

GUJARAT RURAL HOUSING BOARD RULES, 1978

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GUJARAT RURAL HOUSING BOARD RULES, 1978

Whereas draft of the Gujarat Rural Housing Board Rules, was published as required by sub-section (1) of section 68 of the Gujarat Rural Housing Board Act, 1972 (Guj. 22 of 1972), at pages 70-104 of the Government of Gujarat Gazette, part IV-B Extraordinary dated the 6th April, 1977 under Government Notification, Panchayats, Housing and Urban Development Department, No. GH/P/77/42/RHB/6876/A-2, dated 5th April 1977 inviting objections and suggestions from all persons likely to be affected thereby, till the 6th May, 1977; And Whereas the objections and suggestions received from the public on the said draft have been considered by the Government; Now, therefore, in exercise of the powers conferred by section 68 of the Gujarat Rural Housing Board Act, 1972 (Guj. 22 of 1972), the Government of Gujarat hereby makes the following rules, namely :

CHAPTER 1

Preliminary

1. Short title :-

These rules may be called the Gujarat Rural Housing Board Rules, 1978 .

2. Definition :-

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

(a) "Act" means the Gujarat Rural Housing Board Act, 1972 ;

(b) "Form" means a Form appended to these rules;

(c) "Section" means a section of the Act;

(d) "Schedule" means a Schedule appended to these rules.

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

CHAPTER 2

3. Remuneration, leave etc. of the Chairman :-

(1) Where a non- official member is appointed as Chairman he shall be an honorary officer of the Board and where an officer of the State Government is appointed as Chairman he shall be a full time or part time officer of the Board, as may be decided by the State Government.

(2) Where a non-official member is appointed as Chairman he shall be paid an honorarium of Rs. 750/- per month and where an officer of the State Government, serving or retired, is appointed as Chairman he shall be paid salary and allowances as may be decided by the State Government.

(3) The Chairman of the Board shall be entitled to the following allowances and facilities :

(a) Travelling allowance and daily allowance as are admissible to Grade I officer drawing pay of Rs. 1,000 p.m. under the State Government. The Chairman shall be entitled to travel by the highest Class in railway, including air-conditioned and by air.

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

Provided that mileage allowance shall not be admissible to the Chairman in respect of the Journey in the car of the Board but he shall be entitled to draw daily allowance as admissible to Grade I Officer drawing pay of Rs. 1,000 p.m. under the State Government, while on tour in a Government vehicle.

(c) The facility of one telephone at his residence the charges for which shall be borne by the Board except for private trunk calls, the charges for which shall be borne by the Chairman.

(d) unfurnished residential accommodation at the place where the headquarters of the Board are located, 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.

Explanation. For the purpose of clause (b) of sub-rule (3), a Journey between the office of the Board and residence of the Chairman shall not be deemed to be a journey for discharging

official duties in connection with the work of the Board. For such journey as well as other private journey the Chairman shall, if he uses the car of the Board be liable to pay hire charges at such rates as the State Government may by general or special order fix.

(4) The State Government may from time to time grant to the Chairman leave on the basis of one month per year of service :

Provided that while the Chairman is on leave, he shall be entitled to such of the aforesaid concessions as the State Government may in each case specify in this behalf. ¹ [xxxx]

1. Rule (3), sub-rule (3A), inserted by Noti. dt. 14-7-1983 is deleted by Noti. dt. 21-7-1990, published in G. G. Gaz. Exty., Pt. IV-B, dt. 21-8-1990 P. 149.

4. Travelling allowances payable to member :-

(1) A member when he undertakes a journey in connection with the work of the Board or any of the Committees shall be entitled to travelling allowance as admissible to Grade I officer drawing pay of Rs. 1,000 p.m.

(2) A bill for travelling allowance claimed under this rule, before such bill is submitted for audit and payment, shall be countersigned in the manner specified in sub-rule (3).

(3) When the travelling allowance is claimed

(a) by the Chairman, for the Chairman;

(b) by any member of the Board or by member of a Committee, by the Secretary of the Board.

5. Rate of fees payable for attending a meeting of the Board or a Committee thereof :-

A member of the Board and a Chairman who does not receive any salary or honorarium for attending a meeting of the Board or Committee be entitled to the following fees, namely:

(a) if the meeting be a meeting of the Board, Rs. 50 for each day on which he attends such meeting;

(b) if the meeting be a meeting of the Rural Housing Advisory Committee, Rs. 50 for each day on which he attends such meeting;

(c) if the meeting be a meeting of the Committee appointed by the Board under sub-section (2) of Section 18 , Rs. 49 for each day on

which he attends such meeting:

Provided that a member shall not draw any additional fee or allowance for any day for attending of the Board or Committee, if he has attended on the same day a meeting of the Board or any other Committee and claimed fees and allowance for attending such meeting.

6. Filling of casual vacancies :-

(1) The Board may permit any member to remain absent from its meeting for a period not exceeding six months.

(2) The vacancy so caused in the office of a member may be filled up by the State Government by appointing another person who shall hold office till the member returns from his leave.

CHAPTER 3

Delegation of Powers, Contract, Programme, Accounts Etc

7. Delegation of powers to sanction contracts :-

The Board may delegate its power to sanction contracts to the Rural Housing Commissioner or any other officer subject to the following limits, namely:

(a) the maximum limit of two lakhs of rupees for any contract where delegation of power is to the Rural Housing Commissioner;

(b) the maximum limit of one lakh of rupees for any contract where delegation of power is to the Rural Assistant Housing Commissioner;

(c) the maximum of limit of fifty thousand rupees where delegation of power is to the Executive Engineer;

(d) the maximum limit often thousand rupees where delegation of power is to a Deputy Engineer, and three thousand rupees where delegation of power is to an officiating Deputy Engineer.

