

HASTINAPUR TOWN DEVELOPMENT BOARD ACT, 1954

14 of 1955

[4th June, 1955]

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HASTINAPUR TOWN DEVELOPMENT BOARD ACT, 1954

14 of 1955

[4th June, 1955]

(As passed by the Uttar Pradesh Legislature) An Act to provide for the establishment of a Town Development Board at Hastinapur in the District of Meerut for the purposes of constructing and developing a town- ship and setting therein displaced persons and for other matters connected therewith Whereas it is expedient to provide for the establishment of a Development Board at Hastinapur in the District of Meerut for the purposes of constructing and developing a township and setting therein displaced persons and for other matters connected therewith ; It is hereby enacted in the Fifth Year of the Republic of India as follows:

CHAPTER 1

PRELIMINARY

1. Short title, commencement and duration :-

(1) This Act may be called the Hastinapur Town Development Board Act, 1954. (2) It shall come into force from such date as the State Government shall notify in that behalf in the Official Gazette. (3) It shall cease to have effect on the expiry of 31st December, 19681 except as respects things done or omitted to be done before that date and Section 6 of the U. P. General Clauses Act, 1904 shall apply upon the expiry of this Act, as if it had then been repealed by

the Uttar Pradesh Act.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context-- (a) "Administrator" means the administrator of the Board appointed under Section 10 ; (b) "Board" means the Hastinapur Town Development Board, constituted under Section 3 ; (c) "Central Government" means the Government of India ; (d) "Chairman" means the Chairman of the Board ; (e) "Displaced person" means person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from, or has left his place of residence in such area and who has subsequently been residing in any part of India ; (f) "Member" means a member of the Board and includes the Chairman ; (g) "Prescribed" means prescribed by rules made under this Act; (h) "State Government" means the Government of Uttar Pradesh ; and (i) "Township" means the township to be constructed and developed by the Board at Hastinapur or in the vicinity of Hastinapur.

CHAPTER 2

THE HASTINAPUR TOWN DEVELOPMENT BOARD

3. Establishment and incorporation of Hastinapur Town Development Boards :-

(1) The State Government may, by notification in the official Gazette, constitute a Board to be called the Hastinapur Town Development Board for the purpose of constructing and developing a township at Hastinapur in the District of Meerut, settling therein displaced persons, exercising such other powers or discharging such other functions as are conferred on, or may be assigned to the Board by or under this Act or under any other law. (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act and rules made thereunder, to acquire, own or transfer property, movable or immovable, and shall by the said name sue and be used.

4. Constitution of the Board :-

(1) The Board shall consist of the following members, namely,-- (a) a Chairman to be appointed by the State Government after consultation with the Central Government ; (b) two persons to represent the Central Government to be appointed by the State

Government after consultation with the Central Government ; (c) two persons to represent the State Government to be appointed by the State Government. (2) The names of members appointed under sub-section (1) shall be published in the Official Gazette, and every such appointment shall take effect from the date on which it is so published.

5. Terms and conditions of office of members :-

(1) The terms of office of the Chairman and other members shall subject to 1[subsection (3)] be such as may be prescribed. (2) The Chairman or any other member may resign his office by writing under his hand addressed to the State Government but his resignation shall take effect from the date on which its acceptance is notified in the official Gazette. (3) A member shall hold office during the pleasure of the State Government. (4) A casual vacancy caused by registration under sub-section (2) or for any other reason shall be filled by fresh appointment in accordance with the provisions of Section 4. A member appointed to fill a casual vacancy shall be appointed to serve the remainder of his predecessors term of office.

6. Committee of the Board :-

(1) The Board may, from time to time, in a view to give effect to the purposes of this Act, appoint one or more Committee consisting of such persons as it thinks fit. (2) The Board may-- (a) refer to such Committee, for inquiry and report any matter relating to any of the purposes of this Act ; (b) delegate to such Committee by a specific resolution and subject to with any rules made in this behalf, any of the powers and duties of the Board relating the subject-matter for which such Committee has been appointed. (3) The Board may, at any time by resolution dissolve or alter the constitution of any such Committee. (4) Every Committee shall carry out any instruction given to it by the Board, and every final decision of such Committee shall, subject to any rule to the contrary, be laid before the confirmation.

