

GUJARAT HOUSING BOARD RULES, 1977

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GUJARAT HOUSING BOARD RULES, 1977

[Notfn. No. GH/P/62/HBA-1076-C 4640-A. dt.9-5-1977: pub. in G.G.G.Ext.. Pt. IV-B. dt. 9-5-77. p. 125]. Now, therefore, in exercise of the powers conferred by section 73 of the Gujarat Housing Board Act, 1961 (Guj XXVIII of 1961) the Government of Gujarat hereby makes the following rules namely:-

CHAPTER 1

CHAPTER

1. Short title :-

These rules may be called the Gujarat Housing Board Rules, 1977.

2. Definitions :-

(1) In these rules unless the context otherwise requires,

(a) 'Act' means the Gujarat Housing Board Act, 1961 .

(b) 'Form' means a form appended to these rules.

(c) 'Section' means a section of the Act.

(2) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

CHAPTER 2

Conditions of service of Chairman and member of the Board

3. Remuneration, Honorarium, Leave etc., of the Chairman :-

(1) The Chairman of the Board shall be entitled to-

(a) a salary of Rs. 3.000/- per month or such honorarium not exceeding ¹ [Rs. 1000/-] per month as the State Government may, in each case, specify: Provided that the service of the Chairman who receives salary shall be available for full time as if he is a full time Government officer:

(b) a travelling allowance at the rate admissible to an officer of the Government of the first grade. The Chairman shall be entitled to travel by the highest class on Railways including Air-condition class and by air;

(c) the use of the motor car of the Board free of charge for discharging official duties in connection with the work of the Board: and

(d) the facility of a telephone at his residence, charges for which shall be borne by the Board except for private trunk calls, the charges for which shall be borne by the Chairman:

[Explanation.-For the purpose of clause (e) of sub-rule (1), a journey performed by the Chairman between the office of the Board and his residence shall be deemed to be a journey for discharging

(2) The full time Chairman shall be entitled to have on full pay at the rate of one month's leave per year of service.

(3) Notwithstanding anything contained in this rule, when the

Chairman holds office in an honorary capacity he shall receive such of the following concessions as the State Government may, in each case, specify in this behalf, namely:-

(a) residential accommodation without payment of rent or any assessment, tax, rate or cess due to Government or any local authority or where such residential accommodation is not made available a monthly allowance of such amount as may be fixed by the State Government:

(b) leave on the basis one month's leave per year of service: Provided that while the Chairman is on leave he shall be entitled to such of the facilities as the State Government may, in each case, specify in this behalf.

1. Substituted by No. 1. [16-1-1988].

4. Allowances of members :-

1[

(1) A member of the Board other than the Chairman shall be entitled to a sitting fee of Rs. 100 for attending each meeting of the Board and Rs. 50 for each meeting of any Committee appointed by the Board. If a member attends a meeting of the Board as well as the meetings one or more Committees of the Board on the same day, he shall be entitled to a sitting fee for the meeting of the Board only. If a member attends the meetings of more than one Committees on the same day, he shall be entitled to the sitting fee for attending the meeting of one Committee only).

[

(2) He shall also be entitled to travelling allowance, dally allowance, hotel expenditure at the rates admissible to a first grade Government Officer. He shall be entitled to travel by first class or second air-conditioned sleeper class on Railways. A member of the Board may, with the permission of the Chairman, travel by road in his own or borrowed or hired car to attend the meetings of the Board or Committees of the Board. In such case, he may draw the full road mileage allowance at the rates prescribed by the Government from time to time).

2

[(2-A) X X X]

(3) In lieu of conveyance allowance a member of the Board shall be

entitled to the use of Board's vehicle free of charge for his journey from the Railway or Bus station to his temporary place of halt and from there to the place of a meeting of the Board or of a Committee and back to the temporary place of halt and Railway or Bus station.

[(4) If the Chairman is not in receipt of any salary, or honorarium, he shall be entitled to a sitting fee of Rs. 100/- for attending cash meeting of the Board and Rs. 50/- for each meeting of any Committee appointed by the Board. If the Chairman attends meeting of the Board as well as the meetings of one or more committees of the Board on the same day, he shall be entitled to a sitting fee for the meeting of the Board only. If the Chairman attends the meetings of the more than one Committee on the same day he shall be entitled to the sitting fee for attending the meeting of one Committee only].

1. Substituted by No. 1. [16-1-1988].
2. Sub-rule (2-A) deleted by No, 2. 122-11-19931.

5. Committees appointed by the Board :-

(1) The Board may from time to time appoint one or more Committees under sub-section (2) of section 17 with the previous approval of the State Government to advise it on matters relating to any of the functions of the Board under the Act. and any matter entrusted to the Board by the State Government under the provisions of the Act.

