

## **Goa Housing Board Act, 1968**

**12 of 1968**

**[18 September 1968]**

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## **Goa Housing Board Act, 1968**

**12 of 1968**

**[18 September 1968]**

An Act to provide for the establishment of a Housing Board in the State of Goa and for matter connected therewith. Be it enacted by the Legislative Assembly of Goa in the Nineteenth Year of the Republic of India as follows:-

### CHAPTER 1

#### PRELIMINARY

#### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Goa Housing Board Act, 1968 and as amended by Act, 2001.

(2) It extends to the whole of the State of the Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

#### **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) adjoining area means such area as may be specified to be an adjoining area under sections 29;

(b) appointed day means such date as the Government may, by notification in the Official Gazette, appoint;

(c) betterment charges means charges leviable under section 54;

(d) Board means Goa Housing Board, established under this Act;

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

(f) building materials means such commodities or articles as are specified to be building materials for the purpose of this Act by notification by the Government;

(g) Chairman means the Chairman of the Board;

(h) competent authority means an person authorised by notification by the Government to perform the functions of the competent authority under section 60;

- (i) cooperative society means a society registered or deemed to be registered under the law relating to cooperative societies for the time being in force in this territory;
- (j) housing scheme means a housing scheme framed under this Act;
- (k) Government means the Government of Goa.
- (l) land includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.
- (m) member means a member of the Board and included the Chairman.
- (n) local authority means the area under the jurisdiction of a municipal council or a nagar panchayat or a panchayat constituted under any law for the time being in force in the territory;
- (o) notification means a notification published in the Official Gazette;
- (p) premises means any land or building or part of a building and includes -
  - (i) gardens, ground and out-houses, if any, appertaining to such building or part of a building, and
  - (ii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (q) prescribed means prescribed by rules made under this Act;
- (r) regulations means regulations made under section 129;
- (s) rent means the amount payable to the Board in respect of the occupation of any Board premises and includes the charges for water and electricity used or consumed in the premises;
- (t) Secretary means the Secretary-cum-Managing Director of the Board;
- (u) Territory means the Union Territory of Goa, Daman & Diu.
- (v) Year means the financial year.

## CHAPTER 2

### ESTABLISHMENT OF BOARD

#### **3. Establishment And Incorporation Of Board :-**

- (1) On and from the appointed day, there shall be established a Board to be called the Goa Housing Board.
- (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, subject to the provisions of this Act, be competent to acquire, hold and dispose of 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 Act of 1894 the Board shall be deemed to be a local authority.

Explanation:-The purposes of this Act referred to in sub-section (3) included the management and use of lands and buildings belonging to or vesting in the Board and the exercise of its rights over and with respect to such lands and buildings.

#### **4. Constitution Of Board :-**

(1) The Board shall consist of a Chairman, and eight other members, nominated by the Government by notification:

Provided that at least one of the members shall be an officer of the Government

#### **5. Terms Of Office Of Chairman And Other Members :-**

(1) Every member shall hold office during the pleasure of the Government and shall be eligible for re-nomination.

(2) Any member may, by writing under his hand addressed to the Government, resign his office, but he shall continue to hold office until his resignation is accepted by the Government.

(3) Every member shall be entitled to receive such remuneration or allowances from the funds of the Board as may be prescribed:

Provided that if the Board so desires, he shall be entitled to receive both remuneration and allowances at such rates as may be prescribed:

Provided further that in the case of a member of the Legislative Assembly of Goa, he shall not be entitled to any remuneration other than the travelling allowance and daily allowance at rates not exceeding those admissible to him as a member of the Legislative Assembly under the Goa Salaries and Allowances of Members of the Legislative Assembly Act, 1964.

#### **6. Disqualification For Appointment :-**

(1) A person shall be disqualified for being nominated as, and for being, a member of the Board--a) if he holds any office of profit under the Board;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

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

(e) If he is a Director or Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract with, by or on behalf of the Board;

(f) If he has been convicted by a competent court of an offence involving moral turpitude.

(2) A person shall not, however, be disqualified under clause (d) or clause (c) of sub-section (1), or be deemed to have any share or interest in any contract or employment within the meaning of the said 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 newspaper in which any advertisement relating to the affairs of the Board is inserted;

(ii) any sale, purchase, lease or exchange of immovable property or any agreement for the same;

(iii) any agreement for any security for the payment of money only.

(3) A person shall not also be disqualified under clause (d) or clause (c) of sub-section (1), or be deemed to have any share or interest in any incorporated company which has any share or interest in contract 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 Government the nature and extent of the shares held by him.

Explanation:-or the purposes of Clause (a) of sub-section (1), the Chairman shall not be deemed to be an officer or employee of the Board.

## **7. Removal Of Chairman And Other Members :-**

The Government may, by notification, remove from office the Chairman or any other member who is, or has become, subject to any of the disqualifications mentioned in section 6;

(b) who is absent without the permission of the Board from all the meetings of the Board for three successive ordinary meetings;

(c) who has in the opinion of the Government been guilty of any misconduct or neglect of duty or has so abused his position as to render his continuance as member detrimental to the interests of the Board or of the general public, or is otherwise unfit to become a member;

(d) who has refused to act or has become incapable of acting:



Provided that no member shall be removed from office unless he has been given an opportunity to show cause against his removal.

**8. Vacancy To Be Filled As Early As Practicable :-**

(1) Any vacancy of a member of the Board shall be filled as early as practicable.

(2) Notwithstanding anything contained in this Act, the continuing members may during such vacancy act as if no vacancy had occurred.

**9. Proceeding Presumed To Be Good And Valid :-**

No disqualification of or defect in the appointment of any person acting as a Chairman or a member of the Board or any vacancy therein shall vitiate any act or proceeding of the Board if such act or proceeding is otherwise in accordance with the provisions of this Act.

**10. Temporary Absence Of Members :-**

If any member of the Board is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not involving the vacation of his appointment, the Government may appoint another person to officiate for him and to carry out his functions under this Act or any rules or regulations made thereunder.

**11. Leave Of Absence For Chairman :-**

The Government may grant to the Chairman such leave as may be prescribed.

**12. Officers And Other Employees Of Board :-**

(1) The Board shall have a secretary, a Housing Engineer, a Chief Accounts Officer and such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The appointment of the Secretary, Housing Engineer and Chief Accounts Officer shall be made by the Government, and the appointments of other officers and employees shall be made by the Board.

**13. Condition Of Service Of Officers And Other Employees Of The Board :-**

The remuneration and other conditions of service of the Secretary, Housing Engineer, Chief Accounts Officer and other officers and employees of the Board shall be such as may be laid down by regulations.

#### **14. Promotions And Punishment Of Officers And Other Employees Of Board :-**

(1) Subject to any regulations made under section 15, the power of making promotions to posts in the service of the Board, of granting leave to officers and other employees holding such posts, of censuring, imposing fines, withholding promotions from, reducing, suspending, removing or dismissing such officers and other employees for any breach of department rules or disciplines or for carelessness, unfitness, neglect of duty or misconduct, and of discharging such officers and other employees from the service of the Board for any other sufficient reasons, shall be exercised by such authority and in such manner as may be laid down by regulations:

Provided that an employee of the Central Government or State Government or of a local authority, whose services have been lent to the Board shall not be so punished except by an authority which would have been competent to do so if his services had not been so lent, but the Board shall be entitled to make enquiry and to report against such employee to such authority.

(2) Any officer or employees of the Board who is aggrieved by an order passed under sub-section (1) other than an order under the proviso thereto may, within two months from the date of receipt by him of such order, appeal to the Government.

#### **15. Service Regulation :-**

Subject to the provisions of this Act, the Board shall, with the previous approval of the Government, make regulations-

-fixing the salary and allowances and conditions of service of the Secretary, Housing Engineer, Chief Accounts Officer and other officers and employees of the Board;

(b) fixing the amount and nature of security to be furnished by any officer or other employees from whom it may be deemed expedient to require security;

(c) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and other employees of the

Board:

Provided that an employee of the Central Government or a State Government employed by the Board shall not be entitled to leave or leave allowances, otherwise than as laid down in the conditions of his service under the Central Government or State Government relating to transfer to foreign service;

(d) for establishing and maintaining a provident fund, for compelling all or any of the officers or employees other than the employees of the Central Government or State Government in respect of whom a contribution is paid under section 120 to subscribe to the fund at such rates and subject to such conditions as may be prescribed, and for paying into the said fund such portion of the contribution of the Board in such manner as the Government may determine;

(e) for determining the conditions under which the officers and other employees or any of them shall on retirement receive pension, gratuities and compassionate allowances and the amount of such pensions, gratuities and compassionate allowances.

