

RAJASTHAN HOUSING BOARD ACT, 1970

18, 1970 DEPARTMENT [FICA Jaipur, April 18, 1970. 25 No. r. 7 Vidhi 70.—] of (3) of Article 348 of the Constitution of India, the Government is pleased to authorise the publication in the Official Gazette of the following translation in the English language of the Rajasthan Housing Board Adhiniyam, 1970 (Adhiniyam 4, San (English Translation), ACT, 1970 [Received the assent on the 13th day of April, 1970]) Act to provide for measures and to regulate the need of housing accommodation in Rajasthan. Be it enacted by the Rajasthan State Legislature in the Twenty first year of the Republic of India follows:—

Chapter I Preliminary.

1. Short title, This Act may be called the Rajasthan Housing Board Act, 1970; (2) It extends to whole of the State of Rajasthan. the context otherwise; 2. Definition.—In this Act, unless it is otherwise provided, (1) "adjoining area" means such area as may be specified to be an adjoining area under section 25 of this Act; (2) "Board" means the Rajasthan Housing Board constituted under section 4 of this Act; (3) "Board premises" means premises belonging to, or in, the Board or taken lease from the Board or any premises which are entrusted to, or in the possession or control of, the Board for the purposes of this Act; (4) "building materials" means such commodities or articles as are specified by the State Government by notification to be building materials for the purposes of this Act; (5) "bye-laws" means bye-laws made under section 54 of this Act; (6) "Chairman" means the Chairman of the Board; (7) "Committee" means any committee appointed under section 19 of this Act; (8) "Government or State Government" means the Government of the State of Rajasthan; (9) "Housing Commissioner" means the Housing Commissioner of the Board; (10) "Housing Scheme" means a housing scheme framed under this Act and includes a scheme for the development of land required for the purposes of the scheme. (11) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth; "local authority" includes a Municipal Board established under (12) section 7 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), a Panchayat established under section 3 of the Rajasthan Panchayat Act, 1953 (Act 21 of 1953) or a Panchayat Samiti or a Zila Parishad respectively constituted under sections 7 and 42 of the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Act 37 of 1959); Explanation.—The expression "Municipal Board", wherever used in this Act, shall be deemed to include a Municipal Corporation, a Municipal Council or any other Municipal authority; (13) "master plan" means the master plan prepared and approved for any urban area in accordance with the provisions of Chapter III of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959); (14) "member" means the Chairman and other members of the Board; (15) "notification" means a notification published in the Official Gazette; (16) "premises" means any land or building or part of a building and includes,— (17) (18) by the (19) Act; (20) (21) (i) the gardens, grounds and out-houses, if any, appertaining to such building or part of a building, and (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof; "prescribed" means prescribed by rules; "programme" means the annual housing programme prepared by the Board under this Act; "regulations" means regulations made under section 53 of this Act; "rules" means rules made under section 52 of this Act; "Secretary" means the Secretary of the Board; (22) "Trust" means an Improvement Trust established under section 8 of the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959); (23) "year" means the year commencing on the 1st day of April and ending on the 31st day of March. All words and expressions used but not defined in this Act shall have the same meanings as are assigned to them by the Rajasthan Urban Improvement Act, 1959 (Act 35 of 1959) or the Rajasthan Municipalities Act, 1959 (Act 38 of 1959) as may be relevant in the context.

CHAPTER II Establishment of the Board

4. Establishment of the Board. The State Government may, by notification in the Official Gazette, establish, for the purposes of this Act, a Board to be called "The Rajasthan Housing Board", herein-after called the 'Board', with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to enter into contracts and may by its corporate name sue and be sued and do all things and acts necessary for the purposes of this Act. (3) For the purposes of this Act and the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXV of 1953), the Board shall be deemed to be a local authority. Explanation.—The purposes of this Act referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the

Board under or for the purposes of this Act and the exercise of its rights over and with respect to such lands and buildings for the purposes of this Act

