

Presented on 31st July 1972.



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**FOURTH  
GUJARAT LEGISLATIVE ASSEMBLY**

**REPORT  
OF  
SELECT COMMITTEE  
ON BILL NO. 19 OF 1972**

**THE GUJARAT RURAL HOUSING  
BOARD BILL**

**Printed and published under the authority of the  
Gujarat Legislative Assembly**

**GUJARAT LEGISLATURE SECRETARIAT  
GANDHINAGAR**

**JULY, 1972.**

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**BILL NO. 19 OF 1972.**

**GUJARAT RURAL HOUSING BOARD BILL**

***A BILL***

*to provide for the establishment of Gujarat Rural Housing Board in the State of Gujarat.*

**COMPOSITION OF SELECT COMMITTEE**

**Chairman**

Shri Gordhandas R. Chokhawala

**Members**

Shri Sanat Mehta

Shri Amarsingh Chaudhari

Shri Somjibhai Damor

Shri Uttambhai Patel

Shri Nathabhai Desai

Shri Manabhai Bhambhi

Shri Udesinh Vadodia

Shri Madhavsingh Solanki

Shri Manibhai Shah

Shri Narsinghbhai Makwana

Shri Manoharsinghji Jadeja

Shri Narsinghdas Gondhia

Shri Fulsinghji Solanki

Shri Dahyabhai Bhatt

**Legislature Secretariat**

Shri Dwijen G. Desai, Secretary,

Shri A. J. Trivedi, Under Secretary.

**Government Representatives**

Shri S. M. Dudani, Secretary, Education & Labour Department.

Shri N. C. Buch, Deputy Secretary, Legal Department.

## REPORT OF THE SELECT COMMITTEE

1. The Chairman of the Select Committee to which L. A. Bill No. 19 of 1972 (A Bill to provide for the establishment of a Gujarat Rural Housing Board in the State of Gujarat) was referred, having been authorised by the Committee to submit the report on its behalf, present its report along with the Bill as amended by the Committee, annexed hereto.

2. The Bill was introduced in the Assembly on the 11th July, 1972. The motion that the Bill be read First Time was moved in the House by Shri Gordhandas Chokhawala, Minister for Social Welfare Department on 11th July 1972 and was discussed on 11th and 12th July, 1972. After the Bill was read for the First Time, Shri Gordhandas R. Chokhawala, the Minister-in-charge of the Bill moved the motion that it be referred to a Select Committee composed of 15 members with the instruction to report to the House before the 26th July, 1972. The motion was discussed and adopted on the same day. (Appendix A)

The Honourable the Speaker, appointed on 12th July 1972 Shri Gordhandas Chokhawala the Minister-in-charge of the Bill, as Chairman of the Committee.

3. The amendments which were received on the Bill from the members before the Bill was read for the First Time, were circulated to all the members of the Assembly, and the same were referred to the Select Committee.

4. At its preliminary sitting held at 10.30 a.m. on the 14th July, 1972, the Committee decided to meet on 19th, 20th, 24th and 25th July, 1972. As the Report of the Committee was required to be presented to the House in a very short time and as the House was in Session, the Committee decided not to take *verbatim* proceedings of the deliberations of the Committee but to record only the decisions of the Committee.

5. As the time available to the Committee was very short, the Committee felt that it would not be necessary to invite any opinion from members of public or any other interested institutions or bodies, and that it would be sufficient to ascertain the views of the members by inviting them to offer amendments and to obtain the views of the Chairman of Gujarat Housing Board as his views would be based upon his experiences in the implementation of Gujarat Housing Board Act, 1961, provisions of which are substantially similar to the provisions of the Bill referred to the Committee. As the Social Welfare Department is administering some of the housing schemes, for the socially and educationally backward classes of people, the Committee also thought it advisable to obtain the views of the Director of Social Welfare. Similarly, the Registrar of Cooperative Societies is connected with the Cooperative Housing Movement in rural areas for socially and educationally backward classes, the Committee also decided to invite them. The Committee also decided to invite

Secretary of Public Works Department. The Committee, therefore, decided to hear the following officers in person on 19th :—

1. Chairman, Gujarat Housing Board,
2. Commissioner, Gujarat Housing Board,
3. Registrar, Co-operative Societies,
4. Director of Social Welfare,
5. Secretary, Public Works Department.

The Committee also decided to invite amendments, suggestions etc. only from the members of the Assembly with a request to send the same by 2.00 p.m. on 19th July 1972. Accordingly the members were requested by a bulletin issued on 14th July 1972 to send their amendments or suggestions before 2.00 p.m. on 19th July, 1972. The Committee received suggestions from the Chairman, Gujarat Housing Board, and also from Shri Fulsinhji Solanki, a member of the Gujarat Legislative Assembly. The Committee also received amendments from Sarvashri Balbhadrasinhji Zala, M.L.A. and Manoharsinhji Jadeja, a member of the Committee. The Committee considered all the above suggestions and amendments, including the amendments received from Sarvashri S. M. Guru, N. K. Makwana, M. M. Gandhi, L. K. Rahevar, N. G. Gondhia, K. R. Patel and K. I. Patel. As most of the members who had proposed amendments were also the members of the Committee, and as their views were available to the Committee, the Committee did not consider it necessary, in view of the shortness of time, to invite any members for placing their views before the Committee and in fact no such request was received from any member by the Committee.

6. The Committee in all held six sittings *i.e.* on 14th, 19th, 20th, 24th, 25th and 28th July, 1972. At its sitting held on 19th July, the Committee heard the officers mentioned in the above paragraph. As the Rural Housing Board Bill was mainly based and drafted on the pattern of the Gujarat Housing Board Act, 1961, the suggestions made by the Chairman of the Gujarat Housing Board, in the light of the experience gained by him were found to be useful to the Committee. In the succeeding three sittings held on 20th, 24th and 25th July, 1972, the Committee considered the Bill, clause by clause, along with the amendments to clauses and the suggestions received by it.

7. As the Committee could not complete its work as scheduled, the Committee decided and accordingly authorised the Chairman to request the Hon'ble the Speaker to extend the period for submitting the Report of the Committee to the House upto 31st July, 1972. The Chairman, therefore, requested the Hon'ble the Speaker to do so, on 25th July, 1972 and the Hon'ble the Speaker was pleased to extend the period for submitting the Report of this Committee to the House upto 31st July, 1972 under proviso to Rule 175(7) of Gujarat Legislative Assembly Rules.

In the last sitting held on 28th July, 1972 the Committee considered and approved the report.

8. The observations of the Committee with regard to the important changes suggested in the Bill are given in the succeeding paragraphs.

9. *Clause 2(8)*.—This sub-clause refers to “Assistant Housing Commissioner under the Board”. As the Board is defined in sub-clause (3) of clause 2, reference to Assistant Housing Commissioner is to the Assistant Housing Commissioner of the Rural Housing Board to be constituted under clause 3. As, however, there is another Gujarat Housing Board for urban areas, the Committee thinks it would be better to make the position clear. The sub-clause has, therefore, been amended by substituting ‘Rural Assistant Housing Commissioner’ for ‘Assistant Housing Commissioner’ in clause 2(8).

10. *Clause 2(20)*.—The Chairman of the Gujarat Housing Board had suggested to include towns having Nagar Panchayats and taluka headquarters in this clause, so as to exclude the same from the operation of the Rural Housing Board, as the Gujarat Housing Board was carrying on its activities in such towns and as there would be overlapping of the activities of the two Boards. The Committee felt that even in such towns there may be demands for construction of low cost houses for Scheduled Castes, Scheduled Tribes and weaker sections of the residents in such towns and which the Rural Housing Board may consider to undertake. The Committee, therefore, did not think it wise to accept the said suggestion and decided to retain clause 2(20) as it was in the Bill.

11. *Clause 5(1)*.—This clause in the Bill as introduced provides for appointment of the Board but makes no provision for its detailed constitution. The Committee had received some amendments to this clause and suggestions for providing specific number of members for various categories of classes of people. The Committee considered various alternatives. The Committee felt that as the constitution of the Rural Housing Board is intended primarily for Scheduled Castes, Scheduled Tribes, etc. and weaker sections of the people, it would be desirable for the protection of the interest of such classes of people to provide for adequate representation of such classes of people. The Committee also felt that it would also be necessary to provide for technical members on the Board. The clause has, therefore, been modified so as to secure statutory representation on the Board to five members from Scheduled Castes and Scheduled Tribes and economically weaker sections of the people. Provision is also now made for appointment of two technical experts on the Board from the remaining five members of the Board. The clause has, therefore, been amended accordingly.