#### **16. Control And Delegation By Chairman :-**

(1) The Chairman shall exercise supervision and control over the acts and proceedings of all officers and other employees of the Board, and, subject to the foregoing sections and subject also to such control, appeal and revision as may be prescribed, shall decide all question relating to conditions of services of the said officers and employees.

(2) The Chairman may, by general or special order in writing, delegate to any officer of the Board, any of his powers, duties or functions under this Act or any rules or regulations made thereunder, except those under section 17, 74, 107 and 110.

(3) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (2) shall be subject to such restrictions and limitations as may be imposed by the Chairman, and shall also be subject to his control and revision.

(4) Against any order of the nature referred to in sub-section (2) of section 14, passed by an officer to whom the powers of the Chairman in that behalf have been delegated, an appeal shall lie to the Chairman and if the Chairman has himself revised the orders of such officer, an appeal shall lie to the Board against the order of the Chairman.

**17. Meetings Of Boards :-**

The Board shall make such regulations with respect to the day, time, place, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely--(a) an ordinary meeting shall be held at least once every month;

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

(c) every meeting shall be presided over by the Chairman and in his absence by any member chosen by the members present at the meeting to preside for the said occasion;

(d) all question at any meeting shall be decided by a majority of the votes of the members present and voting, and in the case of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a casting vote;

(e) the minutes of the meeting shall be recorded in a book to be provided for the purpose and a copy of the minutes shall be forwarded to the Government within seven days of approval of the minutes;

(f) the remarks, if any, of the Government on the minutes of the meetings of the Board so received shall be communicated to the Board within two weeks from the date of receipt of such minutes, and if no remarks are communicated, it shall be deemed that the Government have no remarks to offer on the minutes.

**18. Temporary Association Of Persons With Board For Particular Purposes :-**

(1) The Board may associate with itself in such manner and for such purposes as may laid down by regulations, any person whose assistance or advice it may desire for the purpose of carrying into effect any of the provisions of this Act:

Provided that the number of persons so associated shall not be more than five.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relevant to that purpose, but shall not have the right to vote and shall not be deemed to be a member for any other purpose.

(3) The Government may, by order, depute one or more officers of the Government to attend any meeting of the Board and to take

part in the discussions of the Board, but such officer or officers shall not have the right to vote.

### **19. Appointment And Functions Of Committees :-**

(1) The Board may appoint committees consisting of such number of persons as it may think fit for the purpose of discharging such duties or performing such functions and on such terms and conditions, as may be laid down by regulations.

(2) The Chairman or such other person as he may nominate in this behalf shall preside over the meetings of the committees and the committees shall observe such rules of procedure in regard to transaction of business at these meetings as may be laid down by regulations.

(3) All proceeding of the committees shall be subject to confirmation by the Board.

### **20. Members Of Board Or Committees Or Persons Associated With Board Not To Take Part In Proceeding In Which They Are Personally Interested :-**

(1) A member or a person associated with the Board or a member of any committee who---a--s, directly or indirectly, by himself or by any partner, any such share or interest as is described in sub-section (1) of section 6 in respect of any matter, or

(b) has acted professionally, in relation to any matter on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take part in any proceedings of the Board or any committee relating to such matter.

(2) If any member or any person associated with the Board under section 18 or any member of a committee appointed under section 19 has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any housing, improvement or building scheme framed under this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act,--

--shall at a meeting, relating to such area, of the Board or any committee inform the person presiding of the nature of such interest; and

(ii) he shall not take part in any proceedings relating to such area at a meeting of the Board or any committee.

(3) Nothing in sub-section (2) shall prevent any member or any person associated with the Board under section 18 or any member of a committee appointed under section 19 from voting on, or

taking part in the discussion, of any resolution or question relating to any subject other than a subject referred to in that sub-section.

#### CHAPTER 4

#### POWERS OF BOARD AND CHAIRMAN TO INCUR EXPENDITURE ON SCHEMES AND ENTER INTO CONTRACTS

### **21. Powers Of Board And Chairman To Incur Expenditure :-**

Subject to budget provision and availability of funds, expenditure may be incurred on any single work or scheme for carrying out any of the purposes of this Act--

(- --he Chairman, in case such expenditure does not exceed three lakh rupees; and

(2) by the Board, in other cases:

Provided that the Board shall not, without the previous approval of the Government, incur any expenditure exceeding ten lakh of rupees if the funds are linked to any Government Guarantee and one crore of rupees in other cases.

Provided further that the Chairman shall report the expenditure incurred by him under this section to the Board at its next meeting.

### **22. Powers Of Board And Chairman To Approve Estimates :-**

The Board or the Chairman may accord approval to estimates for incurring expenditure on any work or scheme for carrying out any of the purposes of this Act subject to the restrictions and conditions imposed on the Board or the Chairman, as the case may be, under section 21.

### **23. Emergency Powers Of Chairman :-**

The Chairman may, in cases of emergency, direct the execution of any work or the doing of any act which required the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service of safety of the public, and may also direct that the expenses of executing the work or of doing the act shall be paid from the funds of the Board:

Provided that--

(a) --all not act under this section in contravention of any direction of the Board or the Government prohibiting the execution of any particular work or the doing of any particular act; and

(b) he shall report the action taken by him under this section and the reasons therefor to the Board at its next meeting and shall also

submit a copy of his report to the Government, and the Board or the Government may issue such directions as it deems fit on such report.

#### **24. Power To Make Contracts :-**

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

#### **25. Agreements And Security Deposits :-**

(1) Every contract shall be made on behalf of the Board by the Secretary, or any other person empowered by it in this behalf.

(2) The Secretary shall take sufficient security deposit for the due performance of the contract.

(3) Written agreements shall be executed for all contracts, the value of which exceeds five hundred rupees.

#### **26. Further Provisions As To Execution Of Contracts And Agreements :-**

(1) The subject to the provisions of section 24 and 25, the contracts or agreements shall be made or executed in accordance with such rules as may be made.

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

(3) A contract or agreement made or executed in contravention of the provisions of this Act or the rules or regulations made thereunder shall not be binding on the Board.

#### **27. Delegation Of Powers Of The Board To Sanction Contracts :-**

Subject to such rules as may be made, the Board may by order direct that the power conferred on it under sections 24 and 25 to sanction a contract shall be exercised by the Housing Engineer or any other officer specified by it in the order.

#### **CHAPTER 5**

#### **HOUSING, IMPROVEMENT OR BUILDING SCHEMES**

#### **28. Power Of The Board To Undertake Housing, Improvement Or Building Schemes And Incur Expenditure**

:-

(1) Subject to the provisions of this Act, the Board may, from time to time, incur expenditure and undertake works for the framing and execution of such housing, improvement or building schemes as it may consider necessary.

(2) The Government may, on such terms and conditions as it may think fit to impose, transfer to the Board the execution of any housing, improvement or building scheme not provided for in this Act, and the Board shall thereupon undertake the execution of such scheme as if it had been provided for in this Act.

(3) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the Government, take over for execution any housing, improvement or building scheme on behalf of a local authority or a cooperative society and the Board shall execute such scheme as if it had been provided for in this Act.

## **29. Matters To Be Provided For In Housing, Improvement Or Building Schemes :-**

Notwithstanding anything contained in any other law for the time being in force, a housing, improvement or building scheme may provide for all or any of the following matters, namely:--

- (a) acquisition by purchase, exchange, or otherwise of any property necessary for or affected by the execution of the scheme;
- (b) the laying or re-laying out of any land comprised in the scheme;
- (c) the distribution or re-distribution of sites belonging to owners of the property comprised in the scheme;
- (d) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;
- (e) the demolition of obstructive buildings or portion of buildings;
- (f) the construction and reconstruction of any type of buildings, their maintenance and preservation;
- (g) the sale, lease or exchange of any property comprised in the scheme;
- (h) the construction and alteration of roads, streets, back lanes, bridges, culverts and causeways;
- (i) the draining, water-supply and lighting of the streets included in the scheme;
- (j) the provision of open 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) the provision of sanitary arrangements required for the area comprised in the scheme, including conservation and prevention of injury or contamination to rivers or other sources and means of water supply;

(l) the provision of accommodation for any class of inhabitants;

(m) the provision of facilities of communication and transport;

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

(o) the reclamation or reservation of lands for market, gardens, playing fields and afforestation;

(p) the provision of schools, parks, dispensaries, hospitals, swimming pools, cinema houses, restaurants, shops, markets, fuel depots, laundries, hair dressing saloons and other amenities; and

(q) any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to providing housing accommodation and for the improvement of any area comprised in the scheme or of any adjoining area for the general efficiency of the scheme.