(2) The appointment of members of such Committees, shall be subject to the approval of the State Government.

(3) Such Committees shall consist of not more than four members and an officer of the Board shall be a non member secretary.

(4) Every such Committee shall meet at regular intervals at least one in four months.

(5) Such Committees may temporarily co-opt members for considering special item but the number of co-opt members shall not exceed one-third of the number of original members.

(6) The minutes of each meeting of every such Committee shall be forwarded to the State Government with remarks as to the action taken or proposed to be taken by the Board on the suggestion of the Committee, if any.

(7) The members of the Committees shall draw the allowances as prescribed under rule.

6. Delegation of powers to sanction contracts :-

The Board may, by order delegate its powers to sanction contracts to the Housing Commissioner or any other officer under section 22 , subject to the following limits, namely:-

(a) all powers to the Tender Committee appointed by the Board, subject to the condition that where the excess involved in acceptance of the tender would necessitate the revised administrative approval, such approval shall be obtained prior to the acceptance of the tender;

(b) the maximum limit of fifteen lakhs of rupees for any contract where the delegation of power is to the Housing Commissioner with any excess subject to ceiling cost fixed for each housing scheme; Provided that the Tender Committee and the Housing Commissioner shall consult the Financial Adviser and Chief Accounts Officer, Gujarat Housing Board, before exercising their powers and that the views of the Financial Adviser and Chief Accounts Officer as well as reasons for over ruling the same are recorded.

(c) the maximum limit often lakhs of rupees for any contract where delegation of powers is to an Assistant Housing Commissioner subject to 71/2% excess and within permissible ceiling cost under respective housing scheme;

(d) the maximum limit of two lakhs of rupees where delegation of power is to an Executive Engineer subject ceiling cost under respective housing schemes;

(e) the maximum limit of ten thousand rupees where delegation of power is to a confirmed Deputy Engineer subject to 5% excess and subject to ceiling cost under respective housing schemes.

7. Manner and form of contract :-

1 [

(1) Every contract for the execution of any work or supply of materials or goods which involved an expenditure exceeding two lakhs fifty thousand rupees shall be in writing and shall be sealed.

(2) The common seal of the Board shall remain in the custody of the Superintending Engineer (Planning and Design) and shall not be affixed to any contract or other instrument except in the

presence of concerned field Superintending Engineer, who shall attach his signature on the contract or instrument in token that the same was sealed in his presence.

(3) The signature of the said Superintending Engineer shall be in addition to the signature of any witness to the execution of such contract or instrument].

(4) If forms for contracts are prescribed in the public works Department Manual of the Government of Gujarat the said forms may be adopted for like contracts of the Board, provided that the Board shall have power to make additional conditions in the forms of contract if the Board desired to do so.

(5) In inviting tenders and entering into contracts for the execution of its works, the Board shall, as far as possible, follow the principles laid down in the Public Works Department Manual of the Government of Gujarat.

1. Sub-rules (1) to (3), subs. by No. 3. [27-2-1996].

CHAPTER 3

Housing Scheme

8. Form of Housing Programme :-

(1) The annual housing programme shall be prepared in accordance with the Forms in Schedule 'A', alongwith a short note indicating the important schemes.

(2) The Board shall also forward to the State Government with its Housing Programme a brief not giving description of the schemes for co-operative housing societies undertaken by it including inter alia, information regarding estimated expenditure on the works separately and the receipts for the same.

9. Form of Budget :-

The annual budget shall be prepared in accordance with the forms in Schedule 'B' appended hereto.

CHAPTER 4

Acquisition and Disposal of Land

10. Disposal of property :-

(1) Any land vesting in the Board may be transferred by the Board to the State Government and when such transfer is made, the loans advanced by Government to the Board shall be reduced to

the extent of the purchase value of the land so transferred plus the charges incurred on the establishment for its maintenance and on its development.

(2) Any building vesting in the Board may be transferred by the Board to Government and when such transfer is made, the loans advanced by Government to the Board shall be reduced to the extent of the cost of the building so transferred plus the charges incurred on the establishment for its maintenance but less a reasonable amount to be deducted on account of depreciation.