5. Constitution Of the Board -HI) The Board shall consist of a ChBW man appointed by the State Government and of the following other members, namely (a) (b) (c) (d) o e Financial Commissioner, Government of Raja*than, ex-Officio member; Secretary to Government, Town Planning Department, ex-Officio mem ber; Chief Town Planner and Architectural Adviser, ex-Officio member; Housing Commissioner of the Board, ex-Officio member; and six no I-official memberg, appointed by the Government.of whom one Bhall belong to the Schedule C? Btes or Scheduled Tribæ. 3 29 1970 4fi (2) The names of the Chairman and other members appointed under gub-section (1) shall be published in the Official (3) A non-official member of the mard at any time resign his office by submitting his resignation to tho Stato Gove:nment: Provided that the resignation shall not tape effect until it is occupfed by the Government. (4) The State Government wny, by notification in the Official Gazette, remove from office the Clnninvnn or any ofllÉT member who—— (a) is, or has become, subject to any of the disqualifications men- Monod in section 7, or (b) in the opinion of the State Government, has boon guilty of any misconduct or neglect 0!' bag flagrvcnnt'y abused his position ns to render his confirmanet' detrimental to tho interests thereof or of tho Provided that no person sha)l be voyvoved from office unless has been given an opportunity to show cause his removal

6. Term Of Office of Ihe members.—n) The Chairman and the non-ofTieial hold [or a period of three years from the (T iheir• Chairman, or as the caso may be, other s: Provided that the fenn of and fhe non,,official men-Ibers may be extended by {he 9. period not exceeding two years. (2) The Cnairman and shall on expiry of the tem of their office be eligible fix re-appointment

7. Disqualificafion.q for A person Bhall be disqmlified for boing appointed continuing as the Chairman or member o.f tho Board; if he—— (a) (b) (d) (e) (f) has been convicted by a nn offence involving moral turpitude, unless eonvictinn Bet, ngide•, ig an undischarged insolven; . is of unsound mind; is an officer or scrvnnt under Poart3; has directly or indirecnv. or by •any p,nrtner, omr,iocy or employee, any rny controct or employment with, by or on behalf of, {lie I*oard• or is a director or a socrotrny, mnnnger• other salaried officer of any incorporated cowpanv which any shore or interest in any contract or employment with, by or on behalf of the Board. 4 18, 1970 29 (2) A person shall not, however, be digqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have anv share or interest in any contract or emplo:n ertt within onning of those clauses, by reason only of his, or cowpony of which he ig a director, secretary, manager or other salaried officer, having n share or interest in; (i) anv sale, purchase, or oxehn,nge of immovable property or any ogreement l'Dt' the same; (ii) any agreement for tho loan of money or any gocuril)Y for the payment of money only; (iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted; (i?) tho occasional salo to tho up to value not exceeding two thousand rupees in any ono year, of anv urtle in which hør tho incorporated tvncles. (3) A person shall nol% algo bo disqualified under clause (e) or clauso (f) of sub-section (l) share. or interest in any incirporated comm.1D.v ony or in any contract or mnploynent by on Tln:vrđ. Ly reason only of his baing a share-liftl(ler of Provided tn the Cn0VfffQnlent, the naturo and extent, of the *barre P)tpluration .- —For •ub-gootion tho shall not bo grvrmnt umler the Board

8. Remuncroftion to Ihe Tho Choirman time, be (ixod by Che Govmnv•ti.-(2) -Every ng may be fix«l by the Government (3) The to the Chairman shall be pniJ the mat-a. 9. of and apom»ninfnet (Tf am acting 'ilm time. grant to the Chairman tho rules. (2) t horn in the of Aire of the Chairmm n net, as Chairman during tho of such person such re- muncr51f inn ancl mllowaneep ' bv them. The person go nppoinTtd t.hih Act to be the ClIEfrnnt!. 30 18, 1970 IO. Vacancy of a member.—lfa member : (a) becomes subject to any of tho disqualifications mentioned in section 7, (b) tenders his resignation in writing to the Government and the same is accepted, or (c) i? absent without the per-mission of tho Board from three con- secutive meetings of the Board, he shall cease to be a member, from such date as tho Government may declare

11. Vacancy to be filled as early as practicable.—Any vacancy of the Chairman or a member of the Board shall be filled in as early as practicable and the term of such appointn ent shall be for the remainder of the term of the Chairman or the member as tho case may be: Provided that during nny guch vacancy, the continuing members may act, as if no vacancy had occurred

12. Proceedings presumed to be good and valid.—No disqualification of or defect in the appointment of any person acting as Chairman or a member of the Board shall be deemed to vitiate any act or proceeding of the Board, if such act or proceeding is otherwise in accordance with the provisions of this Act