Explanation:-- For the purposes of this section, the Government may, by notification, specify any area surrounding or adjoining the area included in a housing, improvement or building scheme to be an "adjoining area".

### **30. Types Of Housing, Improvement Or Building Schemes :-**

Any housing, improvement or building scheme shall be of one of the following types, or combination of any two or more such types or of any special features thereof, that is to say--

(a) a housing accommodation scheme;

(b) a rebuilding scheme;

(c) a rehousing or rehabilitation scheme;

(d) a city or town or village expansion scheme;

(e) a street scheme;

(f) a deferred street scheme;

(g) a land development scheme; and (h) a general improvement scheme.

### **31. Housing Accommodation Scheme :-**

(1) Whenever the Board is of the opinion that it is expedient or

necessary to meet the needs for housing accommodation in any area, the a Board may frame a housing accommodation scheme.

(2) Such scheme shall specify the layout of the area where the houses are to be constructed.

(3) Such scheme may provide for the construction of houses and for the sale, leasing out or sale on hire purchase basis of any house so constructed.

(4) The Board may provide in the area roads, streets, drainage, water-supply, street lighting and other amenities.

### **32. Rebuilding Scheme :-**

(1) Whenever it appears to the Board that any area is an insanitary area, within the meaning of section 38 and that, having regard to the comparative value of the buildings in such area and of the sites on which they are erected, the most satisfactory method of dealing with the area or any part thereof is a rebuilding scheme, the Board may frame a rebuilding scheme for the whole area or any part of it in accordance with the provisions of this section.

(2) A rebuilding scheme may provide for--

(a) the reservation of roads, streets, lanes and open spaces and the enlargement of the existing roads, streets, lanes and open spaces to such extent as may be necessary for the purposes of the scheme;

(b) the re-laying out of the sites of the area upon roads, streets, lanes and open spaces so reserved or enlarged;

(c) the payment of compensation in respect of any such reservation or enlargement, and the formation of roads, streets, lanes and open spaces so reserved or enlarged;

(d) the reconstruction, alteration or demolition of the existing buildings and their appurtenances by the owners, or by the Board in default of the owners, and the erection of buildings in accordance with the scheme by the said owners, or by the Board in default of the owners, upon the sites as defined under the scheme;

(e) the advance to the owners, upon such terms and conditions as to interest, sinking fund and other matters as may be provided for under the scheme, of such sums as may be necessary to assist them to reconstruct or alter existing buildings or to erect new buildings in accordance with the scheme; and

(f) the acquisition by the Board of any site or building comprised in the area included in the scheme.

### **33. Rehousing Or Rehabilitation Scheme :-**

Whenever the Board is of opinion that it is necessary for persons who--

(a) are-i--ced by the execution of any housing, improvement or building scheme sanctioned under this Act, or

(b) are likely to be displaced by the execution of any housing, improvement or building scheme which it is intended to frame under this Act, or

(c) cannot be accommodated in any scheme area, the Board may frame a rehousing scheme for the construction, maintenance and management of such number of dwelling houses and shops as may be required, or may frame a rehabilitation scheme for providing such number of open plots with roads, streets and open spaces as may be necessary.

#### **34. City, Town Or Village Expansion Scheme :-**

(1) Whenever the Board is of opinion that it is expedient to control and provide for the future expansion or development of a city, town or village, the Board may frame an expansion scheme and specify the time limit for the execution of such scheme.

(2) The expansion scheme may be framed in respect of an area which lies wholly within or wholly outside the limits of the city, town or village or in respect of an area which lies partly within and partly outside the city, town or village.

(3) Such scheme shall specify the proposed layout of the area to be developed and the purposes for which particular portions thereof are to be utilized.

(4) After any such scheme has come into force, no person shall, without the previous permission of the Board, erect, re-erect, add to or alter any building or wall within the area comprised in the scheme.

(5) If the Board refuses to grant permission to any person to erect, re-erect, add to or alter any building or wall on his land in the area aforesaid and does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person, for any damage sustained by him in consequence of such refusal.

#### **35. Street Scheme :-**

(1) Whenever the Board is of opinion that for the purposes of--

(a) prov-i--uilding sites, or

(b) remedying defective ventilation, or  
(c) creating new or improving existing means of communication and facilities for traffic, or  
(d) affording better facilities for conservancy,  
it is expedient to lay out new streets or alter existing streets (including bridges, causeways and culverts) in any area, the Board may frame a street scheme for such area.

(2) A street scheme may, within the limits of the area comprised in the scheme, provide for all or any of the following matters, namely-  
-

- (a) the acquisition of any land which, in the opinion of the Board, is necessary for the street scheme;
- (b) the re-laying out of all or any of the lands so acquired, including the construction and reconstruction of buildings by the Board or by persons authorised by the Board in that behalf, and the laying out, construction and alteration of streets and thoroughfares;
- (c) the draining, water-supply and lighting of streets and thoroughfares so laid out, constructed or altered;
- (d) the raising, lowering or reclaiming of any land vested in, or to be acquired, by the Board;
- (e) the provision of open spaces for the better ventilation of the area comprised in the scheme;
- (f) the acquisition of any land adjoining any street thoroughfare or open space to be formed under the scheme.

### **36. Deferred Street Scheme :-**

(1) Whenever the Board is of opinion that it is necessary to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignment to be specified by the Board but that is not necessary immediately to acquire all or any of the properties lying within the proposed improved alignment, the Board may frame a deferred street scheme specifying an alignment on each side of the street and the time limit for the execution of such scheme.

(2) A deferred street scheme shall provide for all or any of the following matters, namely:--

- (a) the acquisition of the whole or any part of any property lying within the street alignment within the time limit specified in the scheme which may be extended by the Board:

Provided that such time limit including the extensions granted by the Board shall in no case exceed twenty years from the date of

sanction of this scheme;

(b) the re-laying out of all or any such property including the construction and reconstruction of building by the Board or by any other person and the formation and alignment of the street;

(c) the draining, water supply and lighting of the streets so formed or altered.

(3) After a deferred street scheme has been sanctioned by the Board.--

(a) no person, except with the written permission of the Board, erect, re-erect, add to or alter any building or wall so as to make the same project into the specified alignment of the street;

(b) if the Board fails to acquire or to institute proceedings for the acquisition of any property within the specified alignment of any street and within the time limit specified in the scheme or extended by it, the owner of such property may, at any time thereafter, give the Board notice requiring it to acquire the same or to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice and thereupon the Board shall acquire, or institute such proceedings and acquire, the property accordingly, and if the Board fails to do so, it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure;

(c) before instituting proceedings to acquire any property lying within a specified alignment of the street other than property regarding which it has received a notice under clause (b), the Board shall give six months notice to the owner of its intention to acquire such property.

### **37. Land Development Scheme :-**

(1) Whenever the Board is of opinion that it is expedient to provide building sites in any area, the Board may frame a land development scheme.

(2) Such scheme shall specify the proposed lay out of the area to be developed and the purposes for which particular portions thereof are to be utilised.

(3) The Board may provide for roads, streets, open spaces, drainage, water supply and street lighting and other amenities for the scheme area.

(4) The Board may lease out or sell, by outright sale or on hire purchase basis, the building sites in the scheme area.

### **38. General Improvement Scheme :-**

Wherever it appears to the Board--

(a) that in any area, any building used or likely to be used as dwelling houses are unfit for human habitation, or

(b) that danger to the health of the inhabitants of buildings in any area, or to buildings in the neighbourhood of such area, is likely to be caused by--

(i) the narrowness, or bad arrangement or condition of streets or buildings or groups of buildings in such area, or

(ii) the want of light, air, ventilation or proper convenience in such area, or

(iii) any other sanitary defects in such area, the Board may frame a general improvement scheme in respect of such area.

### **39. Preparation, Publication And Transmission Of Notice As To Housing, Improvement Or Building Schemes :-**

(1) When any housing, improvement or building scheme has been framed, the Board shall cause the preparation of a notice to that effect and specify--

(a) the boundary of the area comprised in the scheme, and

(b) the place or places at which particulars of the scheme, a map of the area, and details of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover betterment charges, may be seen at reasonable hours,

and shall have the same published in the Official Gazette and also have a copy sent to the local authority concerned.

(2) If within two weeks from the date of publication of the housing, improvement or building 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.

### **40. Transmission To Board Of Representation By The Concerned Local Authority As To Housing, Improvement Or Building Scheme :-**

The local authority concerned to whom a copy of the notice has been sent under subsection (1) of section 39 shall, within a period of sixty days from the receipt of the said copy, forward to the Board any representation which the local authority may wish to make regarding the scheme.

