons directly or inclirectly - respon*ible• for •or waste ; and •Fubmit to the Qhairnna•a final statement of audited accounts, With on •the reult of the, audit, and duplicate 'Copies Government, within a period 01 three from the of- the year or within such other period as qovei•nnent may allow in that bel)ålf •Ka.) The said auditor' niay disallow every item contrary to law and suroharge on .thf ' person making or autliorising the making of 'illegalv payment", and may charge against any person responsible thereof amount of any vdeficiency or loss incurred by the negligence or Of. that % pgr>00, ,9fl apy sum which ought have been, 'is not; into accéugt by thac person and •shall; in every such vase,, certify the amount due from such person, shall•not be,' open to person whose negligence or misconduct. has caused ov concrabuted to any such deficiency or loss to contend that notwithstanding his uegligence ,misc2nduct the deficiency OF loss would not hâve occurred put for the negligence or miscondu•ct of some other. peison, (b) The said auditor shall state in writing the reasons for his decision in respect of every •cli.sallowance, succharge Of charge and iUrnish a copy thereof by registered post to the perSon against whom it as made. 46 (c) I r the person to whom a copy of the decision so furnished refuses to rcc.eivc it, hc shall nevertheless be deemed to have been, duly furnished' with the copy, within the jncaning of. clause (b) and the •period of fourteen days fixed in subsections (3) and (4) Shall 'be calculatéd from the date of such refusal, (3) Any person ' aggrieved by • a disallowance, sut•charge o b ldharge made under subsection (2) may,' within, fburteeti days After he hag been furnisllecl with a copy of 'the decision Of the auditor, either apply •to the court 01' the Subordinate Judge or if there is Subordinate •Judgo'g Court having jurisdiction, to the COUPt of the District Judge 'to

set aside such disallowance, surcharge or charge, in 'which' Case' the Court may, after taking Such evidence as it' thinks neqessary, confirm; •modify, or remit such disallowance, surcharge: or charge, With Such' orders, as to. costs as it may think proper in the circumgtances,• or (b) i}éu such application, appeal the Government who shall pass Stich' ordörS. as, they think fit. Every certified to be clue from äfiy person by 'the- auditor this • Act, shall bc paid by such to the 'Bbat',Äi within days after he hag bcch furnished With copy Of the decision of within time suéll pEt•sön hag vâpplied "tb the court thc or appe.tle:l to IIIC Govern ment against "A lie? nd cisiön I.Lndet• gubSectioni1 (3) and such SVItñ not paid' or such surn as he Court or: the ment *hall dccla!'g: to clu•., shall be able On van application nmclc by the Boavd to the in the same •way åmount: decreed (3) Notwithstanding anything in thi gectiön, ChC Government that vt•re, rezovery whole or 'any parteof thc may at any time dire 97 amount cerli[iecl to duc Crom -any e Ac't Shall be waived , if in thciv opinioñ, such a •neqpssary considering atl the circumstances or the case

124. Auditor's report: to bd sent 'to each "mepilbe/, 'd d cpsidered• by The chait'iltxn shall cause the report clause (d of sub (l) section 123 t) bg .pi•inted- anrl shall -lbrward a inte .dO•py therböftto each member and sluill bring such reporÜbetOt'ëC ' 13 ard for ,consideratiön at its next ntë€:ting