13. Temporary absence of members.—If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent, on leave or otherwise not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation thereunder

14. Appointment of Officers and servants and creation of The Board shall have a Housing and Architect, a Secretary, a Chief Accounts Officer and such other officers and servants as the Board may consider necessary for the efficient performance of its functions.(2) The appointment* of the Housing Commissioner, Secretary and Accounts Officer shall be made by the Board, subject, to the previous approval of the Government, and the of other officers and servants of the Board shall be made by the Board: Provided that the Board shall not appoint any officer in the scale of pay the maximum of which one thousand and two hundred rupees a month, without obtaining the previous sanction of the State Government. The Board shall have power to create any post on its establishment: 6 18, 1970 Provided that no new post, the scale of pay of which exceeds one thousand and two hundred rupees per month shall be created by the Board, without the previous sanction of the State Government

15. Conditions of service of officers and servants.—The remuneration and other conditions of service of the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board shall be such as may be determined by regulations

16. Provident Fund.—(1) The State Government shall establish provident fund for the Housing Commissioner, Secretary, Chief Accounts Officer and other officers and servants of the Board and such provident fund shall be deemed to be a Government Provident Fund for the purpose of the Provident Funds Act, 1925 (Central Act XIX of 1925), notwithstanding anything contained in section 8 thereof and such fund may be administered by such officers of the State Government, or of the Board) as the State Government, may specify in that behalf. (2) The Board shall, in respect of each of its employees who is a subscriber to the said fund, pay into the said fund such portion of the contribution in such manner as the State Government may, from time to time, determine

17. Preparation and maintenance of schedule of establishment.—Before the first day of May of every year, the Board shall prepare and maintain a schedule of establishment as on the first day of April of that year showing— (i) the number, designations and grades and scales of pay of the officers and servants (other than the employees who are paid by the day or whose pay is charged to any temporary work), whom it considers necessary and proper to employ for the purposes of this Act; (ii) the amount and nature of the salary, fees and allowances to be paid by the Board to each such officer or servant; and (iii) the amount to be paid by the Board towards leave salary, pension, provident fund or any other purpose in respect of each officer or servant

18. General disqualification of officers and servants.—No person who has directly or indirectly by himself or his partner or agent any share or interest, in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board otherwise than as an officer or servant thereof, shall become (A) remain an officer or servant of the Board. (B) Appointment of Subject to any rules made in this behalf, the Board may from time to time appoint one or more Committees for the purpose of securing the efficient discharge of its functions, and in particular for the purpose of securing that the said functions are discharged with due regard to the circumstances and requirements of particular local areas: 7 32 18, 1970 (2) Any appointed Committee (sub-section (1)) shall meet to discharge the functions assigned to it in such manner as may be directed by the Board. Conduct of Business

20. Meetings of the Board shall and shall determine time to time: make such Rules with respect to the day, time, notice, management and other matters as it may think fit, subject to the following provisions: (a) an ordinary meeting shall be every two months; (b) the Quarterly meetings; (c) special meetings; and in his absence, any person may preside for the occasion; (d) all questions at any meeting shall be decided by the person presiding; and (e) the Board may cause to be printed in a book or books provided for the purposes of the Act. 21. Temporary Committees with particular powers: The Board may, with particular powers, associate with itself, any person whose assistance or advice it desires in carrying out any of the functions of this Act:

Provided that the number of so associated shall not more than three. (2) A person associated the board under sub-section (i) for any purpose shall have the right to take part in the deliberations of the Board relevant to that purpose, but shall not have the right, to vote. (3) The State Government may, by order, depute its representative to attend any meeting of the Board and to take part in the deliberations of the Board, on such or subjects the State Government may specify, but such representatives shall not have the right to vote

22. Power to make may enter into any form all such contracts it consider necessary or expedient for carrying out any of the purposes of AA. Execution of Every contract shall be on behalf of the Board by the Chairman: Provided that:— (a) no contract involving an expenditure of rupees ten lacs and more shall be made without the previous sanction of the State Government; and (b) no contract involving an expenditure of five thousand rupees and more shall, subject to clause (a) above, be made without the previous sanction of the Board. (2) Sub-section (1) shall apply to every variation or abandonment of a contract or to an original contract