#### **41. Abandonment, Modification Or Sanction Of A Housing, Improvement Or Building Scheme :-**

(1) After considering the suggestions or objections received in pursuance of section 39 and 40, the Board may either abandon or modify or sanction the scheme, or apply to the Government for sanction with such modifications, if any, as the Board may consider necessary if the cost of the scheme exceeds ten lakhs of rupees.

(2) The Government may sanction with or without modification, or may sanction with or without modification, or may refuse to sanction, or may return for reconsideration any housing, improvement or building scheme costing over ten lakhs of rupees submitted to it under sub-section (1).

(3) If a scheme returned for reconsideration under sub-section (2) is modified by the Board it shall be republished in accordance with section 39--

(a) in every case in which the modification affects the boundaries of the area comprised in the scheme or involves the acquisition of any land not previously proposed to be acquired; and

(b) in every other case, where the modification is, in the opinion of the Board, of sufficient importance to require republication.

#### **42. Publication Of Sanction Of Housing, Improvement Of Building Schemes :-**

(1) Whenever the Board or the Government sanctions a housing, improvement or building scheme, it shall be published by notification.

(2) The publication of the notification in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

(3) Any person aggrieved by the decision of the Board sanctioning a housing, improvement or building scheme may, within fifteen days from the date of publication of the said scheme, appeal to the Government and the decision of the Government on such appeal shall be final.

(4) The scheme shall come into force and shall have effect,--

(a) where no appeal is preferred under sub-section (3), on and from the expiry of the said fifteen days referred to in that sub-section; and

(b) where such appeal is preferred, on and from the date of the decision of the Government on such appeal.

### **43. Board To Execute Housing, Improvement Or Building Scheme Soon After Sanction :-**

As soon as may be after a housing, improvement or building scheme other than a deferred street scheme or expansion scheme has come into force, the Board shall proceed to execute the same.

### **44. Variation Of Housing, Improvement Or Building Schemes :-**

The Board may at any time vary any housing, improvement or building scheme or any part thereof included in the budget approved by the Government:

Provided that no such variation shall be made if it involves an expenditure in excess of ten per cent of the amount as included in the budget approved by the Government for the execution of any housing, improvement or building scheme or if it affects the scope or purpose of any such scheme.

### **45. Transfer To Board For Purposes Of Housing, Improvement Or Building Scheme Of Building, Or Land Vested In Local Authority :-**

(1) Whenever any building or land or any street or any part thereof, which is situated within the jurisdiction of a local authority and is vested in such local improvement or building scheme, the Board shall give notice accordingly to that local authority and such building, land or street or any part thereof shall thereupon vest in the Board.

(2) Where any land situated within the jurisdiction of a local authority vests in the Board under the provisions of sub-section (1), and the Board makes a declaration that such land will be retained by the Board only until it reverts in the local authority as part of a street or any open space under section 47, no compensation shall be payable by the Board to the local authority in respect of that land.

(3) Where any land or building vests in the Board under the provisions of sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the local authority as compensation, a sum equal to the market value of such land or building as on the date on which the scheme comes into force under section 42, and where any building situated on the land in respect of which a declaration has been made by the Board



under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

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

(5) If any question or dispute arises as to whether compensation is payable under sub-section (3) or sub-section (4) or as to the amount of such compensation or as to whether any building, land or street, or any part thereof, is required for the purposes of the scheme, the matter shall be referred to the Government whose decision thereon shall be final.

#### **46. Power Of Board To Turn Or Close Public Street Vested In It :-**

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

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street or any part thereof vested in it, it shall as far as 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 subsection (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 for public use 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.

#### **47. Transferring Streets Laid Out Or Altered And Open Spaces Provided By Board Under A Housing, Improvement**

## **Or Building Scheme :-**

(1) The Board may hand over any road or street to the local authority concerned after giving one months notice when--

(a) any such road-r--eet, laid out or altered by the Board has been duly levelled, metalled, flagged, channelled, sewered and drained in the manner provided in the scheme sanctioned by the Board or the Government under section 41,

(b) lamp posts and other apparatus necessary for the lighting of such streets have been provided by the Board, and

(c) water an other sanitary conveniences have been duly provided in such streets.

(2) The local authority concerned may, after receiving notice from the Board under sub-section (1), declare the street to be a public street, and the street shall thereupon vest in the local authority and shall thenceforth be maintained, kept in repair, lighted and cleaned by the local authority.

(3) When any open space for the purpose of ventilation or recreation has been provided by the Board in executing any housing, improvement or building scheme, it shall, on completion, be transferred to the local authority concerned by resolution of the Board and it shall thereupon vest in the said local authority and thereafter by maintained by that local authority at its expense:

Provided that he local authority may require the Board, before any such open space is so transferred, to enclose, level, turf, drain and layout such space and provide footpath therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(4) If any difference of opinion arised between the Board and the local authority in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Government whose decision thereon shall be final.

## **48. Prevention Or Restriction Of Traffic In Street Vested In Board, During Progress Of Work :-**

(1) When any work which may lawfully be done is being executed by the Board in any street vested in it, the Board may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description.

(2) when any such direction has been given, the Board shall put up, in a conspicuous position in or near the street, an order

prohibiting traffic to the extent so direct, and fix such bars, chains or posts across or in the street as it may think proper for preventing or restricting traffic therein.

#### **49. Provision Of Facilities When Work Is Executed By Board In Public Streets Vested In It :-**

(1) When any work is being executed by the Board in any public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision for--

- (a) the passage or-i--ion of traffic;
- (b) securing access to all premises approached from such street; and
- (c) any drainage, water supply, or means of lighting, which is interrupted by reason of the execution of the work.

(2) The Board shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

#### **50. Other Duties Of Board :-**

(1) It shall be the duty of the Board to take necessary measures to maintain, allot, lease and otherwise use plots, building and other properties of the Board or of the Government when required to do so and to collect rents, compensation and damages in respect thereof.

(2) The Board may,--

- (a) provide technic- --ce to the Government and scrutinize projects under housing, improvement or building schemes when required by Government to do so;
- (b) undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions;
- (c) undertake comprehensive survey of problem of housing;
- (d) do all things necessary for--
  - (i) unification, sim-i--tion and standardisation of building materials;
  - (ii) encouraging pre-fabrication and mass production of house components;
  - (iii) organising and running workshops, garages and stores for manufacture, sale, stock-piling and supply of building material, required for housing, improvement or building schemes;
  - (iv) securing a steady and sufficient supply of workmen trained in the work of construction of buildings

(3) The Board may at any time, with the consent of the Government and upon such terms and conditions as may be agreed upon, undertake on behalf of any person any work relating to the development of housing or town improvement or town planning or any constructional activity whether as an agent or otherwise.

**51. Power Of Government To Call For The Records Of Board And To Modify Housing, Improvement Or Building Schemes :-**

(1) Notwithstanding anything contained in the foregoing provisions of this chapter, the Government may, at any time, in the case of any housing, improvement or building scheme which is proposed to be framed or which has been framed by the Board or which is being executed by it, call for and examine the records of the Board relating to such scheme and if, after making the examination and after considering the representations, if any, of the Board and the local authority concerned, it appears to the Government that such scheme should be modified, annulled or remitted for reconsideration to the Board or that such scheme should be executed with modifications, it may pass orders accordingly,

(2) The Government may stay the execution of any such scheme pending the exercise of its powers under sub-section (1) in respect thereof.

(3) Any housing, improvement or building scheme which has already come into force but has been modified by the Government under sub-section (1) shall have effect as if it had been duly sanctioned by the Board or the Government, as the case may be, under section 41. The scheme as modified shall be published in accordance with the provisions of section 42 and on such publication, the scheme so modified shall come into force and have effect accordingly.

**52. Power To Exempt :-**

The Government may, by notification, exempt either generally or subject to such conditions and restrictions as may be specified in such notification and for reasons to be recorded therein, any housing, improvement or building scheme, or class of housing, improvement or building schemes, from all or any of the provisions of this Chapter.

### **53. Power To Purchase Or Lease By Agreement :-**

(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:

Provided that the previous approval of the Government shall be obtained in case of purchase or exchange involving land worth more than rupees twenty-five thousand or lease for more than five years.

(2) The Board may also take necessary steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing, improvement or building scheme in the manner provided in the Land Acquisition Act, 1894, and the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894.

### **54. Betterment Charges :-**

(1) When by the making of a housing, improvement or building scheme any land in the area comprised in the scheme will in the opinion of the Board be increased in value, the Board in framing the scheme may declare that betterment charges shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land from the execution of the scheme.