8. Manner and Forms of contract :-

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

(2) The common seal of the Board shall remain in the custody of the Secretary and shall not be affixed to any contract or other instrument except in the presence of a member (other than the

Chairman) who shall attach his signature to the contract or instruments in token that the same was sealed in his presence.

(3) The signature of the said member 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 Bombay Public Works Department Manual, the said forms may, as far as practicable, "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 desires 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 Bombay Public Works Department Manual.

9. Form of housing programme :-

(1) The annual housing programme shall be prepared in Form 'A'.

(2) The Board shall forward to the State Government alongwith the annual housing programme, a rough type plan in respect of the each individual scheme included in the programme.

(3) The Board shall also forward to the State Government with its housing programme a brief note giving description of the schemes which are entrusted to it for execution by the State Government together with estimated expenditure of the works separately and the receipts for the same.

10. Forms of budget :-

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

11. Disposal of property :-

(1) Any land vesting in the Board may with the previous concurrence of the State Government 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, or to such extent as may be determined by the Government.

(2) Any building vesting in the Board may with the previous

concurrence of the State Government be transferred by the Board to Government and when such transfer is made, the loans advanced by the 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, or to such extent as may be determined by the Government.

(3) Subject to the provisions of sub-rules (1) and (2) the Board shall not lease, sell, exchange or otherwise dispose of 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 State 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 proposal :

Provided further that no such approval shall be required

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

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

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

12. Maintenance of Accounts :-

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

(2) The annual statement of accounts to be submitted to Government under section 60 shall be in forms specified as in Schedule 'B'.

13. Annual report :-

(1) The Board shall, at the end of each year and within four months 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 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 housing scheme; (iii) the lands acquired or developed for the co-operative housing societies; (iv) any other matter included in the programme, Part IV Finances for the activities of the Board. Part V Establishment working under the Board and administration of the business of the Board. Part VI Estate Management, Research work and any work other than housing construction undertaken by the board. Part VII Programme for the next year. Part VIII Stock taking of accounts showing expenditure, revenue, liabilities and assets. Appendices, if any.

14. 14 :-

Deleted.

15. Submission of reports, statistics and returns :-

(1) The Board shall submit to the State Government six-monthly progress reports and quarterly reports regarding stock taking of accounts.

(2) The Board shall submit to the State Government the following additional statistics and returns:

(i) Quarterly forecasts of Scheme in Form B;

(ii) Information regarding monthly recoveries of rents of the tenements of the Board, in Form C;

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

16. Opportunity to Board of being heard :-

The State Government shall before making an order for 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.

17. Order of supersession :-

(1) The State Government shall specify in the order made under sub-section (2) of Section 78 for superseding the Board, the reason

for making it and the date from which the Board be superseded.

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

18. Members to vacate offices :-

When the Board is superseded under sub-section (2) of Section 78 , the Chairman and all other member of the Board shall, as from the date specified in the order, vacate their offices as such Chairman of members.

19. Reconstitntion of Board :-

At the time of re-constituting the Board after its supersession, the State Government may re-appoint on the Board any member or members of the Board which was superseded by it.

CHAPTER 4

Borrowing by Board

20. Temporary borrowing by 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 of twelve months from the date of the borrowing, or such extended period as the Government may allow.

21. 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 debentures, 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 undischarged 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 Rs. 10,00,000.

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

22. 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.

23. 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.

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

The Board may from time to time issue instructions for controlling the transfer or renewal of any bond, debenture or other security as it may deem expedient, provided such instructions do not affect the holder or transferee of any bond, debenture or other security unless distinct notice of such instructions shall appear thereon.

25. 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 and arrangement which the Board may deem expedient by assigning or conveying any property of the Board including its revenue, to trustees.

26. Debenture ordinarily payable to its applicant or holder :-

The principal amount of debenture and interest thereof shall be payable to the person in whose name the debenture bond was originally issued or to a person 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 the books of the Board.

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

Where the Board purposes to borrow money on the guarantee of the State Government as provided in sub-section (5) of Section 59 of the Act, 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.

28. 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 the proceeds have been previously approved by the State Government and no variation of any such arrangement shall be made without the like approval of the State Government.

SCHEDULE A

SCHEDULE

SCHEDULE A			
<i>(See rule 10)</i>			
I. Budget Estimates of the Gujarat Rural Housing Board			
Revenue			
		Actuals	Budget
		for the	for the
		previous	current
		three years	year
1	2	3	4
Revised	Budget	Estimate	Estimate
Estimates	Estimates	approved	approved
for the	for	by	by
current	1919	Administrative	Finance
year		Department	Department
5	6	7	8

SCHEDULE B

Statement of loan capital appropriated for the purpose of the Housing Organisation authorised by the Gujarat Rural Housing Board Act, 1972 for the year ending 19

SCHEDULE-B

[See rule 12(2)]

Statement of loan capital appropriated for the purpose of the Housing Organisation authorised by the Gujarat Rural Housing Board Act, 1972 for the year ending 19.

Description	Total amount	Amount	Rate of
of loan	borrowed in	borrowed	interest
	previous period to	during the year	
	end of		
	March 19		
1	2	3	4
Amount	Balance of	Mamimum limit	
repaid during	loan Outstanding	upto which	Balance that
the year	at the	money can be	can be borrowed
	end of the	borrowed	(7) (6)
	year		
5	6	7	8
Account Officer,			Chairman
Gujarat Rural	Housing Board,	Gujarat Rural	Housing Board,
Gandhinagar,			Gandhinagar.