24. Delegation of Board's power to sanction to any rule which the State Government may make in this behalf, the Board may by order direct that the power conferred on it under section 23 to sanction a contract shall be exercised by the Housing Commissioner or any other officer specified in the order

25. Further provision as to execution (if Every contract by the Chairman on behalf of the Board, subject to the provisions of this Act, shall be entered into in such manner and form as may be prescribed. (2) A contract not executed as provided in this section and the rules made thereunder shall not be binding on the Board, unless it is confirmed by the Housing Board

26. Powers and duties of the Board to undertake Housing Schemes.— (1) Subject to the provisions of this Act and subject to the control of the State Government, the Board may, from time to time incur expenditure and undertake works in any area in which this Act is in force for the framing and execution of such housing Schemes as it may consider necessary. (2) The Housing Scheme may be of one of the following types, or combination of any two or more of such types or of any special features hereof, namely:— (a) a housing scheme with special emphasis for the scheduled castes, scheduled tribes and other backward classes; (b) a rebuilding scheme; (c) a rehousing or rehabilitation scheme; (d) a city or town or village expansion scheme; (e) a commercial or industrial scheme; (f) an urban slum clearance or improvement scheme; (g) a Subsidised Housing Scheme; or (h) any other scheme with the approval of the State Government. (3) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any housing scheme whether provided for by this Act or not, and the Board shall thereupon undertake the framing and execution of such scheme as if it had been provided for by this Act. (4) The Board may, on such terms and conditions as be agreed upon and with the previous approval of the State Government, take over for execution any housing scheme on behalf of a local authority or co-operative society or on behalf of an individual when the houses are to be built mainly for the residence of his employees, and the Board shall execute such scheme as if it had been by this Act

27. Ban on new constructions or alterations in the proposed scheme area.—The Board shall, as soon as it frames a scheme to execute any scheme either at its own instance or at the instance of the State Government or a local authority, the State Government or the local authority, publish a notification in the Official Gazette giving particulars and specifications of the scheme (including that the Board has decided to execute the scheme) with a notice inviting every person interested to see the detailed plans and specifications of the scheme in the office of the Board on any working day within one month of the publication of the notice, and within such publication of such notification together with the notice as aforesaid, no person shall carry out any new construction in the area covered by the scheme or make any additions or alterations in any existing structure in the scheme without the written permission of the Board. Notwithstanding anything contained in any other law, the Board may, in a housing scheme, provide for all or any of the following:— (a) (c) (d) (g) (h) (i) (j) (k) the acquisition by or for any person necessary for or affected by the execution of the scheme; the laying out of any land in the distribution or redistribution of site belonging to owners of property comprised in the scheme; the closure or of dwellings or portions of dwellings unfit for the habitation of obstructive buildings or portions of buildings; the construction and reconstruction of buildings; the sale,

letting or exchange of any property comprised in the scheme; the construction alteration of streets and back lanes: the formation of a reconstituted plot by the alterations of the boundaries of an original plot; the allotment of a plot to any person dispossessed of his land in furtherance of the housing scheme; the transfer of ownership of a plot from one person to another; 18, 1970 35 (l) the reconstitution of two or more plots belonging to different persons into one plot without changing their boundaries and making them joint property with the consent of the owners of the original plots; (m) the provision of draining, water-supply and lighting of the area included in the scheme; (n) the provision of parks, playing-fields and open spaces for the benefit of any area comprised in the scheme or any adjoining areas, and the enlargement of existing parks, playing-fields, open spaces and approaches; (o) the reclamation or reservation of lands for markets, gardens, playing-fields, schools, dispensaries, hospitals and other amenities in the scheme; (p) the letting out, management and use, of the Board premises; (q) the provision of sanitary arrangements required for the area included in the scheme, including the conservation of, and prevention of any injury or contamination to reverse or other sources and means of water-supply; the provision of accommodation for any class of inhabitants; (s) the advance of money for the purpose of the scheme; (t) the provision of facilities for communication and transport; (u) the collection of such information and statistics as may be necessary for the purposes of this Act; any other matter for which, in the opinion of the State Government, it is expedient to make provision with a view to provide housing accommodation and to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme. purposes of this the State Government, may, on the recommendation of the Board, by notification in the Official Gazette, specify such area surrounding or adjoining the area included in a housing scheme to be the adjoining area