(2) such increase in value shall be amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of the buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner and the betterment charges shall be one half of such increase in value.

(3) Such betterment charges shall also be leviable in respect of any land not comprised in the scheme but adjacent to the area comprised in the scheme.

(4) Notwithstanding anything contained in sub-section (1) and (3), in respect of any land used for agricultural purposes at the time of the execution of the schemes, the betterment charges shall be leviable by the Board in accordance with such procedure as may be

prescribed, only after such land is used, or converted for use, for non-agricultural purposes.

#### **55. Notice To Persons Liable For Betterment Charges :-**

(1) The Board shall give notice in the prescribed form to any person who is the owner of or has interest in the land in respect of which the betterment charges are to be levied and shall give such person an opportunity to be heard.

(2) After hearing such person or if such person fails to appear before the expiry of the period within which such person is required to appear before the Board without hearing such person, the Board shall proceed to assess the amount of betterment charges.

(3) Where the assessment of betterment charges proposed by the Board is accepted by the person concerned within the period prescribed, the assessment shall be final.

(4) If the person concerned does not accept the assessment proposed by the Board, the matter shall be referred to the Government.

(5) The Government shall, after hearing the person concerned and after holding an inquiry, if any, as may be necessary, assess the amount of the betterment charges payable by the person.

#### **56. Agreement For Payment Of Betterment Charges :-**

(1) Any person liable to pay betterment charges in respect of any land may at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at such rate not exceeding five per cent, per annum as may be prescribed.

(2) Every payment due from any person in respect of betterment charges and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the execution of any mortgage or charge created whether before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

#### **57. Recovery Of Betterment Charges :-**

All sums payable in respect of any land by any person in respect of betterment charges under section 54 or by any person under an agreement under section 56 shall, together with interest, due from

the date of notification, be recoverable on behalf of the Board as an arrears of land revenue.

#### **58. Power To Dispose Of Land :-**

Subject to such rules as may be made by the 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, improvement or building scheme sanctioned under this Act.

#### **59. Disputes Regarding Reconstitution Of Plots :-**

(1) (a) Where by the making of a housing, improvement or building scheme, any plots comprised in the area included in the scheme are reconstituted or any person is dispossessed, the Board shall, after making such inquiry as it thinks fit, award to the person affected by such reconstitution or dispossession such compensation as it deems reasonable.

(b) if the person is dissatisfied with the decision of the Board in the matter, he may inform the Board accordingly within one month.

(c) The Board shall within thirty days thereof refer the matter to the Government

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

#### **CHAPTER 7**

#### **POWER TO EVICT PERSON FROM BOARD PREMISES**

#### **60. Appointment Of Competent Authorities :-**

The Government may, by notification, appoint an officer who holds or has held an office, which in its opinion is not lower in rank than that of Deputy Collector or an Executive Engineer, to be the competent authority for performing the functions of the competent authority under this Chapter in such area, or in respect of such premises or class of premises, as may be specified in the notification, and more than one officer may be appointed as competent authority in the same area in respect of different premises or different classes of premises.

#### **61. Power To Evict Certain Persons From Board Premises :-**

(1) If the competent authority is satisfied--

- (a) that the person a-h--ed to occupy any Board premises has--
- (i) not paid rent lawf-l--e from him in respect of such premises for a period of more than two 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-f--ng 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 as well as any other person who may be in occupation of the whole or any part of the premises, to vacate them within one month from the date of the service of the notice.

Provided that no such order shall be passed unless the person has been afforded an opportunity to show cause why such order should not be made.

(2) If any person refuses or fails to comply with an order made under subsection (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.

(3) If any property belonging to the evicted occupant is found deposited in the premises at the time of taking possession of the premises under sub-section (2), the competent authority shall take possession of such property, and after giving reasonable time to the owner to recover it, dispose it of by public auction and the Board shall not be liable to pay any compensation for the alleged loss on the property left behind by the evicted person. The net proceeds realised from disposal fo the property belonging to the evicted occupant shall be returned to him.

(4) If a person, who has been ordered to vacate any premises under sub-clause (I) or sub-clause (iii) of clause (a) of sub-section(1) within thirty days 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 (2), 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-e--n and section 62, the expression "unauthorised occupation", in relation to any person unauthorised 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.

## **62. Power To Recover Rent Or Damages As Arrears Of Land Revenue :-**

(1) Subject to such rules as may be prescribed and without prejudice to the provision of section 61, 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 a-i-- 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 same within such time not being less than thirty days as may be specified in the notice and 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 be notice served--

(i) by post, or

(ii) by af-x--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 and 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 such period as may 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.

### **63. Rent To Be Recovered By Deductions From Salary Or Wages In Certain Cases :-**

(1) Without prejudice to the provisions of section 61, any person who is an employee of a Government or a local authority and who has been allotted any Board premises may execute an agreement in favour of the Government or the local authority providing that the 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 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.

### **64. Appeal :-**

(1) Any person aggrieved by an order of the competent authority under section 61 or section 62 may, within one month of the date of the service of the notice under section 61 or section 62, as the case may be, prefer an appeal to the Government:

Provided that the 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 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 Government thereon shall be final.

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

**65. Boards Fund :-**

(1) The Board shall have its own fund.

(2) The Board may accept grants, subventions, donations and gifts from the 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 and all interests, and profits for works done to private and public agencies and other moneys accruing to the Board shall constitute the fund of the Board.

(4) Except as otherwise directed by the Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of India or any scheduled Bank or invested in such other form as may be approved by the Government:

Provided that the Board may invest any sums not required for immediate use in such securities or debentures as may be approved by the Government.

(5) Notwithstanding anything contained in sub-section (4), the Board may deposit in the Reserve Bank of India or in any scheduled Bank any amount not exceeding such sum as may be prescribed for the operation of an account with such bank and such account shall be operated upon by such officers of the Board as may be authorised by the Board and in such manner as may be prescribed.

Explanation:-- For the purposes of this sub-section, the "Reserve Bank of India" shall mean the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) and a scheduled Bank shall mean a bank included in the second schedule to the said Act.

**66. Subventions And Loans To Board :-**

The Government may make subventions or advance loans to the Board for the purposes of this Act on such terms and conditions as the Government may determine.

**67. Power Of Board To Borrow And Land :-**

(1) The Board may, with the previous sanction of the 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) Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sum or any part thereof from the public, take credit from any bank or any corporation owned or controlled by the Central Government or a State Government on a cash account to be kept in the name of the Board of the extent of such sum or part thereof, and may, with the previous sanction of the Government, grant mortgages of all or nay of the properties vested in the Board by way of security for such credit.

(3) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the Board may, for the promotion and execution of any housing improvement or building scheme under this Act, or other financial institutions approved by the Government or with the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956).

(4) Subject to the provisions of this Act and to such conditions and limitations as may be prescribed, the Board may out of its funds grant loans and advances on such terms and conditions as it may determine to any co-operative society for the construction or improvement of houses.

#### **68. Guarantee By Government Of Loans :-**

(1) The Government may guarantee in such manner as it thinks fit, the payment of the principal and interest of any loan proposed to be raised by the Board on debenture or of either the principal or the interest:

Provided that the Government shall, so long as any such guarantees are in force, lay before the Legislative Assembly of Goa in every year during the budget session, a statement of the guarantees, if any, given during the current year and an up-to-date account of the total sums, if any, which have been paid out of the Consolidated Fund of the Territory by reason of any such guarantees or paid into the said Fund towards repayment of money so paid out.

#### **69. Repayment Of Loans Taken Under Section 67 :-**

Every loan taken by the Board shall be repaid by the Board within

the period agreed upon by the Board and subject to the provisions of sub-section (2) of section 84 by such of the following methods as may be approved by the Government, namely--

(a) from a sinking fund established under section 70 in respect of the loan; or

(b) by paying equal yearly or half-yearly instalments of principal or 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 instalments and to select by lot the particular debenture to be discharged at particular periods, then, by paying such instalments at such periods; or

(d) from money borrowed for the purpose; or

(e) partly from the sinking fund established under section 70 in respect of the loan and partly from money borrowed for the purpose.

#### **70. Establishment And Maintenance Of Sinking Fund :-**

(1) Whenever a loan has to be repaid from 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 by way of compound interest, be sufficient after payment of all expenses, to pay off the loan at the end of that period.

(2) the rate of interest on the basis of which the sum referred to in subsection (1) shall be calculated shall be such as may be prescribed:

Provided that the rate so prescribed shall not exceed five per cent per annum.