12. *Clause 7, sub-clause (1)*.—This clause provides for disqualification of persons for appointment on the Board. The clause provides that any person

holding office or place of profit under the Board shall be disqualified for being a member of the Board. The Committee feels that in addition to the persons holding office or place of profit under the Board, the persons holding the office or place of profit under the State Government should also be disqualified from being appointed on the Board. Item (a) of this sub-clause has, therefore, been amended accordingly.

The Committee had also received amendments to add item (f) in sub-clause (I) of clause 7, for providing to exclude members of Legislative Assembly, members of Lok Sabha and Panchayats from being appointed on the Board. The Committee thought that under the existing legal position, unless Parliament and State Legislature by law exempt such appointment of members of Legislature and Lok Sabha, such members of Legislature and Lok Sabha cannot be appointed on the Board and otherwise also the Committee felt that it would not be necessary to make such provision. The Committee, therefore, did not consider it necessary to accept the said suggestion.

13. *Clause 10(1)(b)*.—This clause provides that a member of the Board would cease to be a member if he tenders his resignation in writing to the State Government. Proviso to clause 5(2) however, provides that the resignation shall not take effect until it is accepted, whereas under this clause resignation would take effect as soon as it is tendered. The Committee felt that cases may arise where for some reasons, such as involving liabilities, it may not be advisable to give effect to resignation of members on the same being tendered and it would be desirable to give effect to it only when the same is accepted as provided under proviso to clause 5(2). The Committee has, therefore, amended this clause to put it on line with clause 5(2).

14. *Clause 13*.—Under this clause the last word “there function” appears to be a misprint and should be “thereunder”. This is a minor correction carried out by the Committee.

15. *Clause 14*.—This clause provides for the appointment of Secretary, Rural Assistant Housing Commissioner, Rural Housing Commissioner and other officers. This clause gives limited power to the Board for such appointment and provides for approval of Government in respect of appointment of Secretary, Rural Housing Commissioner and Rural Assistant Housing Commissioner and any other officers whose salary exceeds Rs. 1000/-. The Chairman of Gujarat Housing Board suggested to the Committee that requirement of approval of Government would cause delay and besides it would be desirable to give more autonomy to the Board in respect of such appointment. He also pointed out that as a result of the recommendations of Justice Sarela Pay Commission the pay scales have been revised and starting scale which was Rs. 1,000/- has now been raised to Rs. 1,400/-. The Committee felt that it is desirable to vest more power in the Board in respect of such appointments. The Committee has modified the clause with a view to grant greater autonomy

to the Board. The clause has been revised empowering the Board to appoint all the officers and staff excepting the Housing Commissioner and officers whose salary exceeds rupees one thousand four hundred per mensem in respect of which, the approval of State Government would be necessary.

16. *Clause 16(1)*.—This sub-clause has been slightly modified so as to extend the benefit of provident fund to other officers also.

The Committee is of the opinion that if the provident fund amount is utilized for financing the housing schemes of the Board, housing programme will gather more momentum. The Committee, therefore, feels that a specific provision should be made in this clause to empower the Board for the said purpose. The Committee also felt that it is not desirable to give power to utilize unlimited amount from provident fund, as it may adversely affect the interest of staff and it is, therefore, necessary to reserve adequate amount which may be required to be withdrawn by the staff either on retirement, or as loan, or for part final withdrawal. The Committee has, therefore, suitably amended this clause, and has given power to the State Government to specify the limit upto which, amount from Provident Fund can be utilised by the Board.

17. *Clause 18*.—This clause provides for appointment of Committees. There is, however, no provision in the Bill for giving travelling allowance and other allowances to the members of these Committees. The Chairman of Gujarat Housing Board suggested that a provision for payment of travelling and other allowances to the members of such committees, should be made, so that no difficulties or audit objections may arise in that behalf. Without the enabling provision in the Bill, the Board will not be able to give any such allowances to the members of the Committee. The Committee accepted the suggestion and has inserted new sub-clause (3) in this clause for that purpose.

The Committee had received some amendments and suggestions for making provision for suitable representation of Scheduled Castes and Tribes on such Committee. The Committee has already amended Clause 5 for making such provision in the Board and the Committee does not think it necessary to make such provisions in the appointment of such an Advisory Committee. The Committee had also received amendment for providing that ordinarily the advice of the Committee shall be accepted by the Board. The Committee feels that it would not be desirable to restrict the discretion of the Board and that functions of the Advisory Committee should be limited to tendering advice only, otherwise disharmony between the Board and the Advisory Committee may cause delay and adversely affect the working of the Board. The Committee, therefore, did not consider it necessary to accept the proposed amendments.

18. *Clause 19(c)*.—An amendment was proposed to provide that the Chairman shall summon a meeting of the Board when three members of the Board request him to do so by a letter in writing. The Committee thinks that it is not advisable to provide for requisition meetings of the Board when

the Board would comprise only of 11 members, and besides it would not also be necessary, as clause 19(b) provides for holding an ordinary meeting of the Board at least once in a month. The Committee, therefore, did not consider it necessary to accept the amendment.

19. *Clause 22.*—This clause provides for power to make contract on behalf of the Board by the Chairman. The proviso (a) to sub-clause (I), however, limits the power of the Chairman and provides for sanction of State Government when the contract would involve expenditure of more than Rs. 10 lacs. The Chairman of the Gujarat Housing Board suggested that the Board should have wider powers and that provision requiring sanction of Government involves delay. The Committee had also received amendments suggesting to increase the upper limit of the amount from Rs. 10 lacs to Rs. 20 to 25 lacs. The Committee considers that looking to the extent of activities that this Board would be expected to undertake, and the prevailing circumstances, this provision may hamper the execution of the works and cause unnecessary delay. Besides, it is also desirable and necessary to vest greater autonomy in the Board. The Committee, therefore, considered it necessary and proper to accept the above suggestion, and to vest full power in the Board in respect of making contracts and to do away with the requirement for obtaining approval of State Government when the contract involves expenditure of more than Rs. 10 lacs. The Committee has, therefore, deleted proviso (a) to sub-clause (I) of Clause 22.

The proviso (b) to clause 22(I) similarly limits the power of the Chairman to make contract, and provides for sanction of the Board, when the contract would involve expenditure of rupees three thousand and more. The Chairman of Gujarat Housing Board had suggested that the same power should be given to the Housing Commissioner, so that when the Chairman, who may not be full time, does not attend the Office regularly, the Housing Commissioner can sanction routine expenditure without waiting for the approval of the Chairman, which may cause delay. He also further suggested that the power of the Chairman should be wider and he should not be required to obtain the sanction of the Board for expenditure of routine nature and for making smaller contracts, as it may take time to hold the meeting of the Board for every such occasion which may cause delay. The Committee had also received amendments for raising this limit of Rs. 3,000 to Rs. 10,000. The Committee considers that it would be more proper to retain the power in the Chairman. The Committee, however, feels that the present provision for sanction of the Board would involve delay in executing the works and it is necessary and desirable to give wider power to the Chairman. In the opinion of the Committee, purpose would be served by extending the upper limit of contracts involving expenditure of Rs. 3,000 to Rs. 25,000 and that the Chairman should not be required to obtain the previous sanction of the Board when the contract would involve expenditure of less than Rs. 25,000 and that the previous sanction of the Board should only be provided when the contract would involve expenditure of Rs. 25,000 or more. The Committee has, therefore, amended accordingly proviso (b) to Clause 22(I).