7. Vacancies amongst members or defects in the constitution not to invalidate acts or proceedings of the Board or Committee :-

No act or proceeding of the Board or of its Committees shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

8. Meetings of the Board :-

(1) The Board shall meet at such times and places and shall, subject to the provisions of this section, observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed : Provided that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members, call a special meeting. (2) The quorum necessary for the transaction of business at a meeting of the Board shall be three. (3) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board. (4) All questions at a meeting of the Board 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 a second or casting vote. (5) Minutes of the proceedings of each meeting (together with the names of the members present) shall be recorded in a book to be provided for the purpose, and shall be signed by the person presiding at the next ensuing meeting, and shall thereafter be circulated to each member and shall, at all reasonable times, be open to inspection by any members, free of charge.

9. Officers and servants of the Board :-

Subject to the provisions of this Act any rules made thereunder, the Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions on such terms and other conditions of service as it may consider proper.

10. Administrator of the Board :-

(1) There shall be an administrator of the Board who shall be appointed by the State Government after consulting with the Central Government upon terms and conditions to be prescribed. (2) The Administrator shall be the principal Executive Officer of the Board and all other officers and servants of the Board shall be subordinate to him. (3) The Administrator shall be the ex officio Secretary to the Board and shall have the right to speak at, and otherwise take part in, any meetings of the Board or a Committee thereof but shall not have the right to vote thereat.

11. Temporary association of other persons with the Board :-

The Board may associate with itself in such manner and for such purposes as may be prescribed by any person whose assistance or advice it may desire in carrying out of the provisions of this Act,

and such person shall have the right to take part in the discussions of the Board relevant to that purpose but shall not have a right to vote.

CHAPTER 3

FUNCTIONS AND POWER OF THE BOARD

12. Extent of the area of operation of the Board :-

(1) The State Government may, by notification in the Official Gazette, specify the territorial limits of the township and may, by a like notification, extend or vary such limits and the area for the time being so specified shall be called the area of operation. (2) The Board shall carry out all or any of its functions and exercise all or any of its powers within the area of operation.

13. General functions of the Board :-

Subject to the provisions of this Act, the Board shall have power-- (a) to acquire and hold such property, movable or immovable, as the Board may deem necessary for efficiently performing its function under this Act and to sell, lease or otherwise transfer any such property; (b) to promote or carry on any trade, business or industry; (c) to construct, or cause to be constructed, residential or other buildings; (d) to sell, lease or let out on hire any building or site held by the Board to a displaced person and other person upon terms and conditions to be prescribed; (e) to provide drains, sewers, water supply and lighting of streets; (f) to undertake measures to promote public health, sanction, education and social welfare; (g) to promote and operate schemes of water supply, drainage and irrigation; (h) to promote and operate, subject to the provisions of any law for the time being in force relating to the supply and use of electrical energy, schemes for the transmission and distribution of electrical energy; (i) to promote afforestation and to control soil erosion in accordance with the law in that behalf; (j) to take such steps as may be necessary to improve the economic and social conditions of people with its jurisdiction; and (k) to perform such other functions as may be prescribed.

14. Power of the Board to impose taxes :-

(1) The Board may, with the previous sanction of the State Government, impose in the area of operation all taxes which a Municipal Board is authorised to impose under Chapter V of the U.P. Municipalities Act, 1916, in accordance with the procedure and subject to the restrictions and conditions specified therein. (2) Any tax imposed under sub-section (1) shall have effect from the date

of its notification in the official Gazette and shall, as far as may be, be recovered in the manner provided in Chapter VI of the said Act.

15. Powers of the Board under the U. P. Municipalities Act, 1916 :-

The provisions of Chapters VII, VIII, DC (except Section 29) and X of the U. P. Municipalities Act, 1916, in so far as such provisions are not inconsistent with the provisions of this Act, shall as far as may be, apply to the area of operation and all references in the said provisions to the Municipality, Board, President or any officer of the Board shall be construed as references to the township, the Board constituted under Section 3, the Chairman or officers thereof as the case may be.