(3) Subject to the provisions of sub-rules (1) and (2), the Board shall not lease, sell, exchange, mortgage or otherwise dispose off any immovable property vesting in it and situate in the area comprised in any housing scheme sanctioned under the Act, without the prior approval of Government. Such transfer shall be subject to such terms and conditions as Government may determine in each case in that behalf: Provided that In the case of a lease, the Board shall communicate to Government, the terms and conditions of the proposed agreement and if no approval is received by the Board from Government within thirty days from the date of receipt of such communication by Government, the Board may proceed to settle the proposed agreement as if Government has approved of the proposed: Provided further that no such approval shall be required:

(a) for allotment of tenements and premises according to the regulation made by the Board in that behalf:

(b) for leasing any vacant land for a period not exceeding two years at a time: and

(c) for sale or demolition of any building or structure, which is in a dangerous condition or beyond repair.

CHAPTER 5

Finance, Accounts and Audit

11. Temporary borrowing by the Board :-

The Board may, for the purpose of meeting any current expenditure properly chargeable to revenue borrow by way of temporary loan or overdraft from any bank or otherwise, such sums as it may require. The amount so borrowed, together with the interest thereon, shall be repaid from current revenues within a period to twelve months from the date of the borrowing or such

extended period as the Government may allow.

12. Long term borrowing :-

(1) The Board may borrow money and mortgage or charge its undertaking and property (including its revenue) or any part thereof and issue debenture, debenture stock notes and other securities whether outright or as security for any debt, liability or obligation of the Board or of any third party, provided that the aggregate amount for the time being remaining un-discharged of money borrowed or secured as aforesaid by the Board exclusive of the temporary loans as aforesaid shall not at any time without the previous consent of the State Government exceed the sum of rupees ten lakhs.

(2) Nothing herein contained shall entitle a tender to require the Board to disclose whether the limits herein prescribed have been or are about to be exceeded.

13. Repayment of loans :-

Every loan taken by the Board shall be repaid by the Board within the period agreed upon by the Board by such of the following methods as may be approved by the Government, namely.-

(a) from a sinking fund established under R. 14 in respect of the loan: or

(b) by paying in equal yearly or half yearly installments of principal or of principal and interest throughout the said period: or

(c) if the Board has before borrowing money on debentures reserved by public notice a power to pay off the loan by periodical installments and to select by lot the particular debentures to be discharged at particular periods, then, by paying such installments at such period: or

(d) from money borrowed for the purpose: or

(e) partly from the sinking fund in respect of the loan, and partly from money borrowed for the purpose.

14. Establishment and maintenance of sinking fund :-

Whenever a loan has to be repaid from a sinking fund. the Board shall establish such a fund and shall pay into it every year until the loan is repaid a sum so calculated that if regularly paid throughout the period agreed upon by the Board, it would, with accumulations

in the way of compound interest, be sufficient after payment of all expenses, to pay off the loan at the end of that period.

15. Power to discontinue payments into sinking fund :-

Notwithstanding anything contained in rule 14 if at any time sum standing at credit of the sinking fund established for repayment of any loan is of such amount that if allowed to accumulate at the rate of interest earned, it will be sufficient to repay the loan at the end of the period agreed upon by the Board, then the Board may discontinue further annual payment into such fund.

16. Investment of sinking fund :-

(1) All moneys, paid into any sinking fund shall as soon as possible, be invested by the Board in:-

(a) Government securities, or

(b) securities guaranteed by the Central or State Government;

(c) debentures issued by any local authority: or

(d) fixed deposit receipts of any Scheduled Bank.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking fund and investment in the manner laid down in sub- rule (1).

(3) Any investment made under this rule may, from time to time, subject to the provisions of sub-rule (1), be varied or transposed.

17. Application of sinking fund :-

The Board may from time to time apply the sinking fund or any part thereof in or towards the discharge of the loan or any part of the loan for which sinking fund was established, and until such loan is wholly discharged, shall not apply the same for any other purpose.

18. Manner of issuing securities :-

Every bond obligation or other security issued by the Board for raising money or for securing money borrowed by or due from the Board shall be by a deed under the common seal of the Board and signed autographically by the Chairman and one other member of the Board.

19. Register of securities to be kept :-

A register of bonds, debentures and other securities shall be kept by the Board in which shall be entered the number and date of every such bond, debenture or other security and the sum secured thereby and the names of the parties thereto (if any) with their addresses and all other necessary particulars thereof.

20. Instructions which may be issued for transfer renewal of securities :-

The Board from time to time issue Instructions for controlling transfer, or renewal of any bond debenture or other securities as it may deem expedient provided that no such instructions affect the holder or transfer of any bond, debenture or other security unless distinct notice of such instructions shall appear thereon.

21. Assigning or conveying property of the Board for certain purpose :-

The Board may for the purpose of securing the payment of any such bonds, debentures or other securities as aforesaid or the payment with interest of any money so borrowed as aforesaid or payable under any contract or otherwise, make and carry into effect any arrangement which the Board may deem expedient by assigning or conveying any property of the Board including its revenue to trustees.