20. *Clause 25.*—This clause provides for undertaking execution of additional housing schemes by the Board as may be entrusted to it by the State Government. The clause is wide enough to cover all schemes of the Government. It was, however, brought to the notice of the Committee that at present some schemes are being administered by the Social Welfare Department. The Committee considers that a department of Government may find it difficult to operate, administer and execute housing schemes for Scheduled Castes, tribes and backward and economically weaker sections of the people in rural area and may have to appoint agencies, and as the Rural Housing Board is specially intended to serve the purpose, it would be desirable for expeditious and efficient execution of such schemes of the Social Welfare Department to provide for entrustment of such schemes to the Rural Housing Board. The Committee, therefore, considers it necessary to make a specific provision in that behalf and has, therefore, amended this clause to the effect that the State Government may also entrust to the Board the schemes at present administered by the Social Welfare Department of the Government.

21. *Clause 27 : (I) Sub-clause (I), items (h) and (j).*—This clause prescribes the scope of a housing scheme and provides for various matters which may be included in a housing scheme. The Committee considers that it is necessary and desirable to widen the scope of the housing scheme to enable the Board to execute works pertaining to various types of amenities required in a housing scheme such as roads, cause-ways, culverts, shops, schools, etc. The Committee has, therefore, made suitable additions in items (h) and (j) to sub-clause (I) of clause 27.

*(II) Sub-clause (I), item (I).*—This clause prescribes the classes of people for whose accommodation the Rural Housing Board would be expected to undertake execution of housing schemes. The Committee had received amendment for deleting “any other class of inhabitants”. There was a feeling that if the scope of the Rural Housing Board is widened to include any other class of people, sufficient funds will not be available for scheduled castes, scheduled tribes and socially and educationally backward classes of people whose interest may be adversely affected. On the other hand, there was also a demand that there are many castes and communities who may not be considered socially and educationally backward but are economically very poor, and the Rural Housing Board should also undertake execution of housing schemes for such classes of people. After considerable deliberation, the Committee came to a conclusion that there was considerable force in both the views, and that there should not be any restriction on the scope of the Board to cover any classes of people who are economically weaker. The Committee felt that ‘economically weaker section of the people’ would cover the same classes. Besides, certain special circumstances may arise where on account of flood, violent storms, earthquakes etc., various classes of people whose houses may collapse may be required to be provided with special housing scheme which the Rural Housing Board may undertake. The Committee also felt that as the Rural Housing Board would carefully implement the purposes of the Act and take adequate care of the

scheduled castes, scheduled tribes and socially and educationally backward classes of people, and merely because a provision is kept for other classes of people, there should be no apprehension that the interest of scheduled castes, scheduled tribes and socially and educationally backward classes of people would not be properly protected. The Committee on a careful consideration decided to retain clause 27(1)(1) as it is. The Committee had also received a suggestion that the Rural Housing Board should also be empowered to grant loan to deserving individuals belonging to Scheduled Castes, Scheduled Tribes and economically weaker sections for the purpose of constructing a house or for repairing an old house or for providing amenities such as drainage, electricity etc. to existing house and for such allied purposes. The Committee felt that this would be a function of a financing body and the Rural Housing Board should not undertake upon itself the function of working as a financing body. The Committee, therefore, did not think it advisable to enlarge the scope of Rural Housing Board and did not accept the suggestion.

(III) *New Sub-clause (3).*—The Committee feels that it may not always be possible or it may be very difficult for the Rural Housing Board to execute works of smaller types in distant villages and, therefore, it would be desirable to empower the Board to get such works executed through agencies. The Committee has, therefore, made suitable provision empowering the Rural Housing Board to entrust these works to agents and to execute works as agents and has added a new sub-clause (3) in clause 27 to that effect.

The Committee had also received an amendment for adding sub-clause (3) in clause 27 for prescribing priorities among the various classes of people in certain order. The Committee considered that prescribing of priorities among various classes of people would create various difficulties, as the Rural Housing Board, would not be able to undertake housing schemes for any other class of people without fulfilling the requirement of the class of people who is placed first in list of priorities. Besides different castes, tribes and classes of people may be required to be provided housing schemes in different regions of the State. Circumstances and conditions vary from region to region and it would neither be practicable nor be desirable to give effect to priorities. The Committee, therefore, felt that it is not desirable to prescribe any priorities among various classes of people. The Committee, therefore, did not accept the amendment.

(22) *Clause 28.*—Clause 28 imposes certain prohibitions in making schemes for certain areas which are included in the improvement schemes or schemes which are inconsistent with the Town Planning Schemes already sanctioned under the Bombay Town Planning Act, 1954. Sub-clause (2) of clause 28 provides for decision by the State Government in case of disputes in respect of such housing schemes. The Committee considers that if Government causes delay in taking such decision, the execution of a housing scheme by the Rural Housing Board would be unnecessarily hampered and delayed and it is desirable

to prescribe the time-limit under which Government should decide the dispute. The Committee considers that a period of three months would be sufficient to enable the Government to decide the matter. The Committee has, therefore, amended sub-clause (2) of clause 28 by making a suitable addition in that clause to provide that such decision by the State Government shall be given within a period of three months.

23. *Clause 29, sub-clause (1), item (iii).*—This sub-clause *inter alia* provides for furnishing a schedule of the staff of officers and servants of the Board to the State Government every year. Such requirement does not serve any useful purpose. The Committee finds that this is a peculiar provision which does not find place in any other Act creating similar Statutory Boards and, therefore, the same has been deleted.

24. *Clause 30.*—This clause provides for publication of a draft of the programme by the Board in the *Official Gazette* for inviting objections and suggestions and for consideration of the same and thereafter to forward the same to the State Government for sanction. The Chairman of the Gujarat Housing Board pointed out that this procedure takes too much of time and causes unnecessary delay and besides rarely objections or suggestions are received from members of public to the schemes of the Housing Board. The Chairman, therefore, suggested that if this provision is done away with, considerable time would be saved and expeditious execution of the schemes could be achieved. The Committee considers that this is an unnecessary provision which would involve undue delay and hamper the progress in the execution of the schemes. The Committee has, therefore, deleted this clause.

25. *Clause 31 [re-numbered as clause 30].*—There was even a suggestion for deletion of this clause. The Committee feels that it is a very important provision and that not only the control of the Government would be necessary as the financing authority, but it would also be necessary in the interest of the legislative control to retain the provision for laying the budget before the State Legislature. The Committee has, therefore, decided to retain the clause. However, in view of the amendment to clause 29 for deleting provision pertaining to the schedule of staff and officers of the Board and to clause 30 for publication, the Committee has suitably amended clause 31 by deleting the provision pertaining to the schedule of staff and officers and for publication.

26. *Clause 32.*—The Committee considers that it is not necessary to publish the programme sanctioned by the State Government in the *Official Gazette* as it does not serve any purpose and involves unnecessary delay. The Committee has, therefore, deleted clause 32.

27. *Clause 33 [re-numbered as clause 31].*—As a consequence of deletion of clauses 30 and 32, reference to the said sections in clause 32 are required to be deleted, this clause has, therefore, been accordingly amended.

28. *Clause 34 [re-numbered as clause 32].*—This clause empowers the Board to vary any programme sanctioned by the State Government but limits the powers of the Board to do so and provides that no such variation shall be made if it involves an expenditure in excess of 10% of the amount originally sanctioned for the execution of any housing scheme. The Committee considers that it would not be necessary to prescribe this limit for the purpose of making variation in the programme and that the Board should have wider power to make necessary variations in the scheme. However, at the same time variation of the scheme should not affect the scope and the purpose of the scheme. The Committee has, therefore, accordingly amended proviso to this clause.

29. *Clause 35 [re-numbered as clause 33].*—As clause 32 has been deleted by the Committee, reference to clause 32 in this clause is required to be deleted and has, therefore, been deleted.

30. *Clause 36.*—The Chairman of the Gujarat Housing Board has pointed out the delay that takes place in following the procedure prescribed from clauses 30 to 36 and has suggested for deletion of all the said clauses. This clause 36 prescribes for publication of the scheme in the *Official Gazette* before proceeding to execute the same. This requirement for publication of the scheme before execution in the Gazette would not serve any purpose and would cause unnecessary delay. Similar provision for making the plans open to inspection, of publication and consideration of any communication, suggestion or objection from any person and then again for publication of the final scheme are all time consuming matters. The Committee feels that so far as the land is concerned, the existing provisions of Land Acquisition Act which provide for inviting the objections serve the purpose and so far as the lay-out and the designs of the buildings of the housing schemes are concerned, it is not necessary to invite suggestions or objections from the members of the public. The Committee, therefore, thinks that this procedure would not serve any purpose and would cause considerable delay in the execution of the schemes. The Committee, has, therefore, deleted this clause.