125. Board (o rented)! auditor a ditty '.OÜ the 'TöNhWith a'hy shall be , th defects, or irregularities bc pointed by theg submit a 'rport thereon, to Che Government. 126 . Ilccoua/s and audit Wepo•rt {to erh titid ptdåäd• ,b.efoké t/je Legislative TIE" agebunts thd Boafd !certified.by Auditor together vvitli •ttic audit report• l' b forwarded Guah instvuctionorig to. thc Govern [Jicnt, and the Government ' • such • instructions. 47 (2) The GovernmenV shajl., (ap •.cause the a-ccountsi •Board together. with the audit report thereon Orewå?decl to them under *tib\$ecion (l) -to be laid annually before AsserhDly anyt (b? •the Lhe Board to he litlbidloecI in the 'manner e ,avåilalJle Oopies tliereot• on sale at a reasonable lji•ige; C! XIII PENALTI AND PROCEDURE Al 2 Z. penalty jor removing ece, etc, streets .—ll' any without lawful •ån given, 01' removes any bur, chain o:' pogt under subsequiou.2 f. section 63, he shall be punishable with fine which may\$Xtend to fi y pees. 128. byil(ling withm street alignment or building line person; e Wit lout:' Che permission .of thc Board erects, re-erects; •adds ån wall or building so as to •nake the sarue project -iritO'thg,3treet elignmen 01' beyond the building line prescribed by any scheme, devylopment scheme or expansion schelne, he shall lbe' Punishable— (a) •with fine which may extend, in the case of a wall or masonry building, to five hundred' rupees and in any other case, to fifty rupees, and (b) with furthev fihe which may extend, in the case of a wall or masonry building, to one hundrqd rupees and, in any other case, 10 len rupees, eaéh day After the, first during which the projection coo 129. Penalty for failure to comply will' Tr?qtisition made by Audi lor. person •fails to comply with any •requisition Inade by the auditor under section, he Shall be punishable— (a) fine 'which may extend to Olie hundi'ed and (b) in the case Of a containing [hiluu•e, with iine•which CXiCiftl, to fifty rupees' ror caeh day after IIIC fn•sl during which the Failure 130, Penally for obstructing contractor or removing any penon— (a) obstructs oc molests any person with whom the Chairman the officer authorised under section 33 has entered into on behalf of the Board, in the pertbrmanee or execution by such person Cif his CILIC y Of anything which he is empowered or required to do by virtue or in ('Oil- sequence of this Act o,' any rule or regulation thereunder ; or 48 any set up Ihr the purpose o? indicating any level (b) or direction necessary for the execution of •vvorks authorised this Act%ot• any rule or regulation made or schenu: sanctioned thereunder, he shall' bc punishable with fine which may extnd to two hundred r.upges. 131. - Penally /hr breach of the Provisions of the Act, etc.—Whoever .CON- travcnes any of the provisions of this Act or Of any rule or ,regulntion, made or scheme. sanctioned thereunder shall, if no öther penalty. •is proyided\$, ' for sucfi contravention, be punishable— (a) with line which may extend to one hundred rupces; and (b) in the case o! a continuing contravention,' •with fine which' •may extend to fifty rupees ror each day •after the first, during which' the contravention continues. be paid by q//e.nderj Tor damage Gäusgd by (1) I .32 When any of any Offcncc under tlii3 ACL or any rule or regulation macle thereunder, the Magistrate convicting such person may Inade in this behalf by tho Board or by its officer or on application subordinate au' hor i".ed by it in this behalf, call upon such person. forthwith to si10W as (0 why he should not pay compensation to the Board Tor the damage caused by his act or omission iJå respect Of . which ho •ig convicted. (2) The Magistrate shall record and cong er any gauge, which :such after naking such inquiry person may show and if the Magistrate, may think fit, is' satisfied that such' pm•gon 'ig liilbleito pay Inay clit•ect 'hat compensation of such amount, Ot exceeding one thousand rupees, hc may determine, •be paid Ly such erson to Che Board. (3) The amo.tntnt of compensation difected 't bc. paid undey sub-