#### **71. Power To Discontinue Payments Into Sinking Fund :-**

Notwithstanding anything contained in section 70, if at any time the 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 prescribed under sub-section (2) of that section, 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.

#### **72. Investment Of Sinking Fund :-**

All moneys paid into a sinking fund shall, as soon as possible, be invested by the Board--

(a) in Government securities;-r-- in securities guaranteed by the Central Government or a State Government.

### **73. Annual Examination Of Sinking Fund :-**

(1) The Government shall cause the said sinking fund to be examined every year and ascertain whether the cash and current value of the securities at credit of such fund are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate or interest as originally estimated been obtained therefrom.

(2) The Board shall forthwith pay into the sinking fund any amount which Government may certify to be the deficiency therein after examination as aforesaid, unless the Government specially sanctions a gradual readjustment.

### **74. Estimates Of Income And Expenditure To Be Laid Annually Before Board :-**

(1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing year.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board, and for the efficient administration of this Act.

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as may be prescribed.

(4) Every such estimate shall be completed and printed and a copy thereof sent, by post or otherwise, to each member at least ten clear days before the date of the meeting at which the estimate is to be laid before the Board.

### **75. Sanction Of Board To Estimates :-**

The Board shall consider every estimate so laid before it and shall sanction the same either without modification or with such modification as it may think fit.

### **76. Approval Of Government To Estimates :-**

(1) Every such estimate, as sanctioned by the Board, shall be submitted to the Government who may, at any time within one month after receipt of the same,--

(a) approve the estimate; or

( - --llow the estimate or any portion thereof and return the estimate to the Board for amendment.

(2) if any estimate is so returned to the Board it shall forthwith proceed to amend it and shall resubmit the estimate as amended to the Government who may then approve it.

### **77. Supplementary Estimate :-**

(1) The Board may, at any time, during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting.

(2) The provisions of sub-section (3) and (4) of section 74, and of section 75 and 76 shall apply to every supplementary estimate.

### **78. Adherence To Estimate And Maintenance Of Closing Balance :-**

(1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget grant or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such limit as may be prescribed.

(3) The following items shall be exempted from the provisions of subsection (1) and (2), namely:--

(a) refund of moneys belonging - --ractors or other persons held in deposit, and of moneys collected by, or credited to, the Board by mistake;

(b) payments due under a decree or order of a Court;

(c) sums payable under a compromise of any suit or other legal proceedings or claim effected under this Act;

(d) sums payable under this Act by way of compensations; and

(e) payments required to meet any emergency.

(4) Whenever any sum exceeding rupees ten thousand is expended under clause (c) of sub-section (3), the Chairman shall forthwith report the circumstances to the Board explaining how it is proposed to cover the expenditure.

### **79. Definition Of Cost Of Management :-**

For the purposes of this chapter, "cost of management" means--

(a) the allowances and remuneration--the Chairman and the members of the Board.

(b) the salaries, fees and allowances and contributions paid in respect of officers and other employees of the Board, except employees who are paid by the day or whose pay is charged to temporary work; and

(c) all office expenses incurred by the Board.

Explanation:-- For the purpose of clause (c), the expression "office expenses" means expenses incurred for carrying on office work, and includes the rent of office buildings, the provision of furniture therefor, charges for printing and stationery, postage, electricity, telephones, and telegrams, conservancy charges, catering charges incurred in connection with meetings and conferences held by or on behalf of the Board and contributions towards welfare and recreation of the staff of the Board.

## **80. Capital Account And Revenue Account :-**

(1) The Board shall keep a capital account and a revenue account.

(2) The capital account shall show separately all expenditure incurred by the Board on each housing, improvement or building scheme.

## **81. Credits To Capital Account :-**

There shall be credited to the capital account--

(a) all sums (except interest) received by way of betterment fees under this Act;

(b) all moneys received on account of loans taken by the Board in pursuance of this Act;

(c) all moneys received as grants by the Board for purposes of this Act from the Government;

(d) all moneys received by the Board on account of repayment of loans and advances granted under sections 32 and 67;

(e) the proceeds of the sale of any land belonging to the Board which was purchased out of any loans or grants;

(f) where any land was purchased out of advance from the revenue account the portion of the proceeds of the sale of such land which remains after crediting to the revenue account the amount of such advance;

(g) the proceeds of the sale of any movable property (including



securities for money invested from the capital account) belonging to the Board;

(h) all lumpsums received from any Government in aid of the capital account;

(i) all moneys received by the Board in connection with leases;

(j) all sums, if any, which the Government directs under sub-section (2) of section 84 to be credited to the capital account; and

(k) all moneys realised from the sale of securities by direction of the Government under section 85.

## **82. Application Of Capital Account :-**

The moneys credited to the capital account shall be held by the Board in trust and shall be applied to--

(a) meeting all costs of framing an-e--ting housing, improvement or building schemes;

(b) meeting the cost of acquiring lands for carrying out any of the purposes of this Act;

(c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act;

(d) the repayment of loans from money borrowed in pursuance of this Act;

(e) granting of loans and advances under section 32 and 67;

(f) making payments in pursuance of section 118 otherwise than for interests or for expenses of maintenance or working;

(g) making or contributing towards the cost of surveys in pursuance of section 116;

(h) meeting such proportion of the cost of management as may be directed by the Board; and

(i) temporarily making good the deficit, if any, in the revenue account at the end of any year;

## **83. Credits To Revenue Account :-**

There shall be credited to the revenue account--

(i) all interest received in pursuan- --ection 56 or section 57

(ii) all annually recurring sums received from the Government in aid of the funds of the Board ;

(iii) all compensation received by the Board under section 102;

(iv) all rents of land vested in the Board;

(v) all rents of building vested in the Board;

(vi) all interest of loans and advances granted by the Board under section 32 and 67; and

(vii) all other receipts by the Board which are not required by section 81 to be credited to the capital account.

#### **84. Application Of Revenue Account :-**

(1) The moneys credited to the revenue account shall be held by the Board in trust, and shall be applied to--

(a) payment of all charges or payment-t--ds interest or sinking fund due on account of any loan taken in pursuance of this Act, and all other charges incurred in connection with such loans;

(b) payment of all sums due from the Board in respect of rates and taxes imposed by the local authority concerned, upon the land vested in the Board;

( c ) payment of cost, if any, of maintaining a separate establishment for the collection of rents and other proceeds of land vested in the Board;

(d) payment of all sums which the Government may direct to be paid to any auditor under section 91;

(e) payment of the cost of the management excluding such proportion thereof as may be debited to the capital account under clause (h) of section 82;

(f) payment of all other sums due from the Board, other than those which are required by section 82, to be disbursed from the capital account.

( 2 ) The surplus, if any, remaining after making the payment referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 78, be invested in the manner laid down in section 72 towards the service of any loans outstanding after the expiry of thirty years from the commencement of this Act, unless the Government otherwise directs.

#### **85. Power To Direct Sale Of Securities In Which Any Surplus Of The Revenue Accounts Is Invested :-**

If at any time after any surplus referred to in subsection (2) of section 84 has been invested, the Board is satisfied that the investment is not needed for the service of any loan referred to in the subsection, it may, with the approval of the Government, sell the securities held under the investment.

#### **86. Advance From Revenue Account To Capital Account :-**

(1) Notwithstanding anything contained in section 84, the Board may advance any sum standing at the credit of the revenue account to the capital account for the purpose of meeting capital expenditure.

(2) Every such advance shall be refunded to the revenue account as soon as may be practicable.

#### **87. Advance From Capital Account To Revenue Account :-**

(1) Any deficit in the revenue account at the end of any year may be made good by an advance from the capital account after obtaining the approval of the Government.

(2) Every such advance shall be refunded to the capital account in the following year.

#### **88. Submission Of Abstracts Of Accounts To Government :-**

At the end of every year, the Board shall submit to the Government an abstracts of the accounts of its receipt and expenditure for such year, in such form and in such manner as may be prescribed.

#### **89. Audit Of Accounts :-**

The accounts of the Board shall be examined and audited once every year by such auditor as the Government may appoint in this behalf.

#### **90. Power Of Auditor :-**

The auditor may--

(a) by summons in writing require production of any document, the perusal or examination of which he believes necessary for the elucidation of the accounts;

(b) by summons in writing require any person who has the custody or control of any such document or who is accountable therefor to appear in person before him; and

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

#### **91. Remuneration Of Auditor :-**

The Board shall pay to the auditor such remuneration as the Government may direct.