31. *Clause 48 sub-clause (1) [re-numbered as clause 45].*—This clause *inter alia* provides for the appointment of two assessors on the Tribunal. The Committee considers that as the President shall be the District Judge, provision for appointment of two assessors would not be necessary and would involve avoidable financial burden on the Board and would also cause delay. The Committee considers that Tribunal would consist only of the President, who shall be the District Judge, and it is not necessary to provide for appointment of two assessors. The Committee has accordingly amended sub-clause (1) of Clause 48 and has deleted sub-clause (2) of Clause 48.

32. *Clause 49 [re-numbered as clause 46].*—This clause carries only one sub-clause and, therefore, it is not necessary to indicate bracket and figure one, hence it is rectified.

33. *Clause 50*.—In view of amendment to clause 48 proposed by the Committee, it is not necessary to have clause 50 and the Committee has, therefore, deleted the same.

34. *Clause 52 [re-numbered as clause 48]*.—This clause does not prescribe any time-limit within which a Tribunal should decide the matters before it. As delay in obtaining the decision of the Tribunal may involve delay in the execution of the housing schemes, the Committee considers that some time-limit should be fixed within which the Tribunal should endeavour to decide the matter referred to it and the Committee considers that a period of six months would be adequate for the purpose. The Committee has, therefore, amended this clause accordingly.

35. *Clause 53 [re-numbered as clause 49]*.—This clause empowers the competent authority to evict certain persons from the Board's premises in cases of default of certain types. Item (i) of sub-clause (a) of Clause 53 (1), entitles the competent authority to evict a person who has not paid rent lawfully due from him in respect of such premises for a period of more than two months. The Committee feels that this provision is harsh and may lead to avoidable litigation. The Rent Act also prescribes a period of six months in default of payment of rents. The Committee, therefore, considers that the period of two months should be increased to six months. The Committee has, therefore, amended Clause 53 (1) (a) (i) accordingly.

36. *New clause 59A [re-numbered as clause 56]*.—The Committee felt that there should be a provision for a Revolving Fund for the Board and the Committee has therefore added provision in clause 56 in that behalf.

37. *Clause 60 [re-numbered as clause 57]*.—This clause empowers the Board to incur recurring and non-recurring expenditure in case of urgency and prescribes limits of Rs. 25,000 in case of recurring expenditure and Rs. 1 lac in case of non-recurring expenditure. With a view to avoid delay in the execution of housing schemes by the Board and looking to the prevailing circumstances, it is desirable to give wider powers to the Board and to raise these upper limits of recurring and non-recurring expenditure in case of urgency. The Committee considers that the limit of Rs. 25000 in respect of recurring expenditure should be raised to Rs. 50,000 and the limit of Rs. 1 lac in respect of non-recurring expenditure should be raised to Rs. 2 lacs. The Committee has accordingly amended Clause 60(1) (a) and (b).

38. *Clause 63 [re-numbered as clause 60]*.—Sub-clause (3) of Clause 63 provides for publication of audited accounts of the Board together with the copy of the Report in the prescribed manner. The Committee has deleted the provisions of Clauses 30, 32 and 36 requiring similar publication in the *Official Gazette* and as the prescribed manner would involve publication in the *Official Gazette*, the term "in the prescribed manner" used in line 4 in sub-clause (3) of Clause 63 should be deleted.

The Committee is informed that at present the audited statements of accounts and annual report of the Gujarat Housing Board are laid on the table of the legislature under the provisions of the resolution passed by Government. The Committee feels that in the interest of procuring legislative control, it is desirable to provide for laying of the audited statements of accounts and annual report on the table of the legislature and the Committee has therefore, amended sub-clause (3) of Clause 63 accordingly.

39. *Clause 65 [re-numbered as clause 62].*—In this clause also there is a provision for publication of the report in the *Official Gazette* which is not necessary. The Committee has, therefore, deleted the said provision in that behalf and has amended Clause 65 accordingly.

40. *Clause 67 [re-numbered as clause 64].*—This Clause prescribes powers of entry and empowers the Chairman or any person authorised by him to enter into or upon any land for certain purposes specified therein but prohibits entry into a dwelling house or a public building without the consent of the occupier thereof. The Committee considers that if unreasonable occupants refuse to give their consent, it would be impossible to enter into the premises and that would unnecessarily hamper the work of the Board and, therefore, this provision should be removed. The Committee has, therefore, accordingly amended proviso (ii) to Clause 67.

41. *Clause 70 [re-numbered as clause 67].*—This clause relates to the power of the Board to construct buildings intended for public purpose on behalf of Government, Local Authority or Corporation owned or controlled by Government. The Committee felt that the Board should also be empowered to undertake such work on behalf of Co-operative Society, hence the clause has been suitably modified.

42. *Clause 71 sub-clause (2) [re-numbered as clause 68 (1)].*—Amendments made in this clause are either consequential or incidental and/or are in the nature of correcting drafting errors.

43. The Committee recommends that the Bill, as amended, be passed.

44. The Committee expresses its thanks to the Secretary, Education and Labour Department, Deputy Secretary, Legal Department and the Legislature Secretariat for their assistance in its deliberations and to the Chairman and Commissioner of the Gujarat Housing Board, Director of Social Welfare and Registrar of Co-operative Societies for their valuable and important suggestions.

Gandhinagar,  
28th July, 1972.

**G. R. CHOKHAVALA,**  
Chairman,  
Select Committee.

Bill No. 19 of 1972.

**THE GUJARAT RURAL HOUSING BOARD BILL, 1972.**

(AS REPORTED BY THE SELECT COMMITTEE)

[Deletions made by the Select Committee are shown in square brackets and additions are side-lined or under lined.]

*A BILL*

*to provide for the establishment of a Gujarat Rural Housing Board in the State of Gujarat.*

It is hereby enacted in the Twenty-third year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Rural Housing Board Act, 1972. Short title, extent and commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

(1) "adjoining area" means such area as may be specified to be an adjoining area under section 27;

(2) "agricultural labourer" means an agricultural labourer as defined in the Bombay Tenancy and Agricultural Lands Act, 1948; Bom.  
LXVII  
of

(3) "Board" means the Gujarat Rural Housing Board constituted under section 3; 1918.

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

(5) "building materials" means such commodities or articles as are specified to be building materials for the purposes of this Act by the State Government by notification in the *Official Gazette*;

(6) "bye-laws" means bye-laws made under section [73:] 70;

(7) "Chairman" means the Chairman of the Board;

(8) "Competent authority" means any person, authorised by the State Government by notification in the *Official Gazette* to perform the functions of the competent authority under Chapter VI for such area as may be specified in the notification and shall be a person who is holding or has held an office which is not lower in rank than that of a Deputy Collector or the Rural Assistant Housing Commissioner under the Board;

(9) "housing scheme" means a housing scheme made under this Act;

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

(11) "land acquisition law" means the Land Acquisition Act, 1894 as in force in the State of Gujarat; I of  
1894.

(12) "member" means a member of the Board;

(13) "panchayat" means a gram panchayat, nagar panchayat, taluka panchayat or, as the case may be, a district panchayat as constituted under the Gujarat Panchayats Act, 1961; Guj.  
VI of  
1962.

(14) "premises" means any land or building or part of a building and includes—

(i) gardens, grounds and outhouses, 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;

- (15) "prescribed" means prescribed by rules;
- (16) "programme" means the annual housing programme prepared by the Board under section 29;
- (17) "regulation" means regulation made under section [72:] 69;
- (18) "Rent Act" means the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 as in force in the State of Gujarat; Bomb. LVII  
of 1947.
- (19) "rules" means rules made under section [71:] 68;
- (20) "rural area" means an area which for the time being is not within the limits of a city, municipal borough, cantonment or notified area constituted under any law for the time being in force;
- (21) "Scheduled Castes" means such castes, races or tribes or parts of or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Gujarat under article 341 of the Constitution of India;
- (22) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution of India;
- (23) "Secretary" means the Secretary of the Board;
- (24) "Tribunal" means the Tribunal constituted under section [48:] 45;
- (25) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

## CHAPTER II

### ESTABLISHMENT OF THE BOARD.

3. (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf there shall be established for the rural areas of the State a Board by the name of the Gujarat Rural Housing Board. Incorporation.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) For the purposes of this Act and the land acquisition law 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.