séctyon (2), *hall, if it bc onot paid forthwith, bc 'i: • overed as if •it were m fine imposed by the Magistratc On such person. 133, Punishn/e,'tt for acquiring Shart ot 'intere t toit/' Board. —If any member, or any officer or Subordi the Board y , artncr, employé; or directly or indirectly, by himself or by or interest in any dontraét or employment , by orvon Board (not being a share Or interest which, it lör a member to have withou,t being thereby ualilicd {Qi' being iapfr81ihlOd a member) hc shallbc deemed to have corrimittqd 'I-h8 ablc by section I GO of the Indian Pcnal• Code ((4cntral Act 45. Of (1) Nc; coUrt: shall of 134. • Procgdurc.— punishable under. this' Act or 'zany rule rcbülapiön made' unless complaint of such Offence is made within •next • commission thereof. (2) No court interior that or a Magistraie• öfi the fyst any offence punishable under this Act; . 49 135. Duty of Police Officers.e—It shall bc the duly ofrcvery. police officcy+ (a) co-operate With {hc Secretm:y for caryying into enforcing the provisions of thisAct or any rule made' (b) to communicate without dcay to the propci:. officcr,'or of- the Board any information-which he recciVes dé\$ign tp or, the-.commission of any oflbncc against -thisAct 0! any •rule, mådc.thérqunder; and .3 (c) to assist the Secretary or any officer or Subordinate the 13cjai'd)' reasonably ding hi3 aid ror the, lawful exerciscé DI' any powoj• vugfing or in such officcr ov subordinate ur(der this l't!lc i her cunder

130. Atrest of Any police, 'omcor Dot below.the i•aak a lu:ad constable may any person eomniitfi in his • presence •ÅYiy •this AetMr any rule or regulötioo thereuhclor;• nan e or address or such person be unlnfnownito -if-such pet•S0D'On demand declines to give hiy name. .or addre o! which such olijccr has ll'eoson to' bdlievç to' be . (2) No person so arrested ,ShÄII be; det name and address are ascertained, oi"lõi' atl for Magistrate. aseshäll stich of Sacrdar.y as to •iilétitutiou:'coh etå., of and obtaining legal: Secretary , to Board,— (a) institu(e, (lcfendi or withdraw fro Proceedingä Act or any rules Or regulätions thereun er (b) compo Indi ahy Offence akaiü8t:thf\$ any ruleöoji made thereunder uhclqrtny hé bCing'.it), prescribecl by the Gove}hliiCJit; be, (c) admié; withdraw,} y _ ot' any rules or re ulgtiOns ap • (d) qbtain fic or duty vested in or..irnioscd apon y 198. Protectioniofaction taken good iith/: N legal qqaint the, t, ithe: .ubordinate,of the1130Å\å' anything •w i,Olii in godd i,faith' Li ded to bc done. if this nYi,ru10 3416611B. 50 39. •Notice offst'it agginSt, Etc,' No suit shall be % instituted against any,meru/her,. t Board, or person actili% !he' dii•sgo he. J30ard Of Ian or of any o cer or subordmate off the ' respect of any done!ot' iu'tende I to' be donglundev Agt or'a p'or?regulation• rnaclO , thereunder, until th expiration, of sikty .däys n •t; tten notice 'delivcred or le the pla of such inc;rtlber,! sul)- ot' lir;uate or 'person, stating the gau of action, the name alid place of abode Of} the 'intending tb , which he clailus, a'nd the plaint mush ,cqntain statement tha notice Iras bccu so delivered or left, 840. 13 B Yd or Chairman- or subordinate of consent, Ute. , l\$oard.A'Vhenevt21% unde . thi• Act or any rule or regulation made thereunde?: the doing or, the to do anything or ,lhe of any- depends jupon athe apprqa), •auction, consent. coggurre»ee, declara- tipn,. op•nion or satisfaction o (a) the Board or the C ir •01', (b) any officer the board, written document signed in case by tho Qh#irm h, •and in case (b) by the said officer or ;ubordinate;- conveying or , forch •approve* , sanction, consent, Concurvqnce\'. declaration \ opii'ion shAll be sullicit;ni: evidence Of approval, sanction,t nt; cohcurrcc: declaration, opinion or 141, q/' Secretary to direct removal, of unaut/orised erections, etc., within l'he,\$ecr tat" may, by require för,'lhe of the- w 11 or Building refi?rred to in scclion 1.29, to stop further work on Such '+1411 • r building. to alter demolish the! *ame in such manner within thne be specified in notice. Where tho demolition directed by any such lil) ticr as directed • therdiâ'? 'the Sevrelar i may cauge building Or'pqrton' or the case J'nay be, anci he imay recover the expense ineuvred in so doing the owner gime being; in -such' manner as General power of the:.Board to Way cgmpeñsattan any case 0th e:- wise. 