CHAPTER 4

PROPERTY, FINANCE, ACCOUNTS AND AUDIT

16. Vesting of property in the Board :-

All property movable or immovable, and other assets owned or acquired by the Central Government or the State Government for the purposes of the construction and development of the township at any time before the construction of the Board, other than the property specified in Section 17, shall, on such constitution and subject to such restrictions and conditions as may be prescribed, vest in the Board for the purposes of this Act.

17. State Governments property :-

The following property situated in the township shall, notwithstanding anything in Section 16, continue to be vested in and belong to the State Government, that is to say : (1) The Hospital Buildings and all accessories thereof. (2) The Anti-Malaria Laboratory buildings. (3) The residence of the Medical Officer. (4) The residence of the Anti-Malaria Officer. (5) The compounders quarters. (6) The nurses or ward-boys quarters. (7) The Veterinary Hospital. (8) The menial staff quarters. (9) The quarters built for the Veterinary Assistant and staff. (10) The dairy buildings and quarters built for the dairy Superintendent and the staff and the tube-well for the dairy. (11) The power house and the quarters built for the Assistant Engineer and the Staff. (12) The residence of the Administrative Officer and Office buildings. (13) The Inspection House together with its out-houses, garages, stables, etc. (14) The quarters of the Agriculture staff. (15) The Forest Rest House and buildings. (16) The Panchayat Ghar. (17) The Agricultural Seed Store building. (18) The Rural Tractor Workshop. (19) The Co-

operative buildings.

18. Expenditure before the constitution of the Board :-

All expenditure incurred by the Central Government or by the State Government at any time before the constitution of the Board for any of the purposes of this Act, other than the expenditure incurred on account of the construction and maintenance of the buildings mentioned in Section 17, or expenditure specified in this behalf by the State Government by notification in the Official Gazette, shall be deemed to be the expenditure of the Board and all expenditure incurred by the Central Government shall, for the purposes of Section 21, be treated as loan advanced to the Board.

19. Fund of the Board :-

(1) The Board shall have its own fund and all grants and advances made to it, from time to time, by the Central Government or the State Government and all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom.

(2) Except as otherwise directed by the State Government all moneys belonging to that fund shall be deposited in such scheduled bank or invested in such securities as may be approved by the State Government.

20. Power of the Board to spend :-

Subject to such limitations and restrictions as may be prescribed, the Board shall have power without reference to the State Government to spend such sums as it thinks fit for the purposes of this Act, and such sums shall be deemed to be expenditure payable out of the fund of the Board : Provided that 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 approved by the State Government.

21. Repayment of loans and interest :-

(1) All loans advanced to the Board by the Central Government or the State Government together with the interest accruing thereon at such rate as may, from time to time, be fixed by the Central Government or the State Government as the case may be, shall be first charge on the fund and other properties or assets of the Board and the Board shall repay such loans with the interest thereon in such manner and in such number of instalments as may be determined by the appropriate Government and every such repayment shall be deemed to be a part of the expenditure of the Board. (2) For the purposes of any loan granted to it by the State

Government, the Board shall be deemed to be a local authority within the meaning of the Local Authorities Loans Act, 1914.

22. Provision for depreciation, reserve and other funds :-

The Board shall make such provision for depreciation and for reserve and other funds as the State Government may, from time to time, direct.

23. Amount due to the Board to be first charge :-

(1) Notwithstanding anything contained in any law for the time being in force where a building or site has been sold, leased or let out on hire under clause (d) of Section 13 to any displaced person or any other person, the amount due to the Board on account of the sale, lease or hire, together with any interest thereon, shall be the first charge on the building, machinery, stock and other assets of such displaced person or others as the case may be. (2) Any money due to the Board under sub-section (1) may be recovered as an arrear of land revenue on an application made to the Collector by the Board.