Non-Applicability of Rent Act.

#### 4. The Rent Act—

- (a) notwithstanding anything contained therein shall not apply—
- (i) to any land or building belonging to or vesting in the Board under or for the purposes of this Act;
- (ii) as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building;
- (b) shall apply to any land or building let to the Board.

Constitution of the Board.

#### 5. [(1) The Board shall consist of the Chairman and not more than ten other members appointed by the State Government.]

(1) The Board shall consist of the Chairman and ten other members appointed by the State Government:

Provided that out of such ten other members, five members shall be persons belonging to Scheduled Castes, Scheduled Tribes or socially, economically and educationally backward classes and two members shall be persons who possess technical knowledge and experience in the matter of construction of buildings.

(2) Any member of the Board may at any time resign his office by submitting his resignation to the State Government:

Provided that the resignation shall not take effect until it is accepted.

Grant of leave of absence to Chairman.

6. The State Government may from time to time grant to the Chairman such leave as may be admissible under the rules and any person whom the State Government appoints to act as the Chairman during such absence on leave shall while so acting, be deemed for all purposes of this Act to be the Chairman.

Disqualification for appointment on Board.

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

(a) holds any office or place of profit under [the Board,] the Board or the State Government,

(b) is of unsound mind,

(c) is an uncertificated bankrupt or an undischarged insolvent.

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

(e) is a director, secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board.

(2) A person shall not, however, be disqualified under clause (d) or (e) of subsection (1) or be deemed to have any share or interest in any contract of employment within the meaning of these clauses, by reason only of his or the incorporated company of which he is a director, secretary, manager or other salaried officer having a share or interest in any news-paper in which any advertisement relating to the affairs of the Board is inserted.

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

Provided that such person discloses to the State Government the nature and extent of the shares held by him.

8. (1) Every member shall hold office for such period not exceeding three years from the date of his appointment as the State Government may fix: <sup>Term of office and conditions of service of members.</sup>

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

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

(3) The Chairman may hold office in an honorary capacity or on payment of remuneration. If any remuneration is to be paid to the Chairman, such remuneration and other conditions of service shall be such as may be prescribed.

(4) The allowances to the members and the remuneration if any, to the Chairman shall be paid from the fund of the Board.

9. If a member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or abuses his position or makes persistent default in the performance of his duties and functions under this Act or has become incapable of performing his duties under this Act, the State Government may remove him from office after giving him an opportunity of being heard. <sup>Removal of member from office.</sup>

10. (1) If a member—

(a) becomes subject to any of the disqualifications mentioned in section 7, <sup>Cessation of membership.</sup>

(b) tenders his resignation in writing to the State Government, or tenders his resignation in writing to the State Government and such resignation is accepted by the State Government, or

(c) is absent without the permission of the Board from all the meetings of the Board for a period of two successive months,

he shall cease to be a member.

(2) In every case where a dispute arises as to whether a member has ceased to be a member or not it shall be decided by the State Government after giving an opportunity of being heard to the member concerned.

11. Any vacancy of a member, due to death, resignation, removal, disability or disqualification or any other reason shall be filled in as early as possible: <sup>vacancies.</sup>

Provided that during any such vacancy the continuing members may act as if no vacancy had occurred.

12. No disqualification of or defect in the appointment of any person acting as a 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. <sup>Proceedings presumed to be good and valid.</sup>

Temporary  
absence of  
members.

13. 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 on any other ground not resulting in the cessation of his membership, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation made [therefunction.] thereunder.

Appointment  
of officers  
and  
servants.

14. The Board may appoint a Secretary, one or more Rural Assistant Housing Commissioners and a Rural Housing Commissioner and such other officers and servants as it considers necessary for the efficient performance of its functions:

[Provided that the appointment of the Secretary, any Rural Assistant Housing Commissioner and the Rural Housing Commissioner and any other officers whose salary exceeds rupees one thousand per mensem shall be subject to the previous approval of the State Government.]

Provided that the appointment of a Rural Housing Commissioner and of any other officer whose salary exceeds rupees one thousand and four hundred per mensem shall be subject to the previous approval of the State Government.

Conditions  
of service  
of officers  
and  
servants.

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

Provident  
Fund.

16. (1) The State Government shall establish a provident fund for the Secretary, Rural Housing Commissioner and other officers and servants of the Board, and such provident fund (hereinafter called the said fund) shall, notwithstanding anything contained in section 8 of the Provident Funds Act, 1925, be deemed to be a Government Provident Fund for the purposes of the said Act. XIX of 1925.

(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.

(3) It shall be lawful for the Board to utilize the moneys in the said fund to defray the cost of executing any housing scheme, subject to such restriction as to the amount to be so utilized as the State Government may, from time to time, by order, specify, having regard to the probable requirements, within reasonable proximity of time, of the Board for paying the amount from the said fund to the depositors.

General  
disqualifica-  
tion of all  
officers and  
servants.

17. No person who has directly or indirectly by himself or his partner or general agent any share or interest in any contract, by or on behalf of the Board, or the Gujarat Housing Board constituted under section 3 of the Gujarat Housing Board Act, 1961, or in any employment under, by or on behalf of any of the said two Boards otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board. Guj. XXV-III of 1961.

Appointment  
of  
committees.

18. (1) The State Government may appoint a Rural Housing Advisory Committee. The functions of such Rural Housing Advisory Committee shall be advisory and such as may be determined by the State Government.

(2) Subject to any rules made under section [71.] 68, the Board may from time to time appoint one or more other 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 exercised with due regard to the circumstances and requirements of particular local areas.

(3) The members of a Committee appointed under this section shall receive such allowances as may be prescribed.

#### CONDUCT OF BUSINESS.

19. The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely:—

(a) the first meeting of the Board shall be called by the Chairman as soon as possible after its constitution under section 5;

(b) an ordinary meeting shall be held once at least every month;

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

(d) every meeting shall be presided over by the Chairman and in his absence, by any member chosen by the meeting to preside for the occasion;

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

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

20. (1) The Rural Housing Advisory Committee shall meet to discharge the functions assigned to it in such manner as may be directed by the State Government.

(2) Any other Committee appointed under sub-section (2) of section 18 shall meet to discharge the functions assigned to it in such manner as may be directed by the Board.

#### CONTRACTS.

21. The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

22. (1) Every contract shall be made 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 rupees three thousand and more shall, subject to clause (a) above, be made without the previous sanction of the Board.]

Provided that no contract involving an expenditure of rupees twenty-five thousand or more shall be made without the previous sanction of the Board.

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

Delegation of Board's power to sanction contracts.

23. Subject to any rules which the State Government may make in this behalf, the Board may by order direct that the power conferred on it under section 22 to sanction a contract shall be exercised by the Rural Housing Commissioner or any other officer specified by it in the order.

Further provisions as to execution of contracts.

24. (1) Every contract by the Chairman on behalf of the Board shall, subject to the provision of this section, 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.

### CHAPTER III

#### HOUSING SCHEMES.

Duty of Board to undertake housing schemes.

25. Subject to the provisions of this Act and subject to the control of the State Government the Board may incur expenditure and undertake works in such rural area as the State Government may by notification in the *Official Gazette* specify for the framing and execution of [such housing schemes as it may consider necessary] such housing schemes, including the housing schemes administered by the Social Welfare department of the State Government at the commencement of this Act, as it may consider necessary from time to time or as may be entrusted to it by the State Government.

Inclusion of area other than rural area in scheme.

26. If the Board while framing a housing scheme in respect of a rural area considers it necessary for the purpose of construction of houses under the scheme to include in the scheme a part of an area which is contiguous to such rural area but which is not a rural area, then, notwithstanding anything contained in section 25 or any other law for the time being in force, it shall be lawful for the Board, with the previous approval of the State Government to include in the scheme such part and thereupon the part shall be deemed to be a rural area for the purposes of the scheme.

Matters to be provided for by housing schemes.