29. Submission of the Budget.—The Board shall, at special meeting to be held in the month of January in each year, lay before the Board, a budget of the for the next year. (2) Every such budget shall be prepared in such form as may be prescribed and shall include provision for: (i) the housing scheme which the Board proposes to execute whether in part or whole during the next year, 11 38 (ii) the due fulfilment of all the (iii) the efficient administration 18, 1970 liabilities of the Board, and of this Act and shall contain a statement showing the estimated receipts, and expenditure on capital and revenue accounts the next year, and other particulars as may be prescribed

30. Board's sanction to budget.—The Board shall consider the budget laid before it under the last preceding section and sanction it with or without modifications

31. Submission of sanctioned budget to State Government for approval.— (1) Every budget sanctioned by the Board under the last preceding section shall be submitted to the State Government for approval. the State Government— Within two months of the receipt of the budget, the State Government may approve the budget as sanctioned by the Board or return it to the Board for making therein as the State Government may fit. (2) Where a budget is returned to the Board by the State Government for making any modifications therein, the Board shall forthwith make such modification to the budget and the State Government, approve it

32. Supplementary to the budget, at any time during the year for which a budget has been approved by the State Government, lay before the Board any supplementary budget and the provisions of sections 28, 29, 30 and 31 shall apply to such supplementary budget

33. Publication and execution of schemes.—After the budget is approved by the State Government, the Board shall, in respect of which is in the budget, be published in the Official Gazette such as be prescribed and proceed to execute the 34. Variation of housing Board may at any time vary any housing schemes or any part thereof included in the budget approved by the State Government: Provided that no variation shall be made if it involves an expenditure in excess of 10 per cent. of the amount as included in the budget approved by the State Government for the execution of any housing scheme or if it affects the scope or purpose of such scheme

35. Transfer to the Board for purposes of housing scheme of land vested in a local authority. Whenever any street, square or other land, or any part thereof, situated in any area of a local authority and vested in a local authority is required for the purposes of any housing Scheme included in the budget approved by the State Government the Board shall give notice to the authority concerned to transfer to it the required street, square other land, or any thereof as the case may be. (2) Where the local authority concurs, such street, square or other land, or part thereof, shall vest in the Board* 12 18, 1970 37 (3)

Where there is any dispute, the matter shall be referred to the State Government. The State Government shall, after hearing the local authority concerned, decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square, land, or part thereof, shall vest in the Board, it shall vest accordingly. (4) The vesting of street, square, land or a part thereof under sub-section (2) or (3) of the section shall be notified in the Official Gazette. (5) Nothing in this section shall affect the duties and obligations of the local authority in respect of such street, square or land and the local authority concerned shall be liable to render all the municipal services usually provided by it in the land vested in the Board under this section notwithstanding such vesting. 343 Power of J30'trd to or close public street vested in it.—(1) The Board may turn, divert, discontinue the public use of, or permanently close, any public street or a part thereof vested in it. (2) Whenever the Board discontinues the public use of, or permanently closes, any public street or any part thereof, vested in it, it shall, as far as possible, provide other reasonable means of access to be in use by those entitled, of the street or part thereof. (3) When any public Street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required, 37. Vesting in local Streets laid out or altered and open & space provided by the Board.—Whenever the State Government is satisfied— (a) any street laid out or altered by the Board has been duly levelled, paved, ailed, flagged, channelled, sewered and drained as required for any housing schemes approved by the State Government under section 31, (b) that, such PS, lamp-posts and other apparatus as the local authority concerned considers necessary for the lighting of such street and so ought, to be provided by the Board have been so provided; and (c) that water and other sanitary conveniences have been duly provided in such street, it may declare the street to be a public street, and the street shall thereupon vest in the local authority concerned and shall thenceforth be maintained kept in repair, lighted and cleaned by the local authority concerned. (2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may at its option by resolution transfer such open space to the local authority concerned on completion of the same and thereupon such open space shall vest in, and be maintained at the expense of the local authority: Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay-out such space and provide foot-paths therein, and if necessary, to provide lamp posts and other apparatus for lighting it. (3) If any difference of opinion arises between the Board and local authorities in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government whose decision thereon shall be final.

38. Other duties of the Board. It shall be the duty of the Board to take necessary measures to maintain, allot, lease and otherwise use the Board premises and to collect rents, interest and damages in respect thereof.