24. Budget :-

The Board shall prepare, in such form and at such time in each year as may be prescribed, a budget in respect of every financial year next ensuing, showing the estimated receipts and expenditure during such financial year and submit it to the State Government for approval and a copy of the budget so approved shall be forwarded by the Board to the Central Government for information.

25. Annual report :-

The Board shall, as soon as may be on the expiry of each financial year, prepare in such form and before such date as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and copies thereof shall be submitted by the Board to the Central Government and the State Government.

26. Accounts and Audit :-

(1) The Board shall cause to be maintained such books of accounts and other books in relation to its accounts in such form and in such manner as may be prescribed. (2) The accounts of the Board shall be audited by such authority, at such times and in such manner as may be prescribed.

27. Directions by the State Government :-

The State Government may, after consultation with the Central

Government, give to the Board general instructions to be followed by the Board and such instructions may include a direction to the Board regarding the exercise of its powers and performance of its duties under this Act in such manner as may be specified in the direction and such direction shall be binding on the Board.

28. Power to call for return, statement, information, etc. :-

(1) The Board shall furnish to the State Government at such times and in such form and manner as may be prescribed by the State Government or as the State Government may direct, such returns and statements and such particulars in regard to any proposed or existing scheme as the State Government may from time to time, require. (2) The State Government may at any time by order in writing addressed to the Administrator require him to furnish it With such information, statement, report or documents in regard to any matter relating to the functions or acts of the Board or any of its members, officers or servants and the Administrator shall without delay comply with such order accordingly.

29. Power to prohibit execution of resolution or order of the Board :-

(1) The State Government may by order in writing, prohibit the execution or further execution of a resolution or order passed or made under this Act by the Board if in the opinion of the State Government such resolution or order is of such nature as to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order. (2) A copy of every order passed under sub-section (1) together with other relevant documents shall be forwarded by the State Government to the Central Government.

30. Emergency powers of the State Government :-

(1) If in the opinion of the State Government an emergency exists it may direct that any work or act which the Board is empowered under this Act to execute or do, and the immediate execution or doing of which is, in its opinion, necessary for the safety or protection of the public, shall forthwith be executed or done and that the expense of executing the work or of doing the act shall be paid out the fund of the Board. (2) If the expense order to be paid under sub-section (1) is not forthwith paid, the State Government may make an order directing the persons having the custody of the

fund of the Board to pay the expenses, or so much thereof as may, from time to time, be possible, from such fund in priority to all other charges against the same. (3) A copy of every order passed under sub-section (1) or (2) shall be forwarded by the State Government to the Central Government.

31. Representation of the Board :-

(1) When the State Government has made an order under Section 29 or 30 the Board may, within three months of the date to the receipt of such order, make such representation to the State Government as it thinks fit, and the State Government may then either confirm, modify or rescind the order. The order so passed by the State Government shall be final. (2) A copy of every order passed under sub-section (1) shall be forwarded by the State Government to the Central Government.

32. Power of Government to superseded :-

(1) If the Board, in the opinion of the State Government, becomes incompetent to perform, or has persistently made default in the performance of the duties imposed on it by or under this Act, or is exceeding or abusing its powers, the State Government may, after consultation with the Central Government, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification : Provided that before issuing a notification under this sub-section, the State Government shall give a reasonable opportunity to the Board to show cause why it should be superseded and shall consider the explanations and objections, if any, of the Board. (2) When the Board is superseded under sub-section (1) the following consequences shall ensue, namely,-- (a) all the members of the Board shall, as from the date of the supersession, vacate their offices as members ; (b) all the powers and the duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board shall, during the period of suspension be exercised and performed by such person or persons as the State Government after consultation with the Central Government may decide ; (c) all property in the Board shall, during the period of supersession, vest in the State Government. (3) On the expiration of the period of supersession specified in the notification under sub-section (1), the State Government may, after consultation with the Central Government-- (a) from time to time extend the period of supersession for such further time as it may consider necessary ; or (b) constitute the Board in the manner provided in Section 4. (4) A copy of every

order passed under this section shall be forwarded by the State Government to the Central Government.