27. (1) Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely :—

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

(b) the laying out or relaying out of any land comprised in the scheme;

(c) the distribution or re-distribution of sites belonging to owners of property comprised in the scheme;

(d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;

(e) the demolition of obstruct buildings or portions of buildings that are an obstruction;

(f) the construction and re-construction of buildings;

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

(h) the construction and alteration of [streets and back lanes:] roads, streets, backlanes, bridges, culverts and cause-ways;

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

(j) shops, schools, parks, playing fields and open spaces for the benefit of any area comprised in the scheme or any adjoining area, and the enlargement of existing parks, playing fields, open spaces and approaches;

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

(l) accommodation for members of Scheduled Castes, Scheduled Tribes, any socially and educationally backward classes of people, agricultural labourers, economically weaker sections of the people and any other class of inhabitants;

(m) the advance of money for the purposes of the scheme;

(n) facilities for communication and transport;

(o) the collection of such information and statistics as may be necessary for the purposes of this Act;

(p) 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 in rural areas and to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.

(2) For the purposes of this section, the State Government may, on the recommendation of the Board, by notification in the *Official Gazette*, specify area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

(3) The Board may execute any of the matters provided in a housing scheme through any independent agency.

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

28. (1) No housing scheme shall be made under this Act for any area for which an improvement scheme has been sanctioned by the State Government under any enactment for the time being in force for the constitution of a municipal corporation for any area in the State of Gujarat, nor shall any housing scheme made under this Act contain anything which is inconsistent with any of the matters included in a town planning scheme sanctioned by the State Government under the Bombay Town Planning Act, 1954 or any corresponding law in force in any part of the State.

(2) If any dispute arises whether a housing scheme made under this Act includes any area included in an improvement scheme sanctioned under any such enactment as aforesaid or contains anything inconsistent with any matter included in a town planning scheme sanctioned under the Bombay Town Planning Act, 1954 or any corresponding law in force in any part of the State, the decision of the State Government shall be final. Such decision shall be taken within a period of three months.

Preparation and submission of annual housing [programme, budget and establishment schedule.] programme and budget.

29. (1) Before the first day of December in each year, the Board shall prepare and forward to the State Government in such form as may be prescribed—

- (i) a programme;
- (ii) a budget for the next year;

[ (iii) a schedule of the staff of officers and servants already employed and to be employed during the next year; ]

(2) The programme shall contain—

- (a) such particulars of housing schemes which the Board proposes to execute whether in part or whole during the next year as may be prescribed;
- (b) the particulars of any undertaking which the Board proposes to organize or execute during the next year for the purpose of the production of building materials; and
- (c) such other particulars as may be prescribed.

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

[Programme to be published inviting suggestions and objections.]

[30. (1) The Board shall before forwarding the programme to the State Government under section 29 publish a draft of the programme in the *Official Gazette* and in such other manner as may be prescribed.

(2) If within three weeks from the date of such publication any person communicates in writing to the Board any suggestion or objection relating to

such programme the Board shall consider such suggestion or objection and may modify such programme as it thinks fit.

(3) The Board shall then forward the programme, the budget and the schedule of the staff of officers and servants to the State Government for sanction as required by section 29.]

[31.] 30. The State Government may sanction [the programme, the budget and the schedule of the staff of officers] the programme and the budget forwarded to it with such modifications as it deems fit. [The programme, the budget and the schedule of the staff]. The programme and the budget so sanctioned shall be laid before the State Legislature as soon as may be after [the programme is published.] they are sanctioned.

Sanction to [programme, budget and establishment schedule.] Programme and budget.

[32. The State Government shall publish the programmes sanctioned by it under section 31 in the *Official Gazette*.]

[Publication of sanctioned programme.]

[33.] 31. The Board may, at any time, during the year, in respect of which a programme has been sanctioned under section [31] 30 submit a supplementary programme and budget to the State Government and the provisions of [sections 30, 31, and 32] section 30 shall apply to such supplementary programme.

Supplementary programme and budget.

[34.] 32. The Board may at any time vary any programme or any part thereof included in the programme sanctioned by the State Government :

Variation of programme by Board after it is sanctioned.

[ Provided that no such variation shall be made if it involves an expenditure in excess of 10 per cent, of the amount as originally sanctioned for the execution of any housing scheme included in such programme or affects its scope or purpose.]

Provided that no such variation as affects the scope or purpose of any housing scheme included in such programme shall be made without the previous sanction of the State Government.

[35.] 33. After the programme has been sanctioned [and published] by the State Government under [sections 31 and 32] section 30, the Board shall, subject to the provisions of section [34] 32 proceed to execute the housing schemes included in the programme.

Sanctioned housing scheme to be executed.

[36. (1) Before proceeding to execute any housing scheme under section 35 the Board shall, by notification in the *Official Gazette*, publish the scheme. The notification shall specify that the plan showing the area which it is proposed to include in the housing scheme and the surrounding lands, shall be open to inspection of the public at all reasonable hours at the office of the Board.

Publication of housing scheme in the *Official Gazette*.

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

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

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

Transfer for purposes of housing scheme of land vested in panchayat.

[37.] 34. (1) Whenever any street, square or other land or part thereof which is situated in any area within the jurisdiction of a panchayat and is vested in that panchayat is within the area included in the programme sanctioned by the State Government and is required for the purposes of such housing scheme, the Board shall give notice accordingly to that panchayat.

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

(3) Where there is any dispute the matter shall be referred to the State Government. The State Government shall, after hearing the panchayat concerned, decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square or land shall vest in the Board, it shall vest accordingly.

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

Compensation in respect of land vested in the Board.

[38.] 35. (1) Where any land vests in the Board under the provisions of section [37] 34 and the Board makes a declaration that such land shall be retained by the Board only until it reverts in the panchayat as part of a street or an open space under section [41] 38 no compensation shall be payable by the Board to the panchayat in respect of the land.

(2) Where any land vests in the Board under section [37] 34 and no declaration is made under sub-section (1) in respect of the land the Board shall pay to the panchayat as compensation a sum equal to the value of such land.

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

Power of Board to turn or close public street vested in it

[39.] 36. (1) The Board may turn, divert, discontinue the public use, or permanently close, any public street vested in it or any part thereof.

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

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

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

[40.] 37. If there is any dispute as to whether any compensation is payable under section [38] 35 or as to the amount of compensation payable under section [38] 35 or section [39] 36 as the case may be, the matter shall be referred to the Tribunal.

Reference to the Tribunal in the matter of disputes under section [38 or 39.] 35 or 36.

[41.] 38. (1) Whenever the State Government is satisfied—

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the programme sanctioned by the State Government under section [31.] 30, and

Vesting in panchayat streets laid out or altered and open space provided by the Board under housing scheme.

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

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

the Government may declare the street to be a public street, and the street shall thereupon vest in panchayat and shall thenceforth be maintained, kept in repair lighted and cleaned by the panchayat.

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

Provided that the panchayat may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay out such space and provide footpaths therein, and if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and the panchayat in respect of any matter referred to in the foregoing provision of this section, the matter shall be referred to the State Government whose decision shall be final.

Other duties  
of the Board.

[42.] 39. It shall be the duty of the Board to take measure with a view to expediting and cheapening construction of buildings and the Board may for that purpose do all things for—

- (a) unification, simplification and standardisation of building materials;
- (b) encouraging pre-fabrication and mass production of house components;
- (c) organising or undertaking the production of building materials required for the housing schemes;
- (d) encouraging research for discovering cheap building materials and evolving new methods of economic construction;
- (e) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

Reconstitu-  
tion of plots.

[43.] 40. A housing scheme may provide—

- (a) for the formation of a reconstituted plot by the alterations of the boundaries of an original plot;
- (b) with the consent of the owners that two or more original plots each of which is held in ownership in severally or in joint ownership shall, with or without alteration of boundaries be held in ownership in common as a reconstituted plot;
- (c) for the allotment of a plot to any owner dispossessed of land in furtherance of the housing scheme, and
- (d) for the transfer of ownership of a plot from one person to another.

Power to  
exempt sche-  
mes from  
provisions of  
[sections 29 to  
36.] sections  
29 to 33.