(2) The Board may,—(i) provide technical advice to the State Government and projects under housing schemes in the area to which this Act extends when required by the State Government to do so; (ii) undertake research into various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions; (iii) undertake comprehensive surveys of housing; and (iv) do all things for— (a) unification, simplification and standardisation of building materials; encouraging pre-fabrication and production of house components; organising or undertaking the production of building materials— (c) materials for residential or non-residential houses; and (d) securing a steady and sufficient supply of materials for construction of residential buildings.

39. Power to exempt from provisions of sections 29 to 34 (both inclusive) subject to such conditions, if any, as it may impose or may specify in the order. 18, 1971) CHAPTER [V Finance, Accounts and Audit]

40. Board's Fund. The Board shall have its own fund. (2) The Board may accept grants, subventions, donations and gifts from the Central or State Government or a local authority or any individual or body, whether incorporated or not for all or any of the purposes of this Act. (3) The State Government may every year make a grant to the Board of a sum equivalent to the administrative expenses of the Board: Provided that the amount of such grant may be reduced or discontinued to the extent the financial position of the Board warrants. (4) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or other kind of property sold by the Board, all rents and interest, profits and other moneys

accruing to the Board shall constitute the fund of the Board. (5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the Reserve Bank of India or in any Nationalised Bank or other scheduled Bank, invested in such securities as be approved by the State Government. (6) Such account shall be operated upon by such officers as may be authorised by the Board

41. Application Of the Fund .—All property, fund and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act

42. Expenditure in case of Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year:— (a) recurring expenditure not exceeding twenty-five thousand rupees, and (b) non-recurring expenditure not exceeding one lac of rupees.(2) Where any is expended under circumstances of extreme urgency provided in sub-section (1), a report, thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government

43. Subventions and loans to the Board.—(1) The State Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine. 15 qwqa, 18, 1970 (2) The State Government may from time to time advance loan to the Board on such terms and conditions not inconsistent with the provisions of this Act as the State Government may determine

44. Power Of Board to The Board may, from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to conditions as may be prescribed (2) The rules by the State Government, for the purposes of this section may empower the Board to borrow by the issue of debentures and to make arrangements with bankers or the Life Insurance Corporation of India.(3) All debentures issued by the Board shall be in such form as the Board: with the sanction of the State Government may, from time to time, determine. Every debenture shall be signed by the Chairman and one other member of the Board. (5) Loans borrowed and debentures issued under this section may be guaranteed by the Government, as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government

45. Accounts and The Board cause be maintained proper books of accounts and Nith other books as the rules may require and shall prepare in accordance, with the an annual statement of accounts.(2) The Housing Board accounts shall from time to time, once in every year be audited by the Examiner of Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act 28 of 1954). (3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at reasonable price. (4) The Board shall comply with such directions as the State Government may, after perusal of the report of auditor, think to issue

46. Concurrent and special audit of Notwithstanding anything contained in section 45, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or class or series of transactions or to particular period. 18, 1970 41 (2) When an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit and remedy or cause to be remedied the defects pointed out by such person, unless they are condoned by the State Government. CHAVRER V Miscellaneous

47. Report.—The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the State Government a report on such matters as may be prescribed. (2) The State Government shall, as soon as may be, cause the report submitted by the Board to be laid before the House of the State Legislature 48. Other statements and returns.—The Board shall also submit to the State Government such statistics, returns, particulars, statements, documents or papers in regard to any proposed or existing scheme or relating to any matter or proceedings connected with the working of the Board at such times and in such form and manner as may be prescribed or as the State Government may

from time to time direct. 4b. Power of Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter upon or upon any land, in order— (a) (b) (c) (d) to make any inspection, survey, measurement, valuation or inquiry; to take levels; to dig or bore into the sub-soil; to set boundaries and intended lines of work; to make such levels, boundaries and lines of works and cutting trenches; or to do any other thing, whenever it is necessary to do so for any of the purposes of this Act or any rules made or scheme sanctioned thereunder: Provided that,— (i) no such entry shall be made between sunset and sunrise; (ii) no dwelling house and no public building which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry; (iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove themselves to some part of the premises where their privacy may not be disturbed; and (iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered

