

RAJASTHAN HOUSING BOARD (AMENDMENT) ACT, 2020

RAJASTHAN GAZETTE Extraordinary Qu6Gshed by A"thority 26, 1942- 15, 2020 Chaitra 26, Wednesday , saka 1942-A ril 15, 2020 3{BT-4F) (T-a-æ-r-öt Jig-a LAW (LEGISLATIVE DRAFTING) DEPARTMENT (GROUP-11) NOTIFICATION Jaipur, April 14, 2020 No. F. 2(14)Vidhi/2/2020.- The following Act of the Rajasthan State Legislature which received [lie asseni of IIC uovernor on the 14th day of April, 2020 is hereby published for general information:- THE RAJASTHAN HOUSING BOARD (AMENDMENT) ACT, 2020 (Act No. 12 of 2020) (Received the assent of the Governor on the 14th day of April, 2020) An Act further to amend the Rajasthan Housing Board Act, 1970. Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:- 1. Short title and commencement.- (1) This Act may be called the Rajasthan Housing Board (Amendment) Act, 2020. (2) It shall come into force at once

2. Insertion of new sections 51-A3 51-B and 51-C, Rajasthan Act No.4 0! 1970.- After the existing section 51 and before the existing section 52 of the Rajasthan Housing Board Act, 1970 (Act No. 4 of 1970), hereinafter referred to as the principal Act, the followmg new sections shall be inserted, namely:- "51-A. Recovery of sum due to the Board as arrears of land revenue.- Where any sum in respect of any premises or property payable to the Board, whether under any agreement, express or implied or otherwise, howsoever, is not paid on or before the due date into the office of the Board or to a person authorized by the Board, it shall be recovered as the arrears of land revenue, by the Board or the officer authenzed cn the behalf bv it, in the manner as provided in the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) and rules made thereunder, from the person in default. 51-B. Encroachment or obstruction upon premises or property belonging to the Board.- (1) Whoever makes anv encroachment on any premises or property which belongs to or vests in the Board shall, on conviction, be punished with simple imprisonment which shall not be less than three months but which may extend to 278 15, 2020 three years and with fine which shall not be less than thirty thousand rupees but which may extend to fifty thousand rupees: Provided that the court may for any adequate or special reasons to be mentioned in the judgment impose a sentence of imprisonment for a of less than three months. (2) Whoever makes even temporary obstruction without prior permission of the Board in the way, shall, on conviction, be punished with simple imprisonment which may extend to one month or with fine which may extend to five thousand rupees or with both. (3) The Board or any officer authorized by it in this behalf shall have power to remove any such obstruction or encroachment and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment. (4) Notwithstanding anything contained in the foregoing provisions, after obtaining prior permission of the State Government, the Board or the officer authorized by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property and vehicles found on the premises or property referred to in this section or, as the case may be, attached to such premises or property or permanently fastened to anything attached to such premises or property. (5) Where any property is seized or attached by an officer authorized by the Board, he shall immediately make a report of such seizure or attachment to the Board. (6) Where any property is seized or attached under sub-section (4), the Board may order confiscation of such property. (7) No order for confiscating a property shall be made under sub-section (6) unless the owner of such property or the person from whom it is seized or attached is given- (a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property; (b) an opportunity of making a representation in writing within a maximum period of seven days against the grounds of confiscation; and (c) a reasonable opportunity of being heard in the matter. (8) The order of any confiscation and removal of encroachment under this section shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act. (9) Any person aggrieved by an order made by the Board under this section may within one month from the date of the communication to him of such order, appeal against it to the State Government. (IO) On such appeal the State Government, after giving an opportunity to the appellaait and the respondent to be heard, direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just. (11) Whenever any property is seized or attached pending confiscation under this section, the Board or the State Government shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any 15,

2020 279 other court, tribunal or other authority shall not have jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property. (12) Where any person is prosecuted of an offence under sub-section (1) or sub-section (2), the burden of proving that he has not committed the offence shall be on him. (13) Whoever, being an employee of the Board, or being on deputation with the Board from any department of the Government, specifically entrusted with the duty to remove or to stop or to prevent the encroachment or obstruction, himself encroaches or helps others to encroach, or willfully or knowingly, neglects or deliberately omits to remove or stop or prevent such encroachment or obstruction shall, on conviction, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years or with fine which may extend to thirty thousand rupees or with both: Provided that no court shall take cognizance against such employee for the offence punishable under this sub-section except with the previous sanction of the Board. (14) No investigation of an offence under this section shall be made by an officer below the rank of the Inspector of Police. However, such investigation shall be completed and report shall be filed in the court within the period of three months from the date of filing First Information Report on behalf of the Board by the Housing Commissioner or the official authorized by him. (15) It shall be lawful for the Housing Commissioner or the official authorized by him to lodge proceedings against the person who is likely to make encroachment upon any premises or property belonging to the Board before the Magistrate concerned, for preventing him from making any such encroachment and it shall be competent for the Magistrate, on being satisfied about the reasonableness of the apprehension of the Housing Commissioner, to require such person to execute a bond, with or without sureties, for his good behavior for such period, not exceeding one year, as the Magistrate thinks fit. The procedure contained in Chapter VIII of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) shall apply mutatis mutandis to the proceedings before the Magistrate under this sub-section as if such proceedings were the proceedings under section 107 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974). 51-C. Power to call for records.- (1) The State Government or any officer authorized in this behalf by the State Government, may, for the purpose of being satisfied as to the correctness, legality or propriety of any order or resolution passed or purporting to have been passed, under this Act by the Board or any committee or officer of it, call for the relevant record, and may, in doing so, direct that pending the examination of such record, such order or resolution shall be kept in abeyance and no action in furtherance thereof shall be taken until such examination by the State Government or by the officer authorized in this behalf by the State Government and the passing of order under sub-section (2): Provided that no record relating to an order or a resolution shall be called for under this sub-section after the expiry of three years from the date of such order or resolution. (2) After examining the record, the State Government or the officer authorized as aforesaid may rescind, reverse or modify such order or resolution and the order of 280 15. 2020 the State Government or the officer authorized as aforesaid shall be final and binding on the Board and on its officers and committees."

3. Amendment of section 60, Rajasthan Act No.4 of 1970.- For the existing section 60 of the principal Act, the following shall be substituted, namely:- "60. Control by State Government.- (1) The Board shall exercise its powers and perform its duties under this Act in accordance with the policy framed and the guidelines laid down, from time to time, by the State Government for carrying out the purposes of this Act. (2) The Board shall perform any other functions that the State Government may designate in furtherance of the objectives of this Act- The Board shall comply with such directions, which may be issued from time to time, by the State Government for efficient administration of this Act. (3) If, in connection with the exercise of the powers and the performance of the duties of the Board under this Act, any dispute arises between the Board and any other department of the State Government, the matter shall be decided by the State Government and its decision shall be final.". Principal Secretary to the Government. gTFtrvr (75-2) 14, 2020 g.2(14Ä/2/2020.- 1956 (1956 47) 4 "tr •Z, 2020 12 2020)" (#üf.rö) 2020 (2020 12) 14 2020 1970 2020