'expre\$liY provided 'act, : thg I}paÉd • may pgy reasonable per»n, clu.ITYlge by .geagon of the 'OF.;aiiy powers vgged by O!' !hiy in the I}oétrd or IIIC Ohaiyuan Or; Officgr sUBQrdigaß; Of: Vie Pt/blicå10tices how be public•notice given under •this Act or any rule or regulation made thereunder shall be in writing over ore . pf .the Svcy:ptgyy, be wiflqlly known in #fféOted thereof in conspicuous •publiö Rlhcs• y,'ithin the same beac• by in" kading.dai'y ' by 'any, t.ithdh' the think fit.' nôt.iee shall å•lso be published affixture ili the notice boai'd of sub-olhce. 51 144. N6tO\$PaPers in co.!uch advertisement vr notice is lobe published.—Whcnever it is Präyided by this Act or. any, rule, Of regulation made thereunder that hötieg shall be given by advertisement iiii leading daily newspapers,. or that a notification or any information shali be published ih leading daily• newspapers -such ,riöCiOé;; notification or information, •shall be inserted, if praéticablc, in least"öhé English daily hgwsPÄper andftwo daily •newspapers published in "the160âi languageof the area • : haVjjiig

•Cii•eillatigii' iJi8tich area. '145. notice or bill, which ig :xequiföd'ijy this Act' ÄiiY rule Ot: made thereunder to bear thO:S5gnättire or thu Septetäry Othor membe! or of any officer or sub- prdinald,Of Che Board,' ""deemed to be properly signed it it bears a the. Signature ofithd',ASecretary or 01' other member or of v 'Stich subordinate; may be, gtai-pped thereupon, to be Whdii—any notice, bill or Other documept required by tlils Act Of any ' rule or regUIAti0Ji niädc bc served upori öii .Issiied OF to any person, Stidh service; issue or •pre- (4) •JéY giving OF doctirncnt to person ; •or (b) lit •gueh POrSOji is-not '{Ouid,. by leaving such document at his last kn Qböde, or. by givi g o/ tendering the:same to •sorne adult family Of elgewhériis known, by forwarding such document by regigtqrecl post under coyer bearing thb said! address ; Oi' (d) if • nohe of' the means a ércsaicl be available, by causing a copy or h äöcumentt be affixed On so e conspicuous part nf the building or d, Äriy%': to hich docu tit' relates, • 47 •jib\$äriöhbibuiälowards their may— (a) 'the SLlrVéy any land to be made, whenever it considers t iS Jleeessah' or expe icjlt for carrying out any •of the purposes jO'f thi Aet cântril\$ute 'Ost ö?any such survey made by any other Tlie' Secretary or tiny person cither generally it pc ld)ly'fiäuvhérisod• the SCCi:étaryGli •this •behalf may, •with •or without t • Wéi*kmcnø enter upon any .lairci, • ip order— inäktý any inspeetf0\i; •measurement, -valuation or tb take levels tb iihito. thé 'Stibsqil , (d).ItÖ Set. out IjoUndaricsåJid in,tended lines of. york ; 3 16617B. 62 (e) to 'any other thing whenever it is necessary to do so any d • the purposes ' 01" iliis Act 0? any rule oi' 'iegulation 'made. 'Or sancctioncl thereunde• 01' any schcinc which L Che intend* theräundet•.— (a) such •bc macle (b) 'dwelling hogsc, and no pÖblic.~ as a:dwglling ' shall bg • occupier thereof; without giving oegppiqr prewouS written Q? the Intention to (e) •snTlicia•nt notice in every premises nifty otherwise •be without Vo! any apartment appi.~opriatecl to women to rerooyc of the preanises• where thei\$ privacy 'will be (d) shall always beuad, the exigencie}! Of the purpose; which 'the entry religious usagk: Of the occupants Of the premi\fs (R) Whenéver the Secretary. or a (l) iuto any land iii at time -entry, pay' tender to be -clone a; afovesaicl; and, in casc 01' dispute as tot the \$ufliGiéncy amount 50: paid he shall a! once Board whose, Shall be final. MISCELLANEOUS 149. q/ Board for faciliia/.ing movement of lthe a view to lhccilitating the umovcnntt populaCioq. •in ancl around .any city, !own 01' Yill:qge, the Board may, from time •to time.