[44.] 41. The State Government may, [be] by general or special order published in the *Official Gazette*, exempt any housing scheme from all or any of the provisions of [section 29 to 36] sections 29 to 33 (both inclusive) subject to such conditions, if any, as it may impose or may direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

## CHAPTER IV

### ACQUISITION AND DISPOSAL OF LAND.

Powers to  
purchase or  
lease by  
agreement.

[45.] 42. (1) The Board may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange of any land which is needed for the purposes of a housing scheme or any interest in such land or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

(2) The Board may also take steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing scheme in the manner provided in the land acquisition law and the acquisition of any land or any interest thereto for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the said law.

[46.] 43. Subject to any rules made by the State Government under this Act, the Board may retain, lease, sell, exchange or otherwise dispose of, any land, building or other property vesting in it and situate in the area comprised in any housing scheme sanctioned under this Act. <sup>Power to dispose of land.</sup>

[47.] 44. (1) Where by the making of a housing scheme any plots, comprised in the area included in the scheme are reconstituted or any person is dispossessed, any person affected by such reconstitution or dispossession may apply to the Board for compensation. The Board may after making such inquiry as it thinks fit decide whether the applicant is entitled to any compensation and if so to what extent. If the person is dissatisfied with the decision of the Board in the matter he may inform the Board accordingly. The Board shall thereupon refer the matter to the Tribunal. <sup>Disputes regarding reconstitution of plots.</sup>

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

## CHAPTER V

### TRIBUNAL

[48. (1)] The Tribunal shall consist of President and two assessors. The President shall be the District Judge. The assessors shall be appointed by the State Government. <sup>[Constitution of the Tribunal.]</sup>

(2) Each assessor of the Tribunal shall receive such remuneration as the State Government may determine. The remuneration shall be paid by the Board to the President of the Tribunal for distribution.]

45. The District Judge for each district shall constitute the Tribunal for the purpose of exercising the powers and discharging the duties of the Tribunal under this Act. <sup>District Judge to be the Tribunal.</sup>

[49. (1)] 46. The Tribunal shall—

(a) decide whether any compensation is payable under section [38;] <sup>Duties of the Tribunal.</sup>

(b) decide the amount of compensation in matters referred to it under section [40;] 37;

(c) decide disputes relating to the reconstitution of plots referred to it under section [47] 44. and the amount of compensation to be awarded in consequence thereof;

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

[Powers of President.] [50. (1) In the hearing and decision of any matters referred to the Tribunal under this Act—

(a) if there is any disagreement between the President and the assessors of the Tribunal on a point of fact, the opinion of the majority shall prevail, and

(b) if there is any disagreement between the President and the assessors of the Tribunal on a point of law or procedure, the assessors shall be bound by the opinion of the President.

(2) The decision of the President as to what is the question of law or fact shall be final.]

Powers of and procedure before Tribunal. [51.] 47. (1) In making inquiries under sections [38, 40 and 47,] 35, 37 and 44, the Tribunal shall have and exercise the same powers as are vested in a Civil Court in respect of—

(a) proof of facts by affidavits,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production of documents, and

(d) issuing commissions for the examination of witnesses.

(2) In all proceedings before the Tribunal, the Tribunal shall follow such procedure as may be prescribed.

(3) Every order made by the Tribunal for the payment of money, and for the delivery of the possession or removal of any structure shall be enforced by the District Court in the jurisdiction of which the land comprised in the housing scheme is situated as if it was the decree of the said court.

(4) The proceedings before the Tribunal shall be deemed to be judicial XLV proceedings within the meaning of sections 193 and 223 of the Indian Penal of Code. 1860.

Decision of Tribunal to be final. [52.] 48. (1) The decision of the Tribunal on any matter referred to it under this Act shall be final and shall not be questioned in any court of law.

(2) The Tribunal shall endeavour to give its decision within six months from the date of the reference made to it.

## CHAPTER VI

### POWER TO EVICT PERSONS FROM BOARD PREMISES.

Power to evict certain persons from Board premises.

[53.] 49. (1) If the competent authority is satisfied—

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

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

(ii) sub-let, without the permission of the Board the whole or any part of such premises, or

(iii) otherwise acted in contravention of any of the terms, express or implied under which he is authorised to occupy such premises, or

(b) that any person is in unauthorised occupation of any Board premises, the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served (i) by post or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1) is made against any person the competent authority shall inform the person by notice in writing of the grounds on which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made, within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice the competent authority may grant the same on such terms as to payment and recovery of the amount claimed in the notice as it deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the records of the case and such person shall be entitled to appear before the authority proceeding in this connection by advocate, attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (1).

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

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

*Explanation:*--For the purposes of this section and section 54 the expression "unauthorised occupation" in relation to any person authorised to occupy any Board premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

[54.] 50. (1) Subject to any rules made by the State Government in this behalf without prejudice to the provisions of section [53] 49 where any person is in arrears of rent payable in respect of any Board premises, the competent authority may, by notice served, (i) by post or, (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises or (iii) in such other

Power to recover rent or damages as arrears of land revenue.

manner as may be prescribed, order such person to pay the same within such time not being less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any Board premises the competent authority may, in the prescribed manner assess such damages, on account of the use and occupation of the premises as it may deem fit, and may by notice served (i) by post, or (ii) affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, 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 land revenue.

(3) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the competent authority.

Rent to be recovered from deductions from salary or wages in certain cases. [55.] 51. (1) Without prejudice to the provisions of section [53.] 49, any person who is an employee of the State Government or a local authority and who has been allotted any Board premises, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the Board in satisfaction of the rent due by him in respect of the Board, premises allotted to him.

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

Appeal.

[56.] 52. (1) Any person aggrieved by an order of the competent authority under [section 53 or section 54] section 49 or section 50 may, within one month of the date of the service of the notice under [sub-section (1) of section 53 or sub-section (1) or (2) of section 54.] sub-section (1) of section 49 or sub-section (1) or (2) of section 50, as the case may be prefer an appeal to the State Government :

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders, as it thinks fit and the order of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1) the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

[57.] 53. (1) No order made by the State Government or the competent authority in the exercise of any power conferred by or under this Chapter shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter. Bar of jurisdiction of Civil Courts.

(2) No Civil court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any Board premises or the recovery of the arrears of rent payable under sub-section (1) of section [54] 50 on the damages payable under sub-section (2) of that section or any portion of such rent or damages.

## CHAPTER VII

### FINANCE, ACCOUNTS AND AUDIT.

[58.] 54. (1) The Board shall have its own fund. Board's 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) 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, betterment charges and all interest, profits and other moneys accruing to the Board shall constitute the fund of the Board.

(4) 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 scheduled bank or invested in such securities as may be approved by the State Government.

(5) Such account shall be operated upon by such officers as may be authorised by the Board.

*Explanation:*—For purposes of this section, the Reserve Bank of India shall mean the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934, and a scheduled bank shall mean a bank included in the second Schedule to the said Act. II of 1934

[59.] 55. 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. Application of the fund.

56. (1) Notwithstanding anything contained in section 54, the Board may create a fund to be called the Revolving Fund into which shall be credited all proceeds which may be received by or on behalf of the Board in respect of sales on instalment basis, of any building or any units therein, constructed or reconstructed by the Board under a housing scheme. Revolving Fund.

(2) The Revolving fund shall be held and applied solely for the purpose of construction or reconstruction of buildings under a housing scheme.

Expenditure  
in case of  
urgency.

[60.] 57. (1) 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,] fifty thousand rupees,

(b) non-recurring expenditure not exceeding [one lac of rupees,] two lacs of rupees, notwithstanding the fact that such expenditure has not been included in its annual programme or supplementary programme sanctioned by the State Government or the variation of the programme made under section [34.] 32.

(2) Where any sum is expended under circumstances of extreme urgency as 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.

Subventions  
and loans to  
the Board.

[61.] 58. (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.

(2) The State Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the State Government may determine.

Power of  
Board to  
borrow.

[62.] 59. (1) 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 such conditions as may be prescribed in this behalf borrow any sum required for the purposes of this Act.

(2) Rules made 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.

(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.

(4) 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 State Government as to the re-payment of principal and the payment of interest at such rate as may be fixed by the State Government.

Accounts  
and audit.

[63.] 60. (1) The Board shall cause to be maintained proper books of accounts and such other books as the rules may require and shall prepare in accordance with the rules an annual statement of accounts.