## **92. Reports And Information To Be Furnished By Auditor To Board :-**

(1) The auditor shall--

(a) report to the Board and to the Government--any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Board, or in the accounts;

(b) furnish to the Board such information as it may require concerning the progress of his audit;

(c) report to the Chairman any loss or waste of money or either property owned by or vested in the board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste; and

(d) submit to the Chairman a final statement of audited accounts, together with a report on the result of the audit and duplicate copies thereof to the Government, within a period of three months from the end of the year or within such further period as the Government may allow in the behalf.

(2) (a) The auditor may disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment; and may charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not, brought into account by that person and shall, in every such case, certify the amount due from such person.

(b) The auditor shall state in writing the reason for his decision in respect of every disallowance, surcharge or charge and furnish a copy thereof by registered post to the person against whom it is made.

(c) If the person to whom a copy of the decision is so furnished refuses to receive it, he shall be deemed to have been duly furnished with the copy, within the meaning of clause (b); and the period of fourteen days fixed in sub-section (4) and (5) shall be calculated from the date of such refusal.

(3) For the removal of doubts it is hereby declared that it shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss to contend that, notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.

(4) Any person aggrieved by a disallowance, surcharge or charge made under sub-section (2) may, within fourteen days after he has been furnished with a copy of the decision of the auditor, appeal to the Government who shall pass such orders as it thinks fit.

(5) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Board within fourteen days after he has been furnished with a copy of the decision of the auditor unless within that time such person has appealed to the Government against the decision under subsection (4); and such sum if not paid, or such sum as the Government shall declare due, shall be recoverable on an application made by the Board to the Government as if it were an arrears of land revenue.

(6) Notwithstanding anything contained in this section, the Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by the auditor under this Act shall be waived if in its opinion, such a course is necessary considering all the circumstances of the case.

### **93. Auditors Report To Be Sent To Each Member And Considered By Board :-**

The Chairman shall cause the report of the auditor to be printed and shall forward a printed copy thereof to each member and shall bring such report before the Board for consideration at the first meeting to be held immediately thereafter.

### **94. Board To Remedy Defects Pointed Out By Auditor :-**

It shall be the duty of the Board to remedy forthwith any defects or irregularities that may be pointed out by the auditor and to submit a report thereon to the Government.

### **95. Statements Of Accounts And Audit Report To Be Forwarded To Government :-**

(1) The statement of accounts of the Board as certified by the auditor together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Board in respect thereof as it deems fit and the Board shall comply with such instruction.

(2) The Government shall--

(a) cause the statement of accounts of the Board together with the audit report thereon to be laid annually before the Legislative

Assembly of Goa; and

(b) cause the statement of accounts of the Board and the audit report to be published in the prescribed manner and make available copies thereof on sale at a reasonable price.

#### **96. Valuation Of Assets And Liabilities Of Board :-**

The Board shall have valuation of its assets and liabilities every five years made by a valuer appointed with the approval of the Government;

Provided that it shall be open to the Government to direct a valuation to be made at any time it may consider necessary.

#### **CHAPTER 9**

#### **PENALTIES AND PROCEDURE**

#### **97. Penalty For Removing Bar, Chain Or Post :-**

If any person, without lawful authority, infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 48, he shall be punishable with fine which may extend to fifty rupees.

#### **98. Penalty For Building Within Street Alignment Or Building Line Without Permission :-**

If any person, without the permission of the Board, erects, re-erects, adds to or alters any wall or building so as to make the same project into the street alignment or beyond the building line specified in any deferred street scheme, development scheme or town expansion scheme, he shall be punishable--

(a) with fine which may extend, in the case of a wall or masonry building, to five hundred rupees and, in any other case, to fifty rupees; and

(b) with further fine which may extend, in the case of a wall or masonry building, to one hundred rupees and, in any other case, to ten rupees for each day after the first during which the projection continues.

#### **99. Penalty For Failure To Comply With Requisition Made By Auditor :-**

If any person fails to comply with any requisition made by the auditor under section 90, he shall be punishable--

(a) with fine which may extend to one hundred rupees;

(b) in case of a continuing failure, with further fine which may extend to fifty rupees for each day after the first during which the failure continues.

**100. Penalty For Obstructing Contractor Or Removing Mark :-**

If any person--

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue of or in consequence of this Act or any rule or regulation made thereunder; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule or regulation made or scheme sanctioned thereunder, he shall be punishable with fine which may extend to two hundred rupees.

**101. Penalty For Breach Of The Provisions Of The Act :-**

Whoever contravenes any of the provisions of the Act or of any rule or regulation made or scheme sanctioned thereunder, shall if no other penalty is provided for such contravention, be punishable--

(a) with fine which may extend to one hundred rupees; and

(b) in case of continuing contravention, with further fine which may extend to fifty rupees for each day after the first during which the contravention continues.

**102. Compensation To Be Paid By Offenders :-**

(1) When any person is convicted of any offence under this Act or any rule or regulation made thereunder, the magistrate convicting such person may, on application made in this behalf by the Board or by its officer or other employees authorised by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for the damage caused by his act or omission in respect of which he is convicted.

(2) The magistrate shall record and consider any cause which such person may show and if the magistrate, after making such inquiry as he may think fit, is satisfied that such person is liable to pay compensation, may direct that compensation of such amount not exceeding one thousand rupees as he may determine, be paid by

such person to the Board.

(3) The amount of compensation directed to be paid under sub-section (2) shall, if it is not paid forthwith, be recovered as if it were a fine imposed by the magistrate on such person.

### **103. Punishment For Acquiring Share Or Interest In Contract, With Board :-**

If any member or any officer or other employee of the Board acquires, directly or indirectly, by himself or by any partner, otherwise than as such member, officer or other employees, any share of interest in any contract with, by or on behalf of the Board (not being a share of interest which, under section 6 it is permissible for a member to have without being thereby disqualified for being appointed a member) he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

### **104. Cognizance And Trial Of Offences :-**

(1) No court shall take cognizance of any offence punishable under this Act or any rule of regulation made thereunder unless complaint of such offence is made within six months next after the commission thereof.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act, or any rule or regulation made thereunder.

### **105. Duty Of Police Officers :-**

It shall be the duty of every police officer– –

(a) to co-operate with the Secretary for carrying into effect and enforcing the provisions of this Act or any rule enforcing the provisions of this Act or any rule or regulation made thereunder;

(b) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder; and

(c) to assist the Secretary or any officer or other employee of the Board reasonably demanding his aid for the lawful exercise of any power vesting in the Secretary or in such officer or other employee under this Act or any rule made thereunder.

### **106. Arrest Of Offenders :-**



(1) Any police officer not below the rank of a head constable may arrest any person who commits in his presence any offence against this Act or any rule or regulation made thereunder, if the name or address of such person be unknown to him, and if such person on demand declines to give his name or address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or for any longer time than is necessary for bringing him before a Magistrate, and in no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a Magistrate.

### **107. Powers Of Secretary As To Institution And Composition, Of Legal Proceedings :-**

The Secretary may, subject to the control of the Board,--

(a) institute, defend or withdraw from legal proceedings under this Act or any rules or regulations made thereunder;

(b) compound any offence against this Act or any rules or regulations made thereunder which, under any law for the time being in force, may lawfully be compound;

(c) admit, compromise or withdraw any claim made under this Act or any rules or regulations made thereunder; and

(d) obtain such legal advice and assistance as he may think it necessary or expedient to obtain, or as may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or other employees of the Board.

### **108. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceeding shall lie against the board or any committee thereof or any officer or other employee of the Government or of the board for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder.

### **109. Notice Of Suit Against Board :-**

No suit shall be instituted against the Board, or any member or any officer or other employee of the Board, or any person acting under

the direction of the Board, or of the Chairman or of any officer or other employee of the Board, in respect of any act done or intended to be done under this Act or any rule or regulation made thereunder until the expiration of sixty days next after written notice has been delivered or left at the office of the Board or the place of abode of such officer, employee or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left.

**110. Proof Of Consent Of Board Or Chairman Or Officer Or Other Employee Of Board :-**

Whenever, under this Act or any rule or regulation made thereunder, the doing or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion, or satisfaction of--

(a) the Board or the Chairman, or

(b) any officer or other employee of the Board, a written document signed by the Chairman, in case of item (a) and by the said officer or other employee in the case of item (b), conveying or setting forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

**111. Power Of Secretary To Direct Removal Of Unauthorised Erection, Within Street Alignment :-**

(1) The Secretary may, by a written notice, require the owner for the time being of the wall or building referred to in section 98 to stop further work on such wall or building and alter or demolish the same in such manner and within such time as may be specified in the notice.

(2) Where the alteration or demolition directed by any such notice is not carried out as directed therein, the Secretary may cause the wall or building or portion thereof to be altered or demolished, as the case may be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed.