— (1) subject, to any condition it Chink fit (o (a) gna{antee the payment -from the sums as it" tuay think way oc interest on capital expenditureon constvuc- - Lion 'working QI' any lne.nns 01' locomotion ; 01' payments may think fit saicl• funds, b way 01' subsidy persons undertaking to provide, maintain and work means. Of locomotion ; or (2) eith'er \$Ingly or in combination with any' Qther Person; ConstructS, maintain and, work any means of Jocounotion, under the provision* Of, law applicable •thereto; or (3) QC widen, s•trenchten 01' otherwise 9nprove. bridges : lh•ovicled, that guarantee orusubiicly shall be under CJausq (l) and no. means or locomotion shall be constructed, •maintained pr under clause .without the sanction of the Government. 53 150. Thé Chairman, members, officers and subordinates o/ the Board Committees and Tribunal'dgetndd Io be public Chaii•ntan, the mcllllbersj officers and stibordinates Of the Boadcl, the nernberg oc committecsj the Tribunal and all Other p&söns entrusted With the execution of any functions under this Act, deemed, Whcji acting Ot' purporting to , act in pursuance of any of the provisions of this ActÄo be public servants within the Of secl:iog 2 1,.öf the Penal Code (Central 45 or 1060) 151 by j3Qard totüäj•ds leave allowances and Pensions of offl&rs and Servants q/ the Cdrtrrgl or 'State Government employed under- Ihis board Shall be liabie to fray such Constribution [or the leave Salary, pension or provident fund Of or servant oc the Central 01' State Govern- incnt ed as ari Öflicc pi' subordinate Of the Board, or as the Tribunal or thé Tl'ibtllial, ag may be, as may be by the CönditiOnS ' Of/ tilis Service :the Central or be paid by him hig behalf. 15 Böäi'd' powers plan big any ärcn in respect which a housing or improvement schc in the Government, may, -by notificatiön in the Gazettec, deci that frorri, "Stich date as may bc spcgified therein, the powers and furiq ipps local' aul'liörity or its exegutiie quthorily under the tp planqili'g för time being iii "in the State shall noe c0xeqeiSdd that gtibjc such réSti#Li6nS, and modifications, if an , , ikr thd powers and functions. shall bc: öXQi•giSegI y or. t b.Chaii"iOan; as the case may be, 1 53 otid tgihtiia/i,dö .Pötvg,€s and fut!\$ltoizi of local and é.eecu izi?" in råÅpegt of which a housing or irnppovc- il'iéht by in the Gazette Wlkiéh' -kueh schetng ijl force and subje t ictioh\$ätid modi eations, if any,, as may be specified the q Ontiöilé dild funiiions local authority or .its: e tivé i'.uthority under the en C#nnt constituting such local authority jb/, 'ihé Béard orr,ttvz Chairman, o! .gpy •perspn authorised and iifortngtion; to the Secret4i'Y, y; he GÖVernnVii€. forwar&to them a ft}opy of the i Board• og:any meeting and y: glatejxienti estirnâiesy statistics .or other in(qrrnation ng matter. Ufidei-:the

' control the Board a Eeport, Of any, such 'iiaftc Of.the, Sep•qtary. 153'." 'S åå'liiniflkâtân Government.—' (1) As soon as. •a e/ the every year and not 'later than such in y.i&g fi&dd 'YT' theJOard: „,Shnll submit to the •ot-the during. the prec;eeding year i Is ch{fötfn ag tbd OOVéi•nnent. may direct. 54 (2) The Chairman shall prepare such report and Btvarcl shall consider the report and forward the same• Io Che Goyei•nnent with xes011iti0)i thereon if any. 156. , Government Io give direction\$ tiq B'aard• {gnd 'ilâcgl The Government may give the Board as in their opinion a ee necessary or expedient fipr carrying purp9\$33 of this Act', after giving opportunity to ('he Board to Stace if: any, tb such directions. and after considering the said Qbj.eqtioos shall thereupon be- the duty 01' the Board to comply sugn• (2) The Governmelit may given any tho(r'opinion are necessary or æspedient for out' the purposes this Act, after giving ag rity .to state its objections; if. any.j to . considering the said objections and 'it. shall tnær.eup? loca) au'hority to comply with such.'direction#, • 157, . Supersession of Che. If the Gbvernn#nt , that the Board is unable toperibrm, or pei•siFntly •the performance the duty imposgd on iC by or Chi* or abused - its poWers,: •they may, by notification the Board Coc