50. Notice of suit against Board.—No person shall commence any suit against the Board or against any officer or servant of the Board or any acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Act, without giving to the Board, officer or servant or person two months previous notice in writing of the intended suit and of the cause thereof. nor after six months from the date of the suit complained of

51. Valuation of assets and liabilities of the Board.—The Board shall at the end of every five years have valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government: Provided that it shall be open to the State Government to direct valuation to be made at any time it may consider necessary

52. Power to make rules. The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules may be made for— (a) the allowances of members and remuneration and conditions of service of the Chairman; (b) the rates of subscriptions and contributions and other conditions of the provident fund established under section 16; (c) the manner and form in which contracts shall be entered into under section 25; (d) the form of the annual budget to be laid before the Board under section 29 and the other particulars to be contained therein; (e) the manner of publication of housing schemes included in the budget under section 33; (f) the conditions subject to which the Board may borrow any sum under section 44; (g) the manner of preparation, maintenance and publication of accounts under section 45; (h) the date before which, the form in which, the interval at which and the manner in which reports shall be submitted under section 47; (i) the time at which and the form and manner in which statistics and returns, particulars, statements documents and papers shall be submitted under section 48; the manner in which the Board shall be superseded and re-constituted under section 61; and (k) any other matter which is or may be prescribed under this Act. (3) All rules made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than 14 days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder

53. Power to make regulations.—(1) The Board may, from time to time, with the previous sanction of the State Government make regulations consistent with this Act and with any rules made under this Act— (a) for the management and use of buildings constructed under any housing scheme; (b) the principles to be in allotment of tenements and premises; (c) the remuneration and conditions of service of the Housing Commission and other officers and servants of the Board under section 15; (d) for regulating its procedure and the disposal of its business. (2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any regulation in respect of matters specified in sub-section (1) or to amend any regulation made under that sub-section, it may call upon the

Board to make such regulation or amendment within the time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1). 19 RF-qa, Qiq 18, 1 54. Power to make The Board may make bye-laws, not inconsistent with this Act which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act (2) A bye-law made under this section may provide that a contravention thereof shall be an offence. (3) A bye-law made under this section may provide for any matter covered by a bye-law made under the Rajasthan Municipalities Acts 1959 (Act 38 of 1959) and on publication of such bye-law, any bye-law made under section 90 of the Rajasthan Municipalities Act, 1959, shall cease to have effect as respects the matters covered by the bye-law made under this section, in the area where such bye-law shall apply (4) No bye-law made by the Board shall come into force until it has been confirmed by the State Government with or without modification. All bye-laws made under this section shall be published in the Official Gazette

55. Penalty for contravention of bye-laws.—Whoever contravenes bye-law made under section 54 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both

56. Penalty for obstructing.—If any person— (a) obstructs, or molests any person with whom the Board has entered into contract, in the performance or execution of such person of his duty or of anything which he is empowered or required to do under this Act, or (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both

57. Authority for prosecution.—Unless otherwise expressly provided, no Court shall take cognisance of any offence punishable under this Act except on the complaint of, or upon information received from, the Board or some person authorised by the Board by a general or special order in this behalf

58. Members, officers and servants of the Board to be public servants.— All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants 'within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860)

59. Protection of action taken under this Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act. 20 18, 1970 GO. Government's power to give directions to the Board.—The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, it shall be the duty of the Board to comply with such directions

61. Default in performance of If the State Government, is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix period for the performance of that duty.(2) If in the opinion of the State Government the Board has failed or neglected to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government notwithstanding anything contained in section 6, to supersede and reconstitute the Board in the prescribed manner. (3) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be on by the State Government or by such officer or officers the State Government may appoint for this purpose

62. Dissolution of the Board. The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, the Board shall be dissolved- (2) With effect from the date specified in the notification under sub-section (1) (c) all properties, funds and dues which are vested in or realizable by the Board shall vest in and be realizable by the State Government, (b) all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government (3) Nothing in this section shall affect the liability of the State in respect of loans or debentures guaranteed under "on (5) of section 44

63. Repeal and The Rajasthan Housing Board Ordinance, 1970 (Rajasthan Ordinance 3 of 1970) is hereby repealed.(2) Notwithstanding such repeal, anything done or deemed to have been done or any

action taken or deemed to have been taken in the exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act. Secretary to the Government Central Press, Jaipur