(2) The Board shall cause its accounts to be audited annually by such person as the State Government may direct.

(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 a reasonable price.

(4) The Board shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

(5) The annual audited statement of accounts together with Report of the Auditor received by the State Government under sub-section (3) shall be laid before the State Legislature as soon as may be after they are published.

[64.] 61. (1) Notwithstanding anything contained in section [63,] 60, 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 a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class of series of transactions or to a particular period.

Concurrent  
and special  
audit of  
accounts.

(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.

## CHAPTER VIII MISCELLANEOUS

[65.] 62. The Board shall, before such date and in such form and at such interval as may be prescribed, submit to the State Government a report on such matters as may be [prescribed,] prescribed. [and the State Government shall cause such report to be published in the *Official Gazette.*] Every such report shall be laid before the State Legislature as soon as may be after it is published.

Reports.

[66.] 63. The Board shall also submit to the State Government such statistics, returns, particulars or statements in regard to any proposed or existing housing schemes at such times and in such form and manner as may be prescribed or as the State Government may from time to time direct.

Other state-  
ments and  
returns.

[67.] 64. The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

Powers of  
entry.

(a) to make any inspection survey, measurement, valuation or inquiry,

(b) to take levels,

(c) to dig or bore into the sub-soil,

(d) [to set boundaries and intended mark outlines of work,] to set out the boundaries and the intended outlines of work,

(e) [to take] to mark such levels, boundaries and lines of works and cutting trenches, or

(f) 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 set apart for females to remove themselves to some part of the premises where their privacy will not be disturbed;

(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.

Notice of  
suit against  
Board.

[68.] 65. No person shall commence any suit against the Board or against any officer or servant of the Board or any person 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, as the case may be, two months' previous notice, in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of.

And in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amounts so tendered and shall pay all costs incurred by the defendant after such tender.

Quinquennial  
valuation of  
assets and  
liabilities of  
the Board.

[69.] 66. The Board shall quinquennially have a 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 a valuation to be made at any time it may consider necessary.

Power of  
Board to  
construct  
buildings  
intended for  
public pur-  
pose on  
behalf of  
Government  
Local  
Authority or  
Corporation  
owned or  
controlled by  
Government.

[70.] 67. Notwithstanding anything contained in the foregoing provisions of this Act, it shall be lawful for the Board to undertake on behalf of the Government or a local authority or a corporation owned or controlled by the Government, or a Co-operative society registered or deemed to have been registered under the Guj. 10 of 1962. Gujarat Co-operatives Societies Act, 1961, subject to such terms and conditions including payment of cost as may be agreed upon in pursuance of a contract or otherwise, the construction of building intended to be used as a hospital, dispensary, school or for any other charitable purpose as may be entrusted to it by the Government or a local authority or such corporation :

Provided that no such construction shall be undertaken on behalf of a local authority or any such corporation except with the previous sanction of the State Government.

[71.] 68 (1) The State Government may, by notification in the *Official Gazette* <sup>Power to make rules.</sup> and subject to the condition of previous publication, 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 all or any of the following purposes, namely:—

(a) the allowances of members and remuneration and conditions of service of the Chairman under section 8 ;

(b) the rates of subscriptions and contributions and other conditions of the provident fund established under section 16 ;

(c) the allowances of members of a Committee appointed under section 18;

[(c)] (d) the manner and form in which contracts shall be entered into under section 24 ;

[[(d)] (e) the form of [annual housing programme, budget and schedule of staff of officers and servants,] annual housing programme and budget particulars of housing schemes and other particulars to be contained in the programme under section 29 ;

[(e) the other manner of publication of the draft of the programme under section 30 ;]

(f) the other matters to be decided by the Tribunal under section [49;] 46;

(g) the procedure to be followed by the Tribunal under section [51;] 47;

(h) the forms of notices under [section 53 and 54] sections 49 and 50 and any other manner in which they may be served ;

(i) the procedure to be followed in taking possession of any Board premises under section [53 ;] 49;

(j) the manner in which damages under section [54] 50 may be assessed;

(k) the manner in which appeals may be preferred under section [56] 52 and the procedure to be followed in such appeals;

(l) the conditions subject to which the Board may borrow any sum under section [62 ;] 58;

(m) the manner of preparation, maintenance and publication of accounts under section [63;] 60;

(n) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section [65;] 62;

(o) the time at which and the form and manner in which statistics returns, particulars and statements shall be submitted under section [66 ;] 63;

(p) the manner in which the Board shall be superseded and reconstituted under section [81;] 78;

(q) any other matter which [is] is to be or may be prescribed under this Act ;

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

**Regulations.** [72.] 69. 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 followed in allotment of tenements and premises;

(c) the remuneration and conditions of service of the Secretary, Housing Commissioner and other officers and servants of the Board under section 15;

(d) for regulating its procedure and the disposal of its business.

**Power to  
make bye-  
laws.**

[73.] 70. (1) 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) No bye-law made by the Board shall come into force until it has been confirmed by the State Government with or without modification.

(4) All bye-laws made under this section shall be published in the *official Gazette*.

[74.] 71. Whoever contravenes a bye-law made under section [73] 70 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend upto one thousand rupees or with both.

Penalty for  
contraven-  
tion of bye-  
laws.

[75.] 72. If any person—

Penalty for  
obstructing  
etc.

(a) obstructs, or molests any person with whom the Board has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

(b) removes any marks 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.

[76.] 73. Any person who obstructs the lawful exercise of any power conferred by or under Chapter VI, shall, on conviction, be punished with fine which may extend to one thousand rupees.

Penalty for  
obstructing  
exercise of  
powers under  
Chapter VI.

[77.] 74. 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 general or special order in this behalf.

Authority for  
prosecution.

[78.] 75. 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.

XLV  
of  
1860.

Members,  
officers and  
servants of  
the Board to  
be public  
servants.

[79.] 76. 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.

Protection  
of action  
taken under  
this Act.

[80.] 77. 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, after giving an opportunity to the Board to state its objections, if any, to such directions and after considering the said objections. It shall be the duty of the Board to comply with such directions.

Government's  
power to  
give direc-  
tions to  
Board.

[81.] 78. (1) 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 a period for the performance of that duty.

Default in  
performance  
of duty.

(2) If in the opinion of the State Government the Board fails or neglects 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 8, 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 carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

**Dissolution of the Board.** [82.] 79. (1) 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:

Provided that no such declaration shall be made by the State Government unless, a resolution to that effect has been moved in and passed by the State Legislature.

(2) With effect from the date specified in the notification under sub-section (1)-

(a) 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 Government in respect of loans or debentures guaranteed under sub-section (5) of section [62.] 59.

**Restriction on operation of Gujarat Housing Board.**

[83.] 80. Save as otherwise expressly provided in the Gujarat Housing Board Guj. Act, 1961 the Gujarat Housing Board constituted under that Act shall 28 of 1961 not, with effect on and from the commencement of this Act, frame or execute a Housing scheme in any rural area:

Provided that nothing in this section shall affect the powers of that Board to complete any Housing scheme in any rural area which may have been partly executed by that Board in such area before such commencement.

## APPENDIX A

(Vide para 2 of the Report)

**Motion in Gujarat Legislative Assembly for reference of the Bill to Select Committee.**

“That the Bill No. 19 of 1972 be referred to a Select Committee consisting of following 15 members with instruction to report before the 26th July 1972.

1. Shri Gordhandas R. Chokhawala.
2. Shri Sanat Mehta,
3. Shri Amarsinh Chaudhari,
4. Shri Somjibhai Damor,
5. Shri Uttambhai Patel,
6. Shri Nathabhai Desai,
7. Shri Manabhai Bhambhi,
8. Shri Udesinh Vadodia,
9. Shri Madhavsinh Solanki,
10. Shri Manibhai Shah,
11. Shri Narsinhbhai Makwana,
12. Shri Manoharsinhji Jadeja,
13. Shri Narsinhdas Gondhia,
14. Shri Fulsinhji Solanki,
15. Shri Dahyabhai Bhatt.”

The Speaker appointed Shri Gordhandas R. Chokhawala as the Chairman of the Committee under rule 156 of the Gujarat Legislative Assembly Rules.