such •period may be specified •in' %hbe ; Provided that before issuing a notification under, this the Government;shall by notice, require the g) show' cause within period as •maybe specified the notice .why should shall consider the osplanations and objections if any, the)30ard, (2) Upon the publication of a notification under' (\) superseding the Board—— (a) the Chairman and all the other guembers Of -the 'Shall from the date of supersession, . vacate their oflicgs (b) all the- powers and duties which may, by under' • " •sions this Act* 'be exercised Q! performed by or' on behalf orthe the Ghaii'man, shall, during peciod, Of supersession; be •performed by such authority •perSon as the GoveEnment-rfiay ; all litnds and Qthei' properly vestecl iu the e shall during 'the penod of supersession: vest in •the authority or person referred to in clause (b) ; and (d): liabilities" ' legally subsisting and' enfoi•ceable• Board shall •be enforceable : against Che wuthor#y tö.:in'i, clauge (b) to the exteqt of ther tuilds and propertiest, 55 (3) the expiration. -of the period of, supersession specified in the nootlfication issued under sup-section (1) , Ille (.10vcenment Play. — (a) the. period supersession för sudli iürlher period as they mey consider necessary or feconstitute the Board the .manner' provided in section 4. of the) IC •the Government fur any •reasops Of opinion that Lit'i? not nseessary •to continue, - the Board, they linay,•. by notification in the Gagette cli\$olve the Board from such dale as Inty be specified in the notifiatiOJI. (2) Upon the publicat•on. of notification under sub-section (1) dissolving the' Board,—— (9) Qhairman the Other members of the shall, as .,va their OfÜces as such : (b) all the powei•s an Which may,' by or under the provisions ot this perfo by Or on behalf of the Board and the Shall, 4S •from the., dap tofu dissolution, be exerciéécl and per- •formed by •the Government auChority or person as they may appoint in behälf , (c) • all funds and, othei• p operty vested -in thq: Board shall vest -in the Governmentg and .(d) : .all liabilities legally Su Sisting and enforceable against the Board •shall be enforceable against the Go ernmentl to the extent of, the fundh and properties them. (3) Nothing in this:section sl the -liabilily Of the Government ' respect' O! debentures guaran!eed under section• 93

159. Board - be -local authoiiily under the Kerala Land Acquisition and the Local 'Authorrties Loans Act'.—The Board shall be deemed to be local authority for •L'he, purposes of the Kerala Land Acquisition Act, 1961 (21 of 1902) -and the Kerala Local Authorities Loans Act, 1963 (30 of 1963), 160. Power to remove If any diilicully arises in giving effect to the provisions Of this Act, the Government may, as occasion mgy .require, by order,. do anything not inconsistent with the provisions of this which appears toe them necessary or proper for the purpose of removing thé difficulty. (2) Every order issued under 'sub-section (1) shall bc laid as \$00n. may be after i C is issued before the Legislative assembly while it is in sesstion for a total period of fourteen days which be comprised in one session Or, .iu two successive sessions and if before the expiry of the *essipn iu which it is so laid or the session immediately following, -the Legislative •Assembly makes any modificatiop in the order or decides that the order' should not be issued the order shall thereafter have effect Only 56 . in such 1110(lifi-'d or bc Ot no effect, as the case may; So howcey that any ,yucll modification or- annulment shall bo without,. pyejudicc. to (he validity or anything done . under that order. CHAPIT'IR X V RULES AND REGULATIONS 161 . Powr make rtitles. The Government mäy make for, the or carrying into ell'cct the provisions of. this (2) In particular, and without prejudice to the, thg • foregoing power, rules may (a) all. • expt'cssly required . or all : this •to: p rescritcl (b) the accounts to bc inaintainecl by ltho 'Board ; lhe allowances of nonæofficial ' 'S Bonvd ' •of any ; (d) slat :xncnts, report\$ and CQLtntS -to the by the the mutual: relationship of •.130åL'd an othervlJtal uin any inattq:r in which they• arc . jointly intere ted the •oayable, fo•.• copies Of, of extra ts