33. Dispute :-

If any dispute, for the resolution of which this Act does not otherwise provide, arises between the Board and any other local authority, the matter shall be referred to the State Government and the decision of the State Government thereon shall be final : Provided that where such dispute exists between the Board and a cantonment Board the State Government shall before giving its decision consult the Central Government.

34. Power of entry :-

Whenever it is necessary for the Board to carry out any of its works or to take any survey or examination or investigation preliminary or incidental to the exercise of powers or the performance of duties by the Board under this Act, any officer of the Board, generally or specially empowered by it, may enter upon any land or premises between sunrise and sunset after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

35. Delegation :-

The Board may by resolution delegate to the Chairman or any member, officer or servant of the Board, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and duties under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Board.

36. Compulsory acquisition of land for the Board :-

Any land required by the Board for carrying out any of the purposes of this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the Board as if the provisions of the Land Acquisition Act, 1894, were applicable to it and the Board were a company within the meaning of clause (e) of Section 3 of the said Act.

37. Exemption from circumstances and Property Tax :-

The Provisions of the District Boards Act, 1922, shall, in relation to the township, be so construed and have effect as if the township

were a municipality and the Board a Board constituted under the U. P. Municipalities Act, 1916.

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

All members of the Board, and all officers and servants of the Board whether appointed by the State Government or the Board, when acting or purporting to act in pursuance of any of the provisions of this Act, shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

39. Procedure for prosecution :-

Unless otherwise expressly provided, no Court shall take cognizance of any offence under the Act or under any rules made thereunder except on the complaint of the Board or a person authorised by the Board in this behalf.

40. Bar on legal proceedings :-

No suit or legal proceeding shall lie against any officer or servant of the Board in respect of anything done or purported to have been done in good faith under the provisions of this Act.

41. Dissolution of Board and transfer of its assets and liabilities to any local authority :-

(1) When the township has been constructed and developed or has so far constructed and developed as to render the continued existence of the Board in opinion of the State Government unnecessary, the State Government may, in consultation with the Central Government, by notification in the Official Gazette, declare that the Board shall be dissolved on such date as may be specified in the notification and the Board shall be deemed to be dissolved accordingly. (2) On and from the said date-- (a) all properties, funds and dues placed at the disposal of the Board and all properties situated within the area of operation which immediately before the said date, were held by or realisable by the Board, shall vest in and be realisable by such local authority as may be constituted by the State Government under any law for the time being in force; (b) all liabilities which immediately before the said date, were enforceable against the Board shall be enforceable against the said local authority; (c) for the purpose of completing the execution of any work undertaken but not fully executed by the Board, and of realising properties, funds and dues referred to in clause (a), the functions of the Board under this Act shall be discharged by the said local authority ; and (d) the said local

authority shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid and until all other liabilities referred to in clause (c) have been duly met.

42. Power to make rules :-

(1) The State Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely-- (a) the term of office of members, the manner of filling casual vacancies and the allowances or fees to be paid to any member or associate member of the Board ; (b) the terms and conditions of service of officers and servants of the Board appointed under Section 9 ; (c) the term and conditions of service of the Administrator appointed under Section 10 ; (d) the functions and duties of the Administrator ; (e) the time and place of meetings of the Board and the procedure to be followed in regard to transaction of business at such meetings ; (f) the time and the manner in which the accounts of the Board shall be maintained and audited ; (g) the form in which the budget and annual report shall be prepared and submitted to the State Government and the Central Government under Sections 24 and 25 ; (h) the service of notices and orders under this Act ; (i) any other matter which is to be, or may be prescribed. (3) All rules made under this section shall be published in the Official Gazette. (4) Any rule made under this Act may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees.

43. Savings :-

It is hereby declared that all things done and all actions taken or purporting to have been done or taken by the body known as the Hastinapur Town Development Board constituted by the Central Government for the purposes of the construction and development of the township at any time before the construction of the Board under this Act, shall, notwithstanding any defect in, or invalidity of, the construction of the said body, be deemed to be things validly done and action validly taken by the Board constituted under this Act as if this Act were in force and the Board were in existence at the time when such thing was done or such action was taken.