**112. Power Of Board To Pay Compensation :-**

In any case not otherwise expressly provided for in this Act, the

Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested by or under this Act in the Board or the Chairman or any officer or employee of the Board.

**113. Public Notices How To Be Made Known :-**

Every public notice given under this Act or any rule or regulation made thereunder shall be in writing and under the signature of the Chairman or any person authorised by him in this behalf and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in leading daily newspapers, or by any two or more of these means, and by any other means that the Chairman may think fit. Every such notice shall also be published by affixture in the notice board of the office or sub-offices of the Board.

**114. Stamping Signature On Notices Or Bills :-**

Every notice or bill, which is required by this Act or by any rule or regulation made thereunder to be the signature of the Secretary or any other member or of any officer or other employee of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the Secretary or of such other member or of such officer or employee, as the case may be, stamped thereupon.

**115. Service How To Be Effected :-**

When any notice, bill or other document is required by this Act or any rule or regulation made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected--

- (a) by giving or tendering such document to such person; or
- (b) if such person is not found, by leaving such document at his last known place of abode, or by giving or tendering the same to some adult member or servant of his family;
- (c) if his address elsewhere is known, by forwarding such document to him by registered post under cover bearing the said address; or
- (d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the building or land, if any, to which the document relates.

**116. Power To Make Surveys, Or Contribute Towards Their**

## **Cost :-**

The Board may--

- (a) cause the survey of any land to be made, when it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act; or
- (b) contribute towards the cost of any such survey made by any other local authority.

## **117. Power Of Entry :-**

(1) The Secretary or any person either generally or specially authorised by the Secretary in this behalf may, with or without assistants or workmen, enter into or upon any land, in order--

- (a) to make any inspection, survey, measurement, or inquiry,
- (b) to take levels,
- (c) to dig or bore into the sub-soil,
- (d) to set out boundaries and intended lines of work,
- (e) to mark such levels, boundaries and lines by placing marks 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 rule or regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder:

Provided that--

- (a) no such entry shall be made between sunset and sunrise;
  - (b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours, previous written notice of the intention to make such entry;
  - (c) sufficient notice shall, in every instance, be given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed;
  - (d) 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.
- (2) whenever the Secretary or a person authorized under sub-section (1) enters into or upon any land in pursuance of that sub-

section, he shall, at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision thereon shall be final.

#### CHAPTER 10

#### MISCELLANEOUS

### **118. Powers Of Board For Facilitating Movement Of The Population :-**

With a view to facilitating the movement of the population in and around any city, town or village, the Board may--

(a) subject to any condition it may think fit to im-s--(i) guarantee the payment, from the funds at its disposal-of such sums as it may think fit, by way of expenditure on the construction, maintenance or working of means of locomotion; or

(ii) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of locomotion; or

(b) either singly or in combination with any other person, construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto; or

(c) construct or widen, strengthen or otherwise improve bridges:

Provided that no guarantee or subsidy shall be made under clause (a), and no means of locomotion shall be constructed, maintained or worked under clause (b), without the sanction of the Government.

### **119. Members, Officers And Other Employees Of Board And Committees Deemed To Be Public Servants :-**

All members, officers and other employees of the Board, the members of committees, and all other persons entrusted with the execution of any functions under this Act, 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.

### **120. Contributions Towards Leave Allowances And Pensions Of Employees Of The Central Government Or A State Government :-**

The Board shall be liable to pay such contributions for the leave salary, pension or provident fund of any employee of the Central Government or State Government employed as Chairman or as an officer or other employed of the Board as may be required by the conditions of his service under the Central Government or a State Government to be paid by him or on his behalf.

**121. Board And Secretary To Exercise Powers And Functions Of Local Authority :-**

In any area in respect of which a housing, improvement or building scheme is in force, the Government may, by notification, declare that for the period during which such scheme remains in force and subject to such restrictions and modifications, if any, as may be specified in the notification, the powers and functions exercisable by a local authority or its executive authority under the enactment constituting such local authority shall be exercised by the Board or the Secretary, as the case may be.

**122. Supply Of Documents And Information To Government :-**

The Secretary shall, if so directed by the Government, forward to it a copy of all the papers which were laid before the Board for consideration at any meeting and furnish any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, a report of any such matter and a copy of any documents in charge of the Secretary.

**123. Submission Of Administration Report To Government :-**

(1) As soon as may be after the first day of April in every year or such later date as may be fixed by the Government, the Board shall submit to the Government a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The Chairman shall prepare such report and the Board shall consider the report and forward the same to the Government with its remarks thereon.

**124. Power Of Government To Give Directions To Board And Local Authorities :-**

The Government may give the Board or any local authority such

directions as in its opinion are necessary or expedient for carrying out the purposes of this Act. And after giving an opportunity to the Board or, as the case may be, to the local authority to state its objections, if any, to such directions and after considering the said objection, the Government may, if it considers it necessary so to do, modify such directions and it shall thereupon be the duty of the Board or the local authority to comply with such directions or the directions so modified, as the case may be.

### **125. Supersession Of Board :-**

(1) If the Government is of opinion that the Board is unable to perform, or has persistently made default in the performance of the duty imposed on it by or under this Act or has exceeded or abused its powers, it may, by notification, supersede the board for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section the Government shall by notice require the Board to show cause within such period as may be specified in the notice why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,--

(a) the Chairman and all the members of the Board shall from the date of supersession vacate their offices as such;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board and the Chairman, shall during the period of supersession be exercised and performed by such authority or person as the Government may direct;

(c) all funds and other property vested in the Board shall, during the period of supersession, vest in the authority or person referred to in clause (b); and

(d) all liabilities, legally subsisting and enforceable against the Board, shall be enforceable against the authority or person referred to in clause (b) to the extent of the funds and properties vested in it or him.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government may--

(a) extend the period of supersession for such further period as it considers necessary; or

(b) reconstitute the Board in the manner provided in section 4.

## **126. Dissolution Of Board :-**

(1) If the Government is of opinion that the Board has failed to carry out its functions under this Act or that for any other reason it is not necessary to continue the Board, it may, by notification, dissolve the Board from such date as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) dissolving the Board,--

(a) the Chairman and all the members of the Board shall from the date of dissolution vacate their offices as such;

(b) all the powers and duties which may be or under the provisions of this Act, be exercised and performed by or on behalf of the Board and the Chairman shall, as from the date of dissolution, be exercised and performed by the Government or such authority or person as it may appoint in this behalf;

(c) all funds and other property vested in the Board shall vest in the Government; and

(d) all liabilities, legally subsisting and enforceable against the Board, shall be enforceable against the Government to the extent of the funds and properties vested in it.

(3) Nothing in this section shall affect the liability of the Government in respect of debentures guaranteed under section 68.

## **127. Power To Remove Difficulties :-**

(1) If any difficulty arises in giving effect to the provision of this Act, in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the Commencement of this Act, the Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from the provisions of the Acts in force before the commencement of this Act), the Government may make such order, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing difficulty.

## **128. Power To Make Rules :-**

(1) The Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Act.



(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely--

- (a) remuneration and allowances of the Chairman and other members under section 5;
- (b) leave of absence for the Chairman under section 11;
- (c) control and revision by the Chairman under section 16
- (d) provisions as to execution of contracts and agreement under section 26;
- (e) delegation of powers of the Board to sanction contracts under section 27;
- (f) form of notice and the period for acceptance of assessment under section 55;
- (g) disposal of land under section 58;
- (h) other manner of service of notice under section 61 and 62;
- (i) manner of assessment of damages under section 62;
- (j) maximum sum to be deposited in the manner of operation of accounts under sub-section (5) of section 65;
- (k) conditions and limitations to be laid down under section 67;
- (l) forms and details relating to estimates of income and expenditure under section 74;
- (m) form and manner of abstracts of accounts to be submitted to the Government under section 88;
- (n) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa while it is in sessions for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the house agrees in making any modification in any such rule or the house agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **129. Power To Make Regulations :-**

The Board may, by notification, make regulations not inconsistent with this Act and the rules made thereunder, for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the

foregoing power, such regulations may provided for all or any of the following purposes, namely:--

(a) conditions of service of officers and other employee-o-t- Board under section 13;

(b) service regulations under section 15;

(c) day, time, place, notice, management and adjournment of meeting of Board under section 17;

(d) manner in which and the purposes for which persons may be associated with the Board under section 18;

(e) matters relating to appointment and functions of committees under section 19;

(f) any matter which is required to be, or may be, laid down by regulation.

(3) No regulation or its cancellation or modification shall have effect until the same shall have been approved and confirmed by the Government.