from, the- asseSsmöiit books Of local autho. ilies. cohcernod •to he :ggCLtDta\$y (g) the guidance of the Board and Offi the purposes or this Act: (3) All rules made under this Act Shall' p and, unless they are expressed to • Come into for! shall come into force on} the day, on which' are, 'O (4) Every rulo made uncler subseetiöhi is may •bc after it is made, before 3 the: Lcgisiätiy 'n session for •a total Period of fourteen onc „ssion or in r b' bc Legislative Assembly ;nvakés any, niodificavon,i ,.thg s,ru hat. the • rule should noti be issued the rule, Ishan t) Inly in such Inodificd . Corm 01' : be (ot no , • Case that any 'sucu 'modification 'i: " r.gjudicc to; the validity. anything, clone t.itile. 57 1 62'; t;' make regul 'Iihe Board by notification in he GaZFtVe i•egulati ns not indonsistent this Acl and the rules nado thei*under, tllC giving effect ito Ille provisions of act,' thÅC . regulations I relating to pensions . may be made ither.ptqgpectively•or retrospec Wi •hout : l)i'cjudice 'to . the generality 01' the power, .such, regulati OS may . provide all matters exp required or allowed by Ethis Aet Io be by regulations • the 'association, f. , the Board under tsection 25 ; .uppoinmen •o ' pedsons to be anembers of committees 26 (dl •fthe ' delegation •owers or duties of the Board to the qommieteqs •or to the Vihairgaan ' duties and uct,' . Of officers and subordinates Of the Of Other l}ersqjlß : by .the Board uncler this Act [be qarryibg any o!' es ot Ttlis• Act ; (f) the welfare rec cation of the staff of IIIC Board ancl the Contvil.uciqus to be ther fore ; (g) the fecs pâyable . fo the copies of docunients, estimates and plans fl'ii'nish\$d by any of its officers and suborcliilBites under this Act ; (h) . the rnanagement, vedervacion in allotment, use and regulation Of dwellings and plots under any housing" 01' improvement sclueync ; (i) the efficient conclucg of the afllirs of the Board. (3) No regulation oi its 'cancellation or modification shall laavrc effect until the same *hall have approved by the GovernmerU. ClIAPTER XVI SAVINGS 163, Savings. —Notwithstanding the expiry of lthe Kerala Stab; I lousing . Board Ordinance, 1970 • (24 of 1970), (a) anything clone or any action l aken in e*ercise of any powers: conterred by or • undec the said Ordinance: Shall be deemend to liltvc been - done or taken Uin .exercisc of the powers by or undec cbrres- ponding provision of this Act;' (b) anything dope or any action takeii after such expiry and before the date of publication of this Aqt in the Gazetta which could have been done or taken ,under the said Ordinance if it had not expired, shali lje deemed to have been done or taken under this Act; or Ä7äed by of 199 f), 58 (c) anyo invest legal procccding or cenredy Which . could Jhave been instituted, c.ontinuecl or. enforced under the said Ordinance bad not expired, may be instituted, continued o/' enforced. undet c.corie- Spounding provtsi01i of th is •Act. (2) The expiry of the Kerala State Hogsing.JQard, shall not— • (a) affect any right, privilege; . obligation liability;. accrued incurred uncler the, said Ordinance; (b) affect any penalty - or punishment" .in Offence committed under the said 'Ordinance;;. (c) all+.ct any investigation; • regp€dt of any such right, privilege,' obligation, •,liability, 'penälw;,' and any such investigation, -'legal proceeding •remedy may -GhÄtittited;t continued ov enlbrced, and any such under the provisions of •this Act. (3) Notwithstanding anything contained iA this Act; bc convicted oc any' orreilCc under this Aet for G Having, allec Clip, 22nd April, 1971 j and be(bre. the date, , T, publication; in the Gazette.