22. Debenture ordinarily payable to applicant or holder :-

The Principal amount of debenture and interest shall be payable to the persons in whose name the debenture bond was originally issued or one to whom the debenture bond has been endorsed by such person provided always that any transfer of interest in the debenture bond is accepted and recorded in Books of the Board.

3. Particulars of borrowing on guarantee to be furnished :-

2.- Where the Board proposes to borrow money on the guarantee of the State Government as provided in sub-section (5) of section 65, the Board shall furnish to the State Government all such particulars of the amount, purposes, nature and circumstances of the proposed borrowing and the amount of outstanding loans and such other information as the State Government may require.

24. Saving for Government :-

No security shall be issued or granted as a security in respect of which the payment of the principal and interest is guaranteed by the State Government until the amount, price rate of interest, date and method of issue of such security, the arrangements for the

application of the proceeds of the issue and for the repayment of proceeds have been previously approved by the State Government and no variation of any such arrangements, shall be made without the like approval of the State Government.

25. Maintenance of amounts :-

(1) The accounts of the Board shall be prepared and maintained in accordance with the Central Public Works Accounts Code.

(2) The annual statement of accounts to be submitted to Government under section 66 shall be in Schedule 'C' appended hereto.

(3) The Board shall prepare its annual statement of accounts within four months of the closing of the year.

CHAPTER 6

Miscellaneous

26. Annual Report :-

(1) The Board shall at the end of each year and within four months of the date of the closing of the year, submit to the State Government an annual report giving its activities in the year.

(2) The report shall be divided into the following parts, namely:- Part I-Introductory. Part II-Brief details about the programme for the year of report. Part III-Progress of the programme in the year including information regarding-

(i) the number of tenements completed, and the type location and other details of such tenements,

(ii) the lands acquired or developed for the various Housing schemes.

(iii) the lands acquired or developed for the co-operative Housing societies,

(iv) any other matter included in the programme. Part IV-Finance for the Board's activities. Part V. -Establishment working under the Board and administration of the Board's business. Part VI-Estate Management, Research work and any work other than housing construction undertaken by the board. Part VII-Brief details of the programme for the next year.

27. Submission of reports, statistics and returns :-

The Board shall submit to the State Government the following statistics and returns:-

(i) Quarterly progress reports in respect of various social housing scheme in such performs and on such dates as may be specified by State Government/Government of India from time to time.

(ii) Information regarding quarterly recoveries of rents of the tenements of the Board in Schedule 'D'.

(iii) Minutes of each meeting of the Board as soon as they are confirmed by the Board.

28. Opportunity to the Board of being heard :-

The State Government shall, before making an order superseding the Board, give reasonable opportunity to the Chairman and other members of the Board to show cause why such order should not be made in accordance with the sub-section (2) of section 83.

29. Order of Supersession :-

(1) The State Government shall specify in the order made under sub-section (2) of section 83 for superseding the Board, the reasons for making it and the date from which the Board shall be superseded.

(2) The order shall be served on the Chairman and other members of the Board.

30. Members to vacate offices :-

When the Board is superseded under sub-section (2) of section 83, the Chairman and other members of the Board shall as from the date specified in the order, vacate their offices as such Chairman or members.

31. Reconstitution of Board :-

At the time of reconstituting the Board after its a supersession the State Government may re-appoint on the Board any members of the Board which was superseded by it.

32. Repeal and savings :-

The Bombay Housing Board Rules, 1949 are hereby repealed: Provided that anything done or any action taken under the provisions of rules so repealed shall in so far as it is not inconsistent with the provision of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

SCHEDULE A
SCHEDULE

[See rule 8(1)] The Form of Annual Housing Programme of Gujarat Housing Board

Sr. No.	Name of	Estimated	Expenditure	Budget estimate
	scheme.	cost.	at the	for
			end.	(previous year)
(1)	(2)	(3)	(4)	(5)

SCHEDULE B
SCHEDULE

PART

PART

PART

PART

PART

PART

PART

PART

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PART

SCHEDULE C

SCHEDULE

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PART

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SCHEDULE D

SCHEDULE

(See rule 27(ii)] Statement showing recoveries of rent and arrears in respect tenements in possessions of the Gujarat Housing Board, \for the Month of.....l9.....

Sr.	Name of the	Total number	Previous	Monthly

No.	colony and its situation	of tenements in the	arrears of rent	rent assessed for
		colony		tenements
